

12-15-83
Vol. 48 No. 242
Pages 55719-55824

federal register

Thursday
December 15, 1983

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Agricultural Commodities

Interstate Commerce Commission

Animal Drugs

Food and Drug Administration

Bridges

Coast Guard

Communications Common Carriers

Federal Communications Commission

Communications Equipment

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Food Additives

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Government Property Management

General Services Administration

Grant Programs—Indians

Human Development Services Office

Investment Companies

Securities and Exchange Commission

Marine Safety

Coast Guard

Marketing Agreements

Agricultural Marketing Service



FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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Title 3—

The President

Proclamation 5136 of December 13, 1983

National Drunk and Drugged Driving Awareness Week, 1983

By the President of the United States of America

A Proclamation

The most serious problem on our Nation's highways is drunk driving. Drunken drivers kill and injure more people on the roads than any other cause. The cost of this slaughter is staggering, as much as \$25 billion each year.

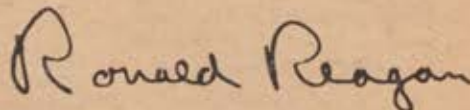
The drunk driving problem has stirred outrage among citizen groups, which have succeeded in arousing national interest in the problem. In response to these concerns, many States have set up task forces to examine their drunk driving laws. Several States have already enacted amendments to strengthen their laws. To encourage these efforts, I established the Presidential Commission on Drunk Driving in April 1982. That Commission successfully completed its work and has prepared a landmark report of its findings.

There is also a generally unrecognized menace in a category akin to the drunken driver: the drugged driver. The drugged driver is also a public hazard, perhaps less recognized because the cause of the individual's behavior may be less apparent. The driver who operates a motor vehicle while under the influence of mind-altering drugs also presents a significant danger on the roads. The problem of the drugged driver is growing, and the American people must become more aware of this added threat.

In recognition of the threat that drunken and drugged drivers pose to the safety of our citizens, to heighten public awareness of the societal costs of such drivers, and to encourage and support efforts to decrease traffic fatalities caused by drunken and drugged drivers, the Congress, by Senate Joint Resolution 119 (Public Law 98-103), has designated the week of December 11, 1983, through December 17, 1983, as "National Drunk and Drugged Driving Awareness Week" and has requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning December 11, 1983, as National Drunk and Drugged Driving Awareness Week. I call upon the people of the United States to observe this week with appropriate activities in their homes, offices, schools, and communities. I ask all of us to be mindful of the dangers of driving while drunk or drugged and to use this observance to intensify our efforts to prevent sadness and tragedy from intruding on our joyful holiday season.

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



[FR Doc. 83-33565

Filed 12-14-83; 11:16 am]

Billing code 3195-01-M

Editorial Note: For the President's remarks of Dec. 13, 1983, on signing Proclamation 5136, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 50).

January 20, 1964

President John F. Kennedy

Dear Mr. Kennedy:

I am writing to you today to express my appreciation for the many ways in which you have helped me during the past few years.

It has been a great pleasure to work with you, and I am sure that your help will continue to be of great value to me in the future.

I am sure that you will continue to be a great help to me in the future, and I am sure that you will continue to be a great help to me in the future.

I am sure that you will continue to be a great help to me in the future, and I am sure that you will continue to be a great help to me in the future.

I am sure that you will continue to be a great help to me in the future, and I am sure that you will continue to be a great help to me in the future.

I am sure that you will continue to be a great help to me in the future, and I am sure that you will continue to be a great help to me in the future.

Yours truly,
John F. Kennedy

Rules and Regulations

Federal Register

Vol. 48, No. 242

Thursday, December 15, 1983

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 6, Amdt. 27]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida oranges, grapefruit, tangerines, and tangelos during the period beginning at 6:00 p.m., E.S.T., December 22, 1983, and ending 12:01 a.m., E.S.T., December 27, 1983. The regulation is needed to assist in preventing the accumulation of excessive market supplies of the specified fruits during the Christmas Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: 6:00 p.m., E.S.T., December 22, 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 rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7

CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, hereinafter referred to collectively as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this action will tend to effectuate the declared policy of the act.

This amendment reflects the Department's appraisal of the marketing situation during the period immediately prior to the week in which Christmas Day occurs and for the period immediately following. It is anticipated that shipments of fresh oranges, grapefruit, tangerines, and tangelos prior to Christmas Day will result in market supplies in excess of market needs. An accumulation of excessive quantities of any variety of citrus fruit in the markets during the period immediately prior to and following Christmas contributes to unstable marketing conditions. It is reported that, absent the shipping holiday, excessive shipments of the specified fruits would occur, causing an accumulation of these varieties of fruit in the market prior to and during the post-holiday period, a period in which there is a drop in consumer demand. Hence the curtailment of orange, grapefruit, tangerine and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment 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. A reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this amendment effective at the time specified. Determination as to the need for, and extent of, regulation under

§ 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits. The recommendation and supporting information for such regulation were promptly submitted to the Department after an open meeting of the committee, after notice to growers, shippers, and interested persons had been given, and all present were afforded an opportunity to submit information and views. Information regarding specifications of the regulation has been provided to shippers, and the regulation is identical with the recommendations of the committee. Compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, in § 905.306 paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation 6.

(d) Notwithstanding the provisions of Table 1 in paragraph (a) of this section during the period beginning at 6:00 p.m., E.S.T., December 22, 1983, and ending at 12:01 a.m., E.S.T., December 27, 1983, no handler shall ship between the production area and any point outside thereof in the continental U.S., Canada, or Mexico, any oranges, grapefruit, tangerines, or tangelos, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

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

Dated: December 9, 1983.

Russell L. Hawes,

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

[FR Doc. 83-33362 Filed 12-14-83; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service**9 CFR Part 81**

(Docket No. 83-132)

Highly Pathogenic Avian Influenza; Correction of Effective Date**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Interim rule; correction of effective date.

SUMMARY: This document makes a correction concerning the effective date of the document captioned "Highly Pathogenic Avian Influenza" which was published in the Federal Register on November 28, 1983 (48 FR 53678-53679) and which established a quarantine and extraordinary emergency provisions for a portion of New Jersey because of highly pathogenic avian influenza. It was intended that the document become effective on November 23, 1983. This intent is consistent with the language in the "Emergency Action" section of the document, which indicated that the document was to be effective upon signature. The document was signed and dated November 23, 1983. However, the "DATES" section of the document inadvertently listed the effective date as November 25, 1983. Therefore, this document corrects the "DATES" portion of the document to reflect the effective date as November 23, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. William W. Buisch, Chief, National Emergency Field Operations Staff, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8073.

Done at Washington, D.C., this 12th day of December 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-33320 Filed 12-13-83; 11:15 am]

BILLING CODE 3410-34-M

SECURITIES AND EXCHANGE COMMISSION**17 CFR Parts 230, 239 and 274**

(Release Nos. 33-6500; IC-13658 (File No. S7-963))

Advertising by Investment Companies**AGENCY:** Securities and Exchange Commission.**ACTION:** Permanent adoption of temporary amendments and conforming amendments.

SUMMARY: The Commission is adopting on a final basis amendments to rule 482 under the Securities Act of 1933, relating to advertisements by investment companies registered under the Investment Company Act of 1940, and to Form N-1, the registration form used by open-end management investment companies. The Commission is also adopting corresponding amendments to Form N-1A, the new registration form for use by certain open-end management companies. The Commission adopted the amendments in order to provide prospective investors with sufficient information to make an informed choice concerning the various investment alternatives available based on comparable information. The amendments, among other things, permit registered investment companies to mail advertisements pursuant to rule 482 directly to prospective investors and permit money market funds to advertise their effective yield.

EFFECTIVE DATE: January 16, 1984.

FOR FURTHER INFORMATION CONTACT: Larry L. Greene, Esq. (202) 272-7320 or Jane A. Kanter, Esq. (202) 272-2115, Special Counsel, Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today adopting on a final basis amendments to rule 482 (17 CFR 230.482), Form N-1 (17 CFR 239.15 and 274.11) and conforming amendments to Form N-1A (17 CFR 239.15A and 274.11A). The amendments: (i) Permit investment companies registered under the Investment Company Act of 1940 (the "1940 Act") (15 U.S.C. 80a-1 *et seq.*) to send advertisements permitted under that rule by direct mail to potential investors; (ii) modify the method of determining current yield by changing the method by which the base period return is calculated and by excluding nonrecurring fees from the calculation of the base period return; (iii) permit investment companies that are money market funds to advertise yield figures comparable to compound interest rates; and (iv) permit the yield quotation contained in the fund's prospectus to be based on the seven days ended on the last day of the most recent month for which it is both practicable to make the yield computations and to include such computations in the fund's prospectus.

I. Background

On February 28, 1983, the Commission adopted on a temporary basis amendments to rule 482 under the Securities Act of 1933 (the "1933 Act") (15 U.S.C. 77a *et seq.*) and Form N-1, the

registration form used by open-end management investment companies.¹ At the same time, the Commission solicited comments concerning the permanent adoption of these amendments. The temporary amendments: (i) Permit investment companies registered under the 1940 Act to send advertisements under rule 482 by direct mail to potential investors; (ii) modify the method of determining current yield by changing the method by which the base period return is calculated; and (iii) permit investment companies that are money market funds to advertise yield figures comparable to compound interest rates.

The Commission adopted these amendments to rule 482 on a temporary basis, without public comment, because it believed that investors needed to be better informed regarding competing investment alternatives. The Commission stated that it was particularly important, in light of the recent developments affecting financial institutions, that investors choosing among various investment opportunities have a broad range of information available to them to assist them in their investment decisions. Absent such information, investors might not be able to compare accurately these competing investment products.

As temporarily adopted by the Commission in Investment Company Act Release No. 13049,² rule 482 was amended to delete language limiting rule 482 advertisements to newspapers, magazines, radio, or television in order to permit direct mail solicitations and other forms of advertisement under that rule. As discussed in the proposing release, the Commission believes that restricting rule 482 advertisements to the mass media is no longer justified in light of the Commission's experience with the rule and developments in the marketplace in the four years since rule 482 was first adopted.

At the same time, the Commission also adopted on a temporary basis, and proposed for comment, amendments to Item 17 of Form N-1 with respect to the method of computing yield quotations. One of the amendments to Item 17 changed the method of determining the base period return in order to eliminate a bias in the yield computation that favored funds that pay dividends monthly rather than daily. Under that revised method, yield calculations are based on a hypothetical account having a balance of exactly one share at the beginning of a seven day period. The

¹ Investment Company Act Release No. 13049 (February 28, 1983) [48 FR 10297 (March 11, 1983)].

² 48 FR 10297 (March 11, 1983).

base period return is the change in the value of the hypothetical account during the seven day period, including dividends declared on the original share, dividends declared on any shares purchased with dividends on that share, and any account charge or sales charges that would affect an account of average size, but excluding any capital changes.

Finally, in that same release, the Commission adopted on a temporary basis, and proposed for comment, an amendment of rule 482 and Item 17 of Form N-1 to permit money market funds to use effective yield quotations in addition to quotations based on simple annualized yield. This proposed amendment was premised on the fact that, assuming the reinvestment of the proceeds of maturing short-term securities, the portfolios of money market funds earn compounded rates of return in a manner similar to the compounded rates advertised by depository institutions, and the concern that, absent an amendment to permit the use of effective yield quotations by funds, investors would be unable to compare accurately the compound interest rates advertised by depository institutions with the yield quotations advertised by money market funds.

The Commission received 12 letters in response to its request for comments.⁹ All of the commentators generally supported the proposed amendments although many suggested certain specific revisions or clarifications of the rule and forms. After reviewing the comments, the Commission has determined that the temporary amendments should be adopted on a permanent basis with modifications as discussed below. The Commission is also adopting corresponding amendments to Form N-1A to conform the provisions of that form with the amendments to Form N-1 adopted herein. These modifications, together with a discussion of major issues raised by the commentators and the Commission's views concerning those issues, follow.

II. Discussion

A. Direct Mail Solicitation

As now adopted, rule 482 will permit direct mail solicitation by means of rule 482 advertisements. The amendment (deletion of former paragraph (a)(2) of the rule) in fact removes all limitations relating to the media that may be used in connection with such advertisements. Accordingly, rule 482 omitting prospectuses may, in compliance with section 5(b)(1) of the 1933 Act (15 U.S.C. 77e(b)(1)), be transmitted not only by mass media advertisements and direct mail, but by any other "means or instruments of transportation or communication in interstate commerce." The Commission believes that the change in rule 482 to eliminate the requirement that advertisements pursuant to the rule must be in a bona fide newspaper or magazine, or on radio or television, is consistent with the Commission's stated purpose of permitting investment companies to provide more information to investors with respect to alternative investment opportunities. Commentators recommended that the Commission permanently adopt this portion of the amendment to rule 482 as proposed and the Commission has determined to do so.

B. Modification of Standardized Yield Computation

Three commentators specifically supported the Commission's temporary amendment of Item 17 of Form N-1, which changed the method of determining the base period return, in order to eliminate the bias in favor of funds that pay dividends monthly rather than daily. These commentators urged the permanent adoption of this temporary amendment to Item 17. Several commentators urged the Commission to make various other modifications to the yield computation formula. As discussed below, the Commission has adopted several of those suggestions.

One-time Account and Sales Charges. Two commentators suggested that the standardized yield computation should be revised to reflect more accurately the effect on the yield caused by one-time account or sales charges imposed by some funds. Pursuant to the amendment to Item 17 of Form N-1 as proposed, and adopted on a temporary basis, paragraph (b)(ii) of that Item requires that the determination of the net change in account value used as a basis for determining annualized yield must reflect all fees that are charged to all shareholder accounts, in proportion to

the length of the base period and the fund's average account size. As a result of this requirement, one-time account or sales charges have been treated as expense items and must be deducted in full from the account value in the calculation of the base period return. These commentators suggested that the operation of this requirement would have an unduly harsh impact on yield quotations for companies charging such one-time fees, in light of the short base period (seven days) used in the yield computation and the fact that many shareholders retain all or part of their initial investment for many years, and also because the impact of such one-time charges depends on the length of time of the shareholder's investment as well as its amount. Commentators stated that during any given period of time the one-time charge would probably apply only to a small percentage of a fund's shareholders and that such charges are fully disclosed and non-recurring. Finally, these commentators suggested that treating such charges as expense items is misleading and results in a substantial understatement of a fund's yield. To alleviate this concern about the standardized yield computation these commentators recommended treating such one-time account or sales charges as capital items, rather than expense items.

After considering the views of the commentators on this matter the Commission believes that one-time account or sales charges should not be treated as ordinary expense items in the calculation of the base period return. However, the Commission also believes that an adjustment of the base period return in the manner recommended by the commentators may distort yield quotations for funds charging nonrecurring fees. To treat nonrecurring fees as capital items, as suggested by the commentators, would require the amortization of such fees over a time period that would ideally correspond to the life of an average fund account. In light of the short operating history of most money market funds and the wide variety of factors that may play a part in determining the life of an average fund account, the Commission, has concluded that, at this time, one-time account or sales charges should be excluded from the computation of yield. Instead, issuers will be required to disclose, both in fund prospectuses and in advertisements pursuant to Rule 482 that these fees are charged and that they will reduce the yield to be realized. In addition, fund prospectuses must disclose the amount or specific rate of

⁹ These commentators can be divided into the following six categories: (i) Three commentators who represent trade associations, (ii) two commentators who represent investment companies, (iii) two commentators who are investment advisers and fund managers, (iv) two commentators who are underwriters of investment company securities, (v) one self-regulatory organization and (vi) one commentator from the academic community. In addition to these commentators, the Commission also considered the views of five other commentators, who specifically commented on Form N-1A, concerning that Form's requirements for fund yield quotations information.

such nonrecurring fees. The method of computing base period return as permanently adopted by the Commission has been revised accordingly. Should reliable data on the life of an average account become available, the Commission may, however, reevaluate this determination.

Recurring Account Charges and Fees. As proposed and temporarily adopted by the Commission, the computation of simple annualized yield requires that the base period return be reduced by the amount of service charges and other account charges that would affect an account of average size.⁴ Two commentators suggested that such recurring account charges should be deleted from the yield computation. One of these commentators stated that the method of calculating yield should exclude from consideration all charges that are not made against the assets of the fund directly, but which are instead charged to individual accounts. This commentator argued that the inclusion of recurring shareholder account charges in the yield calculation distorts comparisons between funds and leads to confusing disclosure. The commentator argued that, since some funds, such as insurance company separate accounts, apply different account charges to different classes of customers, multiple yields would have to be quoted in communications with customers, making such communications confusing and complicated. This commentator suggested that information concerning account charges should be disclosed in the fund's prospectus rather than incorporated into the yield computation.

With regard to the treatment of recurring account charges, this commentator also argued that the assumption of an average account size was particularly misleading. The commentator asserted that, for example, two funds with identical investments and identical sales or account charges, but with different average account sizes, would display different yields, although the yields actually would be identical. Another commentator also asserted that the assumption of an average account size could potentially provide inaccurate yield information and suggested instead that the use of a median account size would be preferable. That commentator argued that a yield figure based on a median account size would more closely approximate the investment experience

of small investors because the median account will presumably be smaller than the average size account.

The Commission continues to believe that its treatment of recurring account charges as proposed is appropriate but has modified the account size standard to provide that funds may use either an average account size or median account size. The Commission's purpose in including recurring account charges in the yield calculation is to reflect as nearly as possible, within the limits of a standardized formula, the experience of the average investor who must in fact pay such charges.⁵ Because the use of a median account size might in some cases eliminate distortions which may be caused by the assumption of an average account size, the Commission believes that those funds that wish to use a median account size should have the opportunity to do so. Accordingly, the yield formula has been revised to provide this option to funds.

Double compounding. Five commentators noted that the method for computing effective yield proposed for comment, and adopted on a temporary basis, contains an error which results in a double compounding of the effective yield quotation. Several commentators suggested that the proposed formula permits double compounding because the figure that is compounded, the base period return, is itself a figure that reflects compounding. As a result, the effective yield formula results in a slightly higher yield figure than intended.⁶

All of these commentators suggested alternative formulas to correct this error. Although the suggestions of the commentators vary slightly, they all appear to resolve the problem of double compounding present in the Commission's computation. The method being adopted is described in detail in the amendments to the forms and is illustrated in the Appendix. It was selected primarily because it makes use

⁴ One commentator argued that money market funds should not be required to reflect account fees and charges in their yield quotations on the ground that yield quotations advertised for investment products competing with money market funds do not reflect such fees and charges. Comparability in advertisements of competing products is an important goal which the Commission wishes to support wherever possible and which is reflected in Commission communications with other state and federal regulatory agencies. The Commission does not believe, however, that it should necessarily change its investor protection standards to conform to possible standards in other industries.

⁵ By dividing the base period return by seven the proposed method produces a daily figure that reflects the compounding that occurred during the seven day base period. The double compounding results from the fact that the daily figure, which is already compounded, is then compounded for 365 days.

of data produced by the standardized formula for the calculation of current yield and minimizes the need for additional calculations.

Weighted-Average Portfolio Maturity. The effective yield formula as proposed, and temporarily adopted by the Commission, is based on daily compounding. The Commission specifically requested comment concerning whether it would be more appropriate to employ a compounding period related to a fund's weighted average portfolio maturity, in view of the fact that the compound effect realized by a fund would be dependent on its receipt of investment proceeds upon maturity of its portfolio instruments. Two commentators submitted conflicting views on this issue. One, who favored daily compounding, asserted that, "since the investor's return is dependent upon the seven day income rate and the frequency with which the dividends are reinvested," it would be erroneous to employ a compounding period based on the weighted average portfolio maturity, unless the formula also used the weighted simple rate of interest earned by the fund on its portfolio during the same period." Moreover, the commentator stated that a compounding period related to a fund's weighted average portfolio maturity would require costly and time consuming calculations each time the fund computed its yield since the weighted average portfolio maturity of a fund is subject to constant change.

Another commentator, however, argued that a daily compounding period as required in the proposed formula could cause significant yield distortions between funds with different portfolio maturities. The commentator urged that if the formula were revised to relate the compounding period to each fund's weighted average portfolio maturity, any potentially distortion in the effective yield quotation caused by differences in the length of each fund's portfolio maturity would be substantially offset.

The Commission believes that daily compounding would not only be less burdensome to implement than a yield computation based on average portfolio maturity, but would also provide a sufficiently accurate reflection of the

⁶ Since the adoption by the Commission in 1980 of a standardized yield computation for use in prospectuses and advertisements of money market funds, the Commission has required that recurring account charges be considered in the determination of a fund's yield quotations.

⁷ Another commentator also argued that a money market fund investment may earn, in effect, a compound rate of return by assuming a reinvestment of dividends. However, the Commission's formula for computing effective yield is based upon a fund's ability to compound the interest earned on its portfolio securities and is unrelated to the frequency with which funds pay dividends to shareholders.

actual operation of the portfolios of money market funds. Once a money market fund is beyond its initial start-up period, the maturity of the securities in the portfolio will tend to be staggered, and it will generally have securities maturing daily. At this stage of operation, the earnings realized on maturing securities and made available for reinvestment can be expected to closely approximate the interest accrued daily by the fund. Since it is not clear that the use of a compounding period related to average portfolio maturity would provide an increase in precision sufficient to warrant its choice over daily compounding, the Commission has retained the daily compounding method.

C. Date of Prospectus Quotation

Item 17(a)(i) of Form N-1 currently provides that a fund's prospectus must contain a yield quotation based on the seven days ended on the date of the most recent financial statements of the registrant included in the prospectus. Two commentators on Form N-1A, as proposed, recommended that the yield quotation requirements contained in Item 22 be amended to eliminate the requirement that the quotation (furnished in the prospectus) be based on the last seven days of the period covered by the most recent financial statements of the fund included in the prospectus. These commentators pointed out that by the time a prospectus is distributed the yield quotation based on these financial statements may well be obsolete. Another commentator suggested that a yield quotation based on the most recent financial statements of the fund should be included in the prospectus, as well as quotation based on a more recent 7-day period not related to the financials. In addition, the Commission is aware that some registrants, in filing post-effective amendments to their registration statements to update the narrative information in their prospectuses, have sought to substitute more current yield quotations in their prospectuses without providing new financial statements. However, in light of the requirement to base yield quotations on the most recent financial statements of the fund contained in the prospectus, registrants have been prohibited from substituting more recent quotations.

The Commission has considered these comments and in light of its experience has determined to permit funds to base the yield quotations contained in their prospectuses on either the date of the most recent financial statements included in the prospectus or the seven day period ended on the last day of the most recent month for which it is

practicable both to make the computations and to include the results in the fund's prospectus.*

D. Form N-1A Disclosure

One commentator noted that Form N-1A, as proposed, would have required that yield quotation information be provided only in the Statement of Additional Information and not in the prospectus. This commentator, and others who commented specifically on Form N-1A, suggested that if yield quotations were not part of the prospectus, registrants would be unable to include such figures in a rule 482 advertisement. In response to these comments, Form N-1A as adopted was revised by adding new paragraph (C) to Item 3, which requires money market funds to include in their prospectuses standardized yield quotations. In addition, Item 22 was revised to require the Statement of Additional Information to contain a description of the method by which the yield quotation provided in the prospectus is computed. One of the instructions to Item 3(c) of Form N-1A also provides that funds which choose to do so may include in their prospectuses quotations of effective yield computed in accordance with the method specified in the instructions to Item 3(c) of Form N-1A. The Commission is further amending Form N-1A to conform the requirements of that form with the revisions to the methods of computing yield quotations that are being adopted today on a permanent basis for Form N-1.

III. Compliance Considerations

The amendments to rule 482, Form N-1 and Form N-1A will become effective 30 days after the release is published in the *Federal Register* in order to give registrants time to adjust to the changes that have been made. Funds wishing to do so may, however, revise immediately their procedures in accordance with the revisions today adopted by the Commission. Funds filing on Form N-1 and wishing to use yield quotations in rule 482 advertisements, in accordance with that rule, must have in their prospectuses a revised description of the new method of determining current yield adopted in this release, and a quotation of current yield based on that method, which identifies the length of the base period and date of the last day in the

* New funds without an operating history will not be required to include a yield quotation in their prospectus. Such funds, however, must comply with the requirement at the time they update their prospectuses pursuant to the undertaking required by Form N-1A, but may earlier elect to add a yield figure to their prospectuses using the alternative yield period.

base period used in computing the quotation. Funds wishing to use rule 482 to advertise their effective yield on a compound basis must also include in their prospectuses a corresponding quotation of effective yield determined in accordance with the revised method described in this release.

The Commission is aware that the prospectuses of almost all money market funds already include a description of a standardized method of computing current and effective yield base on the temporary amendments, as set forth in Item 17 of Form N-1 and yield quotations based on those methods. Accordingly, funds that wish to include yield figures in rule 482 advertisements based on the revisions adopted today, but before their prospectuses are ready for regular updating, may revise their prospectuses to include a "sticker" containing the necessary information pursuant to rule 497(c) of the 1933 Act (17 CFR 230.497(c)).

List of Subjects

17 CFR Parts 230 and 239

Reporting and recordkeeping requirements, Securities.

17 CFR Part 274

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Amendments Made Permanent in Parts 230, 239 and 274

In accordance with the foregoing, the temporary amendments to Title 17 of the Code of Federal Regulations, Parts 230, 239 and 274 including certain revisions thereto, and an amendment to Form N-1A are adopted as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. In § 230.482, remove paragraph (a)(2), redesignate paragraphs (a)(3), (a)(4) and (a)(5) as paragraphs (a)(2), (a)(3) and (a)(4), respectively, and revise paragraph (d) as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of Section 10.

(d) In the case of an investment company which holds itself out to be a "money market" fund or has an investment policy calling for investment of at least 80% of its assets in debt securities maturing in 13 months or less, any quotation of such company's yield contained in such advertisement shall be: (1) A quotation of current yield based on the method of computation

prescribed in Form N-1 (set forth in §§ 239.15 and 274.11 of this chapter) or Form N-1A (set forth in §§ 239.15A and 274.11A of this chapter) and identifying the length of and the date of the last day in the base period used in computing that quotation, or (2) a quotation of current yield described in paragraph (d)(1) of this section and a corresponding quotation of effective yield determined in accordance with the instructions as to the calculation of effective yield quotations contained in Forms N-1 or N-1A.

Note.—Registrants that charge nonrecurring fees, such as one-time sales or account set-up charges, must disclose, in such advertisement, that these fees are charged and that they reduce the advertised yield.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

2. The temporary amendments to Item 17 of Part I of Form N-1 (§§ 239.15 and 274.11) and certain revisions thereto are permanently adopted as follows:

§ 293.15 Form N-1 for open-end management investment companies registered on Form N-8A.

§ 274.11 Form N-1 registration statement of open-end management investment companies.

Part I. Information Required in Prospectus or Registration Statement

Item 17. Yield Quotations of Money Market Funds (Prospectus Only)

(a) * * *

(i) A yield quotation based on the seven days ended on either (A) the date of the most recent financial statements included in the prospectus or (B) the last day of the most recent month for which it is practicable both to make the required calculation and to include the results in the prospectus, computed by determining the net change, exclusive of capital changes, in the value of a hypothetical pre-existing account having a balance of one share at the beginning of the period, dividing the net change in account value by the value of the account at the beginning of the base period to obtain the base period return, and multiplying the base period return by (365/7) with the resulting yield figure carried to at least the nearest hundredth of one percent; and

(ii) * * *

(b) For purposes of the calculation required in subsection (a), above the determination of net change in account value must reflect:

(i) The value of additional shares purchased with dividends from the original share, and dividends declared on both the original share and any such additional shares; and

(ii) All fees other than nonrecurring account or sales charges, that are charged to all shareholder accounts in proportion to the length of the base period and the fund's average account size.

(c) The capital changes to be excluded from the calculation required in subsection (a) are realized gains and losses from the sale of securities and unrealized appreciation and depreciation.

Instructions

1. In connection with the presentation of the yield quotation, the prospectus must disclose any material net change in the yield figure that would result from the inclusion of capital changes that are excluded in the computation pursuant to this item.

2. In addition to the required yield quotation, the registrant may also include a quotation of effective yield, carried to at least the nearest hundredth of one percent, computed by compounding the unannualized base period return by adding 1 to the base period return, raising the sum to a power equal to 365 divided by 7, and subtracting one from the result, according to the following formula: Effective yield = (Base Period Return + 1)^{365/7} - 1.

3. For purposes of calculating the yield quotation required in subsection (a) above, funds that choose to make such an election on an annual basis may use a median account size in place of an average account size in determining the base period return.

4. Money market funds that charge nonrecurring account or sales charges must disclose the amount or specific rate of such fees in the prospectus in response to this item.

3. By amending Item 3(c) of Part A and Item 22 of Part B of Form N-1A (§§ 239.15A and 274.11A) to read as follows:

§ 239.15A Form N-1A, registration statement of open-end management investment companies.

§ 274.11A Form N-1A, registration statement of open-end management investment companies.

Part A. Information Required in a Prospectus

Item 3. Condensed Financial Information

(a) * * *

(b) * * *

(c) For a registrant which holds itself out to be a "money market" fund or has an investment policy calling for investment of at least 80% of its assets in debt securities maturing in thirteen months or less, furnish: (1) A yield quotation based on the seven days ended on either (A) the date of the most recent financial statements included in the prospectus or (B) the last day of the most recent month for which it is practicable both to make the required calculation and to include the results in the prospectus, computed by determining the net change, exclusive of capital changes, in the value of a hypothetical pre-existing account having a balance of one share at the beginning of the period, dividing the net change in account value by the value of the account at the

beginning of the base period to obtain the base period return, and multiplying the base period return by (365/7) with the resulting yield figure carried to at least the nearest hundredth of one percent; and (2) the length of and the date of the last day in the base period used in computing that quotation.

Instructions

(a) * * *

(b) All fees, other than nonrecurring account or sales charges, that are charged to all shareholder accounts in proportion to the length of the base period and the fund's average account size.

2. Money market funds that charge nonrecurring account or sales charges must disclose the amount or specific rate of such charges in their prospectus in response to this item.

3. The capital changes to be excluded from the calculation of yield required by this item are realized gains and losses from the sale of securities and unrealized appreciation and depreciation.

4. In connection with the presentation of the yield quotation, the prospectus must disclose any material net change in the yield figure that would result from the inclusion of capital changes that are excluded in the computation pursuant to this item.

5. In addition to the yield quotation required by this item, the registrant may also include a quotation of effective yield, carried to at least the nearest hundredth of one percent, computed by compounding the unannualized base period return by adding 1 to the base period return, raising the sum to a power equal to 365 divided by 7, and subtracting one from the result, according to the following formula: Effective yield = (Base Period Return + 1)^{365/7} - 1.

6. For purposes of calculating the yield quotation required in subsection (c) above, funds that choose to make such an election on an annual basis may use a median account size in place of an average account size in determining the base period return.

7. The Registrant need not include in the prospectus the method of calculating the yield quotation described in Item 3(c), above. Nevertheless, the Registrant should include the method of calculating this yield figure in the Statement of Additional Information in response to Item 22.

Item 22. Calculations of Yield Quotations of Money Market Funds

Instructions

1. * * *

(i) * * *

(ii) All fees, other than nonrecurring account or sales charges, that are charged to all shareholder accounts in proportion to the length of the base period and the fund's average account size.

2. Money market funds that charge nonrecurring account or sales fees must disclose the amount or specific rate of such fees in their prospectus.

3. The capital changes to be excluded from the calculation of yield required by this item are realized gains and losses from the sale of

securities and unrealized appreciation and depreciation.

4. For purposes of calculating the yield quotation required by this item, funds that choose to make such an election on an annual basis may use a median account size in place of an average account size in determining the base period return.

Summary of the Final Regulatory Flexibility Analysis

The Commission has prepared a Final Regulatory Flexibility Analysis in accordance with 5 U.S.C. 604 regarding the amendments to rule 482, Forms N-1 and N-1A permanently adopted herein. The analysis notes that the amendments permit registered investment companies to mail advertisements directly to prospective investors and permit money market funds to advertise effective yield quotations comparable to the compound yields advertised by depository institutions. The amendments have been permanently adopted in order to provide prospective investors with sufficient information to make an informed choice concerning the various investment alternatives available.

A copy of the Final Regulatory Flexibility Analysis may be obtained by contacting Larry L. Greene, Esq., Office of Disclosure Legal Services, Securities and Exchange Commission, Room 5135, 450 Fifth Street, NW., Washington, D.C. 20549.

Statutory Authority

These amendments are being adopted pursuant to sections 10 and 19(2) of the 1933 Act [15 U.S.C. 77] and 77a(a) and section 38(a) of the 1940 Act [15 U.S.C. 80a-37(a)].

By the Commission.
George A. Fitzsimmons,
Secretary.
December 7, 1983.

Appendix

EXAMPLE

Assumptions:

Value of a hypothetical pre-existing account with exactly one share at the beginning of the period	\$1,000,000,000
Value of the same account ¹ (excluding capital changes) at the end of the seven day period	\$1,001,919,388
Monthly account charge for each account	\$5.00
Average account size (shares)	10,000
Calculation:	
Ending account value	\$1,001,919,388
Less beginning account value	1,000,000,000
Net change in account value	\$0.001919388
Annual account charge: \$5.00 x 12	\$60.00
Less seven days proportional charge per share based on average account size: \$60 x (7/365) / 10,000 shares	0.000115068
Adjusted change in account value	0.001804320

EXAMPLE—Continued

Base period return: (adjusted change/ beginning account value)	0.001804320
Current yield = 0.001804320 x (365/7)	9.41%
Effective yield = (1 + 0.001804320 x (365/7)) ¹	9.86%

¹ This value would include the value of any additional shares purchased with dividends from the original share, and all dividends declared on both the original share and any such additional shares.

[FR Doc. 83-32285 Filed 12-14-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 177

[T.D. 83-263]

Change of Practice Relating to the Tariff Classification of Garments With Simulated Features

Correction

In FR Doc. 83-32806, beginning on page 55281 in the issue of Monday, December 12, 1983, make the following correction:

On page 55281, third column, in the eighth line of the "SUMMARY" paragraph, "not" should have read "now".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 83F-0168]

Food Additives Permitted for Direct Addition to Food for Human Consumption; White Mineral Oil U.S.P.

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of white mineral oil U.S.P. as a dust suppressant on commodity grain. This action responds to a petition filed by Witco Chemical Corp.

DATES: Effective December 15, 1983; objections by January 16, 1984.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of June 17, 1983 (48 FR 27836), FDA announced that a food additive petition (FAP 3A3718) had been filed by Witco Chemical Corp., 520 Madison Ave., New York, NY 10022, proposing that the food additive regulations be amended to provide for the use of white mineral oil U.S.P. as a dust suppressant on commodity grain.

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

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

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives; Food preservatives; Spices and flavoring.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), § 172.878 is amended in paragraph (c) by revising item 15 to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.878 White mineral oil.

* * * * *

Use	Limitation (inclusive of all petroleum hydrocarbons that may be used in combination with white mineral oil)
15. As a dust control agent for wheat, corn, soybean, barley, rice, rye, oats, and sorghum.	Applied at a level of no more than 0.02 percent by weight of grain.

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 16, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective December 15, 1983.

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

Dated: December 6, 1983.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 83-33299 Filed 12-14-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for iron dextran complex injection from Fisons Corp. to Fisons, plc.

EFFECTIVE DATE: December 15, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: Fisons, plc, Pharmaceutical Division, 12 Derby Rd., Loughborough, Leicestershire LE11 0BB, England, has informed FDA of a change of sponsor for NADA 99-667 (Iron Dextran Complex Injection) from Fisons Corp., Bedford, MA 01730.

This is an administrative change that does not in any other way affect the approval of the firm's NADA. The agency is amending the regulations to reflect the change.

List of Subjects

21 CFR Part 510

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

21 CFR Part 522

Animal drugs, injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

In Part 510, § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) by removing the entry for "Fisons Corp." and in paragraph (c)(2) by removing the entry for "000585."

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.1182 [Amended]

In Part 522, § 522.1182 *Iron dextran complex injection* is amended in paragraph (b)(3) by changing the phrase "Nos. 000585 and 000845" to read "Nos. 000845 and 012525."

Effective date. December 15, 1983.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))
Dated: December 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-33298 Filed 12-14-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 31

[T.D. 7919]

Employment and Income Taxes; Information From Recipients of Gambling Winnings

Correction

In FR Doc. 83-27691 beginning on page 46296 of the issue of Wednesday, October 12, 1983, make the following corrections:

1. On page 46297, middle column, tenth line, "i.e." should read "e.g."
2. On the same page, same column, the next to last line of the first complete paragraph, the word "and" should read "an".
3. On page 46298, middle column in § 31.3402(q)-1 (d), the fifth line of *Example 3*, the word "tickest" should read "tickets".
4. On the same page, same column, in the second line of § 31.3402(q)-1 (f)(1)(vi), the date should read "November 14, 1983".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 166

Defense Contracting; Reporting Procedures on Defense Related Employment

AGENCY: Office of the Secretary of Defense, Department of Defense.

ACTION: Amendment of final rule.

SUMMARY: This rule is the fiscal year 1983 update of the section listing DOD contractors receiving negotiated contract awards of \$10 million or more. The regulation is published to comply with the provisions of Section 410, Pub. L. 91-121, November 19, 1969.

EFFECTIVE DATE: September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Cynthia V. Springer, Office of the Director for Information Operations and Reports, Washington Headquarters Services, The Pentagon, Washington, DC 20301. Telephone (202) 694-5614.

SUPPLEMENTARY INFORMATION: In FR Doc. 70-15846 appearing in the Federal Register on November 25, 1970 (35 FR 18040), the Office of the Secretary of Defense published a final rule establishing criteria, prescribing procedures, and assigning

responsibilities for monitoring contracting within the Department of Defense. Subsequently, paragraphs (a) and (d) of § 166.11, which constitute the list of DOD contractors receiving negotiated contract awards for \$10 million or more, were updated for fiscal years 1971 (36 FR 18484); 1972 (37 FR 18727); 1973 (38 FR 25990); 1974 (39 FR 32985); 1975 (40 FR 44135); 1976 (41 FR 20466); 1977 (43 FR 1617); 1978 (44 FR 3049); 1979 (44 FR 75631); 1980 (45 FR 83486); 1981 (46 FR 60821); and 1982 (47 FR 58847).

List of Subjects in 32 CFR Part 166

Armed forces, Government employees, Government procurement, Information requirements.

PART 166—[AMENDED]

Accordingly, for FY 1983, § 166.11 of this part is revised to read as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of \$10 million or more.

Fiscal Year 1983:

A & S Tribal Industries
A A I Corp.
A A R Corp.
A C S Construction Co.
A M General Corp.
Abex Corp.
Action Mfg. Co.
Actus Corp.
Advanced Technology, Inc.
Aero Corp.
Aerofab Co., Inc.
Aerojet Electra Systems Co.
Aerojet General Corp.
Aerojet Liquid Rocket Co.
Aerojet Ordnance & Mfg. Co.
Aerojet Strategic Propulsion Co.
Aerojet Tactical Systems Co.
Aerospace Corp.
Alabama Power Co.
Alascom, Inc.
Aleutian Constructors
Alliance Properties, Inc.
Allied Corp.
American Airlines, Inc.
American Automar, Inc.
American Coastal Line JV, Inc.
American Development Corp.
American Electronic Laboratories, Inc.
American Energy Industries, Inc.
American Home Products Corp.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amertex Enterprises, Inc.
Amex Systems, Inc.
Amoco Oil Co.
Ampex Corp.
Amron Corp.
Analysis & Technology, Inc.
Analytic Sciences Corp.
Apex International Mgt. Services, Inc.
Arco Petroleum Co.
Argo Systems, Inc.
Arinc Research Corp.
Arkla, Inc.
Arrow Airways, Inc.
Ashland Oil, Inc.
Atlanta Gas Light Co.
Atlantic Marine, Inc.
Atlantic Research Corp.
Atlantic Richfield Co.
Atlas Processing Co.
Austin Co.
Auto Specialties Mfg. Co.
Automation Industries, Inc.
Avco Corp.
Avco Everett Research Laboratory
Aviation Contractor Employees, Inc.
Avondale Shipyards, Inc.
Aydin Corp.
Ayer N W ABH International, Inc.
Ayerst Laboratories
B D M Corp.
B E I Electronics, Inc.
B M I Mechanical, Inc.
B R Communications
Bell Corp.
Baltimore Gas & Electric Co.
Bates Ted & Co., Inc.
Bath Iron Works Corp.
Batteast Construction Co., Inc.
Battelle Memorial Institute
Beacon Oil Co.
Bechtel National, Inc.
Beech Aerospace Services, Inc.
Beech Aircraft Corp.
Belcher Oil Co.
Bell & Howell Co.
Bendix Corp.
Bendix Field Engineering Corp.
Blue Cross Washington Alaska, Inc.
Boeing Co.
Boeing Computer Services, Inc.
Boeing Services International, Inc.
Boeing Vertol Co.
Bolt Beranek & Newman, Inc.
Booz Allen & Hamilton, Inc.
Borg Warner Corp.
Braswell Shipyards, Inc.
Brunswick Corp.
Bulova Systems & Instruments Corp.
Burns & Roe, Inc.
Burnside Off Aviation Training Center
Burroughs Corp.
Butt & Head, Inc.
C F E Air Cargo, Inc.
C P I Refining, Inc.
C Three, Inc.
CACI, Inc. Federal
California Microwave, Inc.
California, University of
Calspan Corp.
Caltex Oil Products Co.
Camel Mfg. Co.
Campbell Soup Co.
Carnegie Mellon University
Carob Contractors, Inc.
Carolina Power & Light Co.
Case J I Co.
Caterpillar Tractor Co.
Central Gulf Lines, Inc.
Cerberonics, Inc.
Chamberlain Mfg. Corp.
Charles Stark Draper Laboratories, Inc.
Chesapeake & Potomac Telephone Co.
Chesapeake & Potomac Telephone Co. of Va.
Chevron USA, Inc.
Chromalloy American Corp.
Chrysler Corp.
Cibro Sales Corp.
Cincinnati Electronics Corp.

Cities Service Co.
Cleveland Pneumatic Co.
Coastal Dry Dock Repair
Coastal States Marketing, Inc.
Coca-Cola Co., The
Colt Industries, Inc.
Colt Industries Operating Corp.
Communications Satellite Corp.
Comptek Research, Inc.
Computer Sciences Corp.
Computervision Corp.
Condec Corp.
Conoco, Inc.
Conrac Corp.
Contel Information Systems, Inc.
Control Data Corp.
Copano Refining Co.
Coral Petroleum, Ltd.
Corsair, Inc.
Craig Systems Corp.
Crane Co.
Cubic Corp.
Cummins Engine Co., Inc.
Curtiss Wright Corp.
Dahlstrom & Ferrell Construction
Danac, Inc.
Data Design Laboratories
Dataproducts New England, Inc.
Day & Zimmerman, Inc.
Day & Zimmerman, Inc. & Basil FE JV
Dayton, University of
De Narde Construction Co.
Del Mfg. Co.
Del Monte Corp.
Delta Refining Co.
Devils Lake Sioux Mfg. Corp.
Diagnostic Retrieval Systems, Inc.
Digital Communications Corp.
Digital Equipment Corp.
Dynalectron Corp.
Dynamics Research Corp.
E D S Federal Corp.
E G & G, Inc.
E G & G Washington Analytical Services Center
E S L, Inc.
E Systems, Inc.
Eagle Bob Tail Tractors, Inc.
East Wind Industries, Inc.
Eastman Kodak Co.
Eaton Corp.
Edo Corp.
Educational Computer Corp.
El Paso Electric Co.
Electronic Warfare Associates
ElectroSpace Systems, Inc.
Emco, Inc.
Emerson Electric Co.
Engineered Air Systems, Inc.
Engineering Research, Inc.
Enserch Corp.
Enviro Control, Inc.
Epic One Corp.
Essex Corp.
Ex Cell O Corp.
Exxon Co. U.S.A.
Exxon Corp.
F M C Corp.
F N Mfg., Inc.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Fairchild Weston Systems, Inc.
Falcon Systems, Inc.
Farrell Lines, Inc.
Fedcon Corp.

- Federal Cartridge Corp.
 Federal Data Corp.
 Federal Electric Corp.
 Felec Services, Inc.
 Figgie International, Inc.
 Florida Power & Light Co.
 Ford Aerospace & Communications
 Fuller Oil Co.
 G T E Products Corp.
 Garrett Corp.
 Garrett Pneumatics Co.
 Gatoil USA, Inc.
 General Atronics Corp.
 General Defense Corp.
 General Dynamics Corp.
 General Electric Co.
 General Foods Corp.
 General Instrument Corp.
 General Mills, Inc.
 General Motors Corp.
 General Research Corp.
 General Signal Corp.
 General Texas Corp.
 Gentex Corp.
 George Engine Co., Inc.
 Georgia Technical Research Institute
 Getty Refining & Marketing Co.
 Gibraltar Industries, Inc.
 Gladioux Refinery, Inc.
 Global Associates
 Golden Eagle Oil Refinery, Inc.
 Goodrich B F Co.
 Goodyear Aerospace Corp.
 Goodyear Tire & Rubber Co.
 Gould, Inc.
 Graham John Co./Sherlock, Smith & Adams
 Grey Advertising, Inc.
 Grumman Aerospace Corp.
 Guam Oil & Refining Co., Inc.
 Gulf Oil Corp.
 Gulf Power Co.
 Gulf States Oil & Refining Co.
 Gulf Tex Resources, Inc.
 H R B Singer, Inc.
 Hamilton Technology, Inc.
 Hanson, R. A. Co., Inc.
 Harley Davidson York, Inc.
 Harris Corp.
 Harsco Corp.
 Hawaiian Electric Co., Ltd.
 Hawaiian Independent Refinery, Inc.
 Hawaiian Telephone Co.
 Hayes International Corp.
 Hazeltine Corp.
 Heckethorn Mfg. Co.
 Hercules, Inc.
 Hess Oil Virgin Island Corp.
 Hewlett Packard Co.
 Hoboken Shipyards, Inc.
 Hollingsworth, John R. Co.
 Holston Defense Corp.
 Honeywell, Inc.
 Honeywell Information Systems, Inc.
 Howell Hydrocarbons, Inc.
 Hughes Aircraft Co.
 Hughes Communication Services
 Hughes Helicopters, Inc.
 Hycor, Inc.
 I C I Americas, Inc.
 I T T & Westinghouse JV
 I T T Corp.
 I T T Electro Optic Products
 I T T Gilfillan, Inc.
 Illinois Institute of Technology
 Illinois, University of Inco, Inc.
 Industrial Design Laboratory
 Industrial Fuel & Asphalt of Indiana
 Ingersoll Rand Co.
 Institute for Defense Analysis
 Intercontinental Mfg. Co.
 Intermetrics, Inc.
 International Business Machines Co.
 International Fueling Co., Inc.
 International Signal & Control Corp.
 Interstate Electronics Corp.
 Itek Corp.
 J W T Group, Inc.
 Jackson Oil Co.
 Jacksonville Shipyards, Inc.
 Jaycor
 Jersey Central Power & Light Co.
 Johns Hopkins University
 Jowett, Inc.
 K D I Precision Products, Inc.
 K P Services Co.
 Kaiser Aerospace & Electronics Co.
 Kaiser, Raymond E.
 Kaman Aerospace Corp.
 Kaman Corp.
 Kaman Sciences Corp.
 Kansas Power & Light Co., Inc.
 Kay & Associates, Inc.
 Kentron International, Inc.
 Key Airlines
 King Service, Inc.
 Kisco Co., Inc.
 Kollmorgen Corp.
 Kovatch Corp.
 Kraft, Inc.
 Lake County, College of
 Landaw, H & Co.
 Lanson Industries, Inc.
 Lear Siegler, Inc.
 Libby Welding Co.
 Lilly David B., Co., Inc.
 Linkabit Corp.
 Little Arthur D., Inc.
 Litton Industries, Inc.
 Litton Systems, Inc.
 Lockheed Corp.
 Lockheed Electronics Co., Inc.
 Lockheed Missiles & Space Co., Inc.
 Lockheed Shipbuilding & Construction
 Loggins Meat Co.
 Logicon, Inc.
 Loral Corp.
 Louisville Gas & Electric Co., Inc.
 Lucas Industries North America, Inc.
 Lykes Bros. Steamship Co., Inc.
 M & T Co.
 Maersk Line, Ltd.
 Magnavox Advanced Products & Systems
 Co.
 Magnavox Co.
 Magnavox Government & Industrial
 Electronics Co.
 Management & Technical Services Co.
 Marent International Corp.
 Maremont Corp.
 Marine Transport Lines, Inc.
 Marinette Marine Corp.
 Marquardt Co.
 Martin Marietta Aluminum Sales, Inc.
 Martin Marietta Corp.
 Maryland, University of
 Mason & Hanger Silas Mason Co.
 Mason Chamberlain, Inc.
 Massachusetts Institute of Technology
 Maxwell Laboratories, Inc.
 Mayer Oscar & Co., Inc.
 McDonnell Douglas Corp.
 McGraw Edison Co.
 McLaughlin Research Corp.
 McMullan Robert & Son, Inc.
 McMullen John J Associates, Inc.
 Menasco, Inc.
 Merck & Co., Inc.
 Metro Machine Corp.
 Microwave Associates, Inc.
 Midland Ross Corp.
 Mine Safety Appliances Co.
 Mitre Corp.
 Mobil Oil Corp.
 Moore McCormack Bulk Transport, Inc.
 Morton Thiokol, Inc.
 Motorola, Inc.
 Mountain States Tel & Tel Co.
 N B B J Group, The
 Nabisco Brands, Inc.
 National Academy of Sciences
 National Steel & Shipbuilding Co.
 Navajo Refining Co.
 New Mexico State University
 New Mexico, University of
 New York Telephone Co.
 Newhall Refining Co., Inc.
 Newport News Shipbuilding & Dry Dock
 Co.
 NI Industries
 Norden Systems, Inc.
 Norfolk Shipbuilding & Dry Dock Corp.
 North Atlantic Industries, Inc.
 North Pole Refining Co.
 Northern Telecom Systems Corp.
 Northrop Corp.
 Northrop Worldwide Aircraft Services, Inc.
 Northwest Airlines, Inc.
 Nuclear Metals, Inc.
 O R I, Inc.
 Ocean Bulk Ships, Inc.
 Ocean Carriers, Inc.
 Ocean Freedom Shipping, Inc.
 Ocean Spirit Shipping, Inc.
 Ocean Star Shipping, Inc.
 Ocean Technology, Inc.
 Ocean Triumph Shipping, Inc.
 Oklahoma Refining Co.
 Olin Corp.
 Optic Electronic Corp.
 Oshkosh Truck Corp.
 P R C Guralnick, Inc.
 Paccar, Inc.
 Pacific Construction Co.
 Pacific Telephone & Telegraph Co.
 Pan American World Airways, Inc.
 Pan American World Services, Inc.
 Parker Hannifin Corp.
 Parsons, Ralph M., Co., Inc.
 Penn Metal Fabricators, Inc.
 Pennsylvania State University
 Perine Corp.
 Perkin Elmer Corp.
 Philip Morris, Inc.
 Phillips Petroleum Co.
 Physics International Co.
 Pioneer Refining Co.
 Planning Research Corp.
 Platt Mfg. Corp.
 Pneumo Corp.
 Poloron Products, Inc.
 Powerline Oil Co.
 Prestex, Inc.
 Pride Refining, Inc.
 Proctor & Gamble Distributing Co.
 Proper International, Inc.
 Public Service Co. of New Mexico
 Puerto Rico Sun Oil Company

Q E D, Inc.
 Quanta Systems Corp.
 R & D Associates
 R C A Corp.
 R C A Global Communications, Inc.
 Rand Corp.
 Raymond Kaiser Engineering, Kaiser Steel Corp. JV
 Raytheon Co.
 Raytheon Service Co.
 Recon Optical, Inc.
 Rediffusion Simulation, Ltd.
 Reelfoot Packing Co.
 Reflectone, Inc.
 Rehab Group, Inc.
 Rel, Inc.
 Remington Arms Co.
 Reynolds Metals Co.
 Reynolds, R. J. Tobacco Co.
 Right Away Foods Corp.
 Roberts Construction Co.
 Rochester, University of
 Rockwell International Corp.
 Rohr Industries, Inc.
 Rosenblatt M. Son, Inc.
 S D C Integrated Service, Inc.
 S R I International
 San Diego Iron & Steel Fabricating
 San Francisco Welding & Steel Fabricating
 Sanders Associates, Inc.
 Santa Barbara Research Center
 Sargent Fletcher Co.
 Science Applications, Inc.
 Scientific Atlanta, Inc.
 Sea Land Service, Inc.
 Selby John R., Inc.
 Selma Apparel Corp.
 Shaw Food Services Co.
 Shell Oil Co.
 Sheller Globe Corp.
 Shaols American Industries, Inc.
 Sierra Research Corp.
 Simmonds Precision Products
 Simplex Wire & Cable Co.
 Singer Co.
 Slayen, M. & Associates, Inc.
 Smith Kline Clinical Laboratories
 Smith L H Oil Corp.
 Softech, Inc.
 Solar Turbines International
 Soncraft, Inc.
 South Carolina Electric & Gas
 South Central Bell Telephone Co.
 Southern Bell Telephone & Telegraph
 Southern California Edison Co.
 Southern California, University of
 Southern Packaging & Storage Co.
 Southern Union Gas Co.
 Southern Union Refining Co.
 Southwest Marine, Inc.
 Southwest Research Institute
 Southwest Truck Body Co.
 Southwestern Bell Telephone
 Sparton Corp.
 Spears Associates, Inc.
 Sperry Corp.
 Standard Container Co.
 Standard Mfg. Co.
 Stanford University
 Stearns Roger, Inc.
 Stuart Petroleum Co.
 Stevens Oil Co.
 Stewart Warner Corp.
 Summa Corp.
 Sun Chemical Corp.
 Sun Refining & Marketing Co.

Sundstrand Corp.
 Sundstrand Data Control, Inc.
 Support Systems Associates, Inc.
 Supreme Beef Co., Inc.
 Survival Technology Corp.
 Sverdrup Technology, Inc.
 Swedlow, Inc.
 Swift & Co.
 Syscon Corp.
 System Development Corp.
 System Planning Corp.
 Systematics General Corp.
 Systems & Applied Sciences Corp.
 Systems Consultants, Inc.
 Systems Management American, Inc.
 Systems Research Laboratories, Inc.
 T A D Communications Co.
 T R W Colorado Electronics, Inc.
 T R W, Inc.
 T S C Corp.
 T W Oil (Houston), Inc.
 Talley Industries, Inc.
 Technology Development Corp.
 Technology Service Corp.
 Tektronix, Inc.
 Teledyne Brown Engineering
 Teledyne C A E
 Teledyne Continental Motors
 Teledyne Electronics
 Teledyne, Inc.
 Teledyne Industries, Inc.
 Teledyne M E C
 Teledyne Oil Co.
 Teledyne Corp.
 Tennier Industries, Inc.
 Tetra Tech, Inc.
 Texaco, Inc.
 Texas Capital Contractors, Inc.
 Texas Instruments, Inc.
 Texas Painter Craft, Inc.
 Texas Power & Light Co.
 Texas, University of
 Textron, Inc.
 Tierney Mfg. Co.
 Tiger International, Inc.
 Todd Shipyards Corp.
 Tonkawa Refining Co.
 Tracor, Inc.
 Tracor Marine, Inc.
 Trans International Airlines, Inc.
 Transamerica Delaval, Inc.
 Treadwell Corp.
 Triad Co., The
 Trinidad Corp.
 Triple A Machine Shop
 Turtle Mountain Mfg. Co.
 U R S Berger
 U T L Corp.
 Ultrasystems, Inc.
 Unidynamics St. Louis, Inc.
 Unified Industries, Inc.
 Union Carbide Corp.
 Union Oil Co. of California
 Uniroyal, Inc.
 United States Lines Co.
 United Technologies Corp.
 V S E Corp.
 Valero Transmission Co.
 Valmac Industries, Inc.
 Vanguard Oil & Service Co.
 Varian Associates
 Varo, Inc.
 Veda, Inc.
 Vought Corp.
 Wang Laboratories, Inc.
 Wardoco, Inc.

Washington, University of
 Watercraft America, Inc.
 Waterman Steamship Corp.
 Watkins Johnson Co.
 Welbilt Electronic Die Corp.
 Western Electric Co., Inc.
 Western Gear Corp.
 Western Union International, Inc.
 Western Union Systems
 Western Union Telegraph Co.
 Westinghouse Electric Corp.
 Wheatley Associates
 White Consolidated Industries, Inc.
 White Engines, Inc.
 Whittaker Corp.
 Williams International Corp.
 Winfield Mfg. Co., Inc.
 Winston Refining Co.
 Wisconsin Physicians Service
 World Airways, Inc.
 X Tyal International
 Xerox Corp.
 Xerox Electro Optical Systems, Inc.
 Youngdale J R Construction Co., Inc.
 Zantop International Airlines, Inc.
 Dated: December 12, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer,
 Department of Defense.

[FR Doc. 83-33358 Filed 12-14-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 83-037]

Drawbridge Operation Regulations; Harlem River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of Triborough Bridge and Tunnel Authority, the Coast Guard is changing the regulations governing the Triborough Bridge across the Harlem River between Harlem and Wards Island by requiring that at least four hours advance notice be given for openings between 10 a.m. and 5 p.m. The draw need not open for commercial and recreational traffic at any other times. This change is being made because of minimal requests to open the draw. This action will relieve the bridge owner of the burden of having a person constantly available to open the draw and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This rule becomes effective on January 16, 1984.

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

SUPPLEMENTARY INFORMATION: On September 1, 1983, the Coast Guard published a proposed rule (48 FR 39646) concerning this amendment. The Commander, Third Coast Guard District, also published this proposal as a Public Notice dated September 15, 1983. In each notice interested persons were given until October 17, 1983 to submit comments.

Drafting Information

The drafters of this rule are Ernest J. Feemster, project manager, and Mary Ann Arisman, project attorney.

Discussion of Comments

Only one comment (on the public notice) was received and it had no objections to the proposed regulations. The bridge rarely is required to open due to its 54 foot minimum, vertical clearance while closed, so requirement to give four hours notice should have minimal effect on bridge and marine operations. No changes are made to the proposed rule in this final rule. No draft or final economic evaluation has been prepared because of minimal economic impact. This is true because any mariners requiring an opening will be accommodated with minimal inconvenience.

Economic Assessment and Certification

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

List of Subjects in 33 CFR Part 117

Bridges.
Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by adding a new paragraph (i) to § 117.160 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.160 Harlem River, N.Y.; bridges.

(i) The draw of the Triborough Bridge and Tunnel Authority bridge, mile 1.3 at Manhattan shall open on signal from 10 a.m. to 5 p.m. if at least four hours notice is given. The draw need not open at any other time except it shall be opened as soon as possible for passage of a public vessel of the United States.

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

Dated: December 7, 1983.

W. E. Caldwell,

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

FR Doc. 83-33349 Filed 12-14-83; 8:45 am)

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD2-83-03]

Safety Zone; Illinois Waterway, Mile 152.4 to Mile 153.4

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes the portion of the Illinois Waterway from Mile 152.4 to Mile 153.4 as a safety zone. This action is taken to allow the removal and floating out of the vertical lift span of the Margaret Street Highway Draw Bridge in Pekin, Illinois at Mile 152.9, Illinois Waterway. Certain safety precautions are required to reduce and mitigate the possibility of human injury or death, as well as the possibility of damage to, or loss of property, and to protect the marine environment. This safety zone, with its special regulations, is intended to meet these requirements by placing restrictions on all persons and vessels navigating the affected portion of the Illinois Waterway. The effect of this regulation is that no person or vessel may enter or transit the Safety Zone without the permission of the Captain of the Port, St. Louis, MO.

EFFECTIVE DATE: This amendment becomes effective at 7:00 a.m. (CST) on December 21, 1983 and will remain in effect until 3:00 p.m. (CST) on December 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Flahart, c/o Commander (obr), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri, 63103. Telephone (314) 425-4607.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in the drafting of this regulation are Mr. Bill Flahart, Project Officer, c/o Commander (obr), and Lieutenant Terrence A. Councilor, Project Attorney, c/o Commander (d1), Second Coast Guard District, 1430 Olive Street, St. Louis, Missouri 63103.

Discussion of Regulation

This safety zone was established by the Captain of the Port, St. Louis, Missouri pursuant to 33 U.S.C. Section 1223 and 33 CFR Part 165, on December 7, 1983 for the purpose of protecting life and property during the removal and floating out of the vertical lift span of the Margaret Street Highway Draw Bridge.

A notice of proposed rule making has not been published for these regulations. They are published as a final rule since there was insufficient time to publish a notice of proposed rule making prior to the date of the removal and floating out of the subject vertical lift span and the regulations are needed in order to protect life and property.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life and property in the area during the event.

List of Subjects in 33 CFR Part 165

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

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding § 165.T0203 as follows:

PART 165—[AMENDED]

§ 165.T0203 Illinois Waterway, Mile 152.4 to Mile 153.4.

(a) *Safety Zone:* All the waters of the Illinois Waterway from Mile 152.4 to

Mile 153.4, including that under the Margaret Street Highway Draw Bridge at Mile 152.9, are established as a Safety Zone.

(b) *Regulations:* No person or vessel may enter or transit the Safety Zone without permission of the Captain of the Port, St. Louis, Missouri, or his representative. Coast Guard authority may be contacted for instructions by telephoning the Captain of the Port, St. Louis, Missouri at (314) 425-4657.

Authority: 33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 49 CFR 1.46(n)(4); 33 CFR 165.3.

Dated: December 9, 1983.

J. C. Card,

Commander, USCG, Captain of the Port, St. Louis, Missouri.

(FR Doc. 83-33348 Filed 12-14-83; 8:45 am)

BILLING CODE 4910-14-M

33 CFR Part 183

[CGD 81-092]

Electrical and Fuel System Standards; Miscellaneous Amendments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Electrical and Fuel System Standards in Subparts I and J of Part 183 that apply to boats having gasoline powered engines for propulsion or electrical generation. The Coast Guard undertook a review of its regulations governing construction standards which apply to the manufacture of recreational boats in an effort to reduce the burden of existing regulations, while insuring that an adequate level of safety is maintained. Based upon the review effort, the Coast Guard and the National Boating Safety Advisory Council (NBSAC) agreed, subject to a continued evaluation of how these changes affect boating safety, that unless a specific requirement significantly contributed to boating safety, it would be eliminated. Therefore, these amendments repeal and revise those unnecessary regulations to relieve the regulatory burden upon recreational boat manufacturers. The change to § 183.460(a) is expected to increase the cost of compliance for some manufacturers who are not currently complying with the voluntary standards.

EFFECTIVE DATE: June 11, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Office of Boating, Public, and Consumer Affairs (G-BBS/43), U.S. Coast Guard Headquarters, Washington, D.C. 20593; (202) 426-4027, between 8 a.m. and 4 p.m. Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The Coast Guard published a notice of proposed rulemaking in the *Federal Register* on September 23, 1982 (47 FR 41993). A correction to the notice of proposed rulemaking was published on November 4, 1982 (47 FR 49983). Interested persons were invited to participate in this proposed rulemaking by submitting relevant comments. All of the comments received were carefully considered. The National Boating Safety Advisory Council was consulted and its opinions and advice have been considered in the formulation of these amendments. The transcripts of the proceedings of the National Boating Safety Advisory Council at which this proposed rule was discussed are available for examination in Room 4304, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. The minutes of the meeting are available from the Executive Director, National Boating Safety Advisory Council, c/o Commandant (G-BBS), U.S. Coast Guard, Washington, D.C. 20593.

This document is in furtherance of Executive Order No. 12291. It makes the Electrical and Fuel System regulations easier to understand, easier for a manufacturer to comply with, and makes them more cost-beneficial, with a minimal loss in the degree of safety assured by the regulations. The changes eliminate provisions determined to be unnecessary because they are standard industry practices. Other changes ease overly restrictive requirements that do not significantly contribute to boating safety or clarify confusing language.

Drafting Information

The principal persons involved in drafting these amendments are Mr. Alston Colihan, Project Manager, Office of Boating, Public, and Consumer Affairs, and Lt. Mark Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Comments received on the proposed amendments, and the changes made, are grouped according to the section to which they relate:

Section 183.420 Batteries.

One commenter states that the amendment to § 183.420(e), which previously prohibited the accumulation of hydrogen gas discharged from a battery, is not justified, considering the hazard. However, the proposal is not being changed. The new rule explicitly requires a means for venting but allows for a more liberal approach. By substituting the word, "venting," the manufacturer is permitted to provide a means for discharging the gas without

having to prove that there are no remaining accumulations.

The same commenter states that the fact that the industry complies with the requirement in § 183.420(f) to mark battery terminals is not a reason in itself to delete the requirement. The Coast Guard disagrees. If all batteries have a terminal that is marked with a positive symbol, there is no need for a regulation which requires that the terminals be marked.

Section 183.425 Conductors: General.

One commenter states that the exceptions to the requirements for conductors should be limited to electronic circuits with milliampere levels, and the exception should be limited to voltage and current combinations that can qualify as being intrinsically safe. The Coast Guard concludes that it is not introducing an unreasonable hazard by allowing relief for electronic circuits up to one ampere levels because of the low energy involved. Limiting the exception to electronic circuits with milliampere levels is too restrictive. Also, the Coast Guard considers the restriction of circuits to those which are "intrinsically safe" unnecessary to achieve a reasonable level of safety.

Section 183.445 Conductors: Protection.

One commenter states that the deletion of § 183.445(a) which established minimum distances between supports is not justified because they are needed to complete the standard and are fundamental to a proper installation. The commenter requests the source of the statement that fires have been related only to chafing, since he is not aware of any U.S. Coast Guard in-depth accident studies. A lack of support for a conductor or an increase in the spacing between supports does not lead directly to a fire or explosion. This is more a matter of appearance, workmanship and durability than a safety imperative. Accident reports from boat owners are being used in lieu of in-depth investigations.

Another commenter states that §§ 183.445 (a) and (b) should be retained. Without these regulations the commenter believes that the wire will be pulled as tight as it can be hauled subjecting already taut wires to further stretching from the vessel's hogging in a seaway. The commenter states that loose or pulled connections will arc and fire can result. The Coast Guard's experience indicates that loose and pulled connections usually interrupt the

circuit without causing a fire or explosion.

Section 183.450 Conductors: Termination.

One commenter states that the deletion of the eight requirements involving wire connections is not justified. The commenter also questions the rationale offered that poor connections are acceptable because the circuits are fused or protected by a circuit breaker, since, if this rationale is accepted no requirements would be needed on the load side of the fuse or circuit breaker.

The requirements for conductor terminations are not supported by accident data which would indicate that they significantly contribute to boating safety and therefore are considered unnecessary regulations.

Another commenter states that wire nut or wire screw connectors are known to be poor connections on electric wiring on yachts, and if a connection is loose there will be an arc. If there is an arc there will be an explosion if there are explosive vapors in the area of the connection. The commenter states that whether or not crimp connectors are properly installed is only guess work and builders frequently make improper installations. The Coast Guard believes that the sequence of conditions which must be present to increase the hazard to a boat is very improbable. Normal commercial practices, voluntary standards and the design of this type of equipment, all combine to produce connections of an acceptable integrity in the normal practice of boat building. Therefore, it is unnecessary for a Federal regulation to address these same criteria. The commenter also states that the change refers only to boat builders and ignores the fact that a large amount of wire work is done by boat yards and marinas in the course of repair, alteration or installation. The proposal is not being changed. All of the regulations under the authorizing statute are limited to new boats being built and introduced into interstate commerce. The regulations cannot be applied to boat yards and marine repair, since this involves the alteration and modification of existing boats.

Another commenter states that the removal of § 183.450 increases the regulatory burden because the voluntary standards that cover this area, American Boat and Yacht Council (ABYC) Standards E-8 and E-9, make no mention of "outside a junction box or enclosure," which will extend the requirements to all terminations, whether they are protected by an enclosure or not. The Coast Guard finds

that the regulatory burden is not increased. The voluntary standard is not tantamount to a regulation. Regulations are mandatory; the ABYC standards are voluntary. The Coast Guard recommends compliance with the voluntary standards, but we do not require compliance.

Section 183.460 Overcurrent protection: Special applications.

One commenter states that the Coast Guard should reassess the true benefit that will be derived from deletion of each of the sections before proceeding with the final rule, and that since § 183.455(e) already makes an exception for cranking motor circuits, this exception should also be included in the subject paragraph. The commenter also suggests paraphrasing the requirements contained in American Boat and Yacht Council Standard E-9, paragraph E-9.10 (4/10/81) for inclusion in the proposed amendments. He indicates that there is a need to allow the inclusion of a battery disconnect switch at an accessible location in the battery cable (cranking motor) circuit without implying that a breaker or fuse connected to it be within 72 inches of the battery, since in reality, the connection to the switch becomes the point at which the circuit in question is connected to its power source and the length requirements of § 183.455 would apply.

Another commenter states that confusion may arise from the present rule and that the intent should be clarified. The commenter states that good electrical practice requires that a battery disconnect switch be installed between the battery and the engine cranking motor. Further, that such a switch be located where it is readily accessible. He states that the common practice with many boat builders is to attach the boat service feed wires to the battery disconnect switch and have the overcurrent protection devices adjacent to the switch and that this practice keeps connections at the battery to a minimum and in no way causes a hazard. According to the commenter, on larger boats it is not always practical to locate the battery disconnect switch within 72 inches of the battery and still have it physically protected and readily accessible. He indicates that in such cases it might place the overcurrent devices more than 72 inches from the battery, but would be perfectly acceptable from a safety standpoint.

The commenter pointed to another condition which exists on many smaller boats where the engine manufacturer installs an overcurrent device on the engine. He states that the overcurrent

device gets its power from the positive terminal of the starter solenoid and that in some cases the battery cable from battery to starter is more than 72 inches. He considers it a safe installation.

Under the new rule a battery disconnect switch is permitted anywhere in the conductors from the battery to the cranking motor or distribution panel. If those conductors are in the starter circuit, there is no limitation on the distance from the battery to the disconnect switch. Any overcurrent protection device which may be connected to that circuit, would be evaluated on the basis of the length of the conductor between the point of connection and the overcurrent protection device.

Section 183.510 Fuel Tanks.

One commenter suggested that the prior pressure test requirements for fuel tanks under § 183.580 (a) and (b) be retained with the option of substituting a documented alternative test of equivalent sensitivity. This suggestion is partially adopted. A test using air or inert gas is required in § 183.580(a), however, this document deletes the requirement for a special type of gauge because the type of gauge used to measure air does not affect the sensitivity of the test being conducted. We believe that air or inert gas is necessary for a valid test. The language in § 183.580(b) permits a variety of leak detection methods if the tank is pressurized with air or inert gas.

Another commenter misunderstood our change to § 183.510(d) by assuming that we intended to limit the pressure pulse test to tanks less than 200 gallons. That is not the case. § 183.510(e) will continue to require the pressure pulse test on tanks larger than 199 gallons.

Another commenter objected to the proposal to eliminate the requirement in § 183.510(e) for slosh testing tanks less than 199 gallons. This commenter attributes the lack of failures to the past Federal regulations. One of the principal test laboratories has told the Coast Guard that very few failures have occurred to tanks built and tested by the slosh test method even before the effective date of § 183.510(e).

Section 183.514 Fuel tanks: Labels.

One commenter states that the amendment to the tank label should not be adopted because the exact nature of both the test and related parameters should be clearly spelled out so that all manufacturers are treated alike and the consumer gets the benefits of the same level of safety. There is no evidence that the sensitivity of the leakage test is

directly related to the hazard of leaking tanks. Any leak test which detects leaking tanks is equally acceptable.

Two other commenters noted that in § 183.510(b)(7), it appears that the change should properly reference 33 CFR 183.510(a). The commenters are correct and we have amended the rule accordingly.

Section 183.516 Cellular plastic used to encase fuel tanks.

One commenter suggests that this regulation should not allow a metallic fuel tank to be encased in foam because the boat owner is actually prevented from visually checking the tank for corrosion and because it is not possible, using production techniques, to avoid creating voids in the foam that will ultimately fill with salt water. The commenter recommends that the density change be accepted for non-metallic fuel tanks and that all reference to plastic encased metallic tanks be deleted from the regulation. The Coast Guard does not have any data or test reports indicating problems with metallic fuel tanks encased in plastic foam except for tanks of alloys which are not recommended for marine use. Another commenter disagrees with the proposal to allow 2.0 pound density foam because good quality foam requires carefully controlled production conditions. The Coast Guard disagrees because of the lack of any test reports or data indicating that the higher density foam significantly contributes to boating safety.

Section 183.522 Fuel tank fill systems.

One commenter states that the deletion of the requirement in § 183.522 that fuel must not blow back through the fill opening when the tank is being filled, is not recommended because the performance of the tank vent system is not covered in any other way. The commenter also states that the U.S. Coast Guard does not have an in-depth accident investigation program to pinpoint a detail of this nature and suggests that the absence of any record is not a meaningful basis for the deletion of the requirement. Another commenter indicates that the removal should not be made final because marinas have been experiencing a line up of boats waiting to take on fuel and to accommodate the number of customers, fast filling has become a means to cut down on backlog and standby time off the fuel dock. However, this type of accident would be unique and would be reported in the Boating Accident Report required by law. The Coast Guard believes that the lack of any accident reports concerning fuel blowback indicates the absence of

any appreciable hazard to boating safety.

Section 183.528 Fuel stop valves.

One commenter objects to the deletion of § 183.528 which requires fuel stop valves to pass the 2½ minute fire test. The Coast Guard concludes that if the hose is not required to pass the fire test, there is no increased hazard in permitting the valves the same tolerance, because the hose will fail before the fuel stop valves.

Section 183.532 Clips, straps and hose clamps.

One commenter states that the amendment to require only clips, straps and clamps used with USCG Type A hose to be capable of passing the fire test is in error, because the clips and straps used with USCG Type A hose would be fire resistant and those used with USCG Type B hose would not pass the fire test. The commenter states that if a deletion is made, it should delete the fire resistance requirement for Type A hose only. The same commenter states that the proposed deletion of § 183.532(c) and Table 7 which establish the minimum width of hose clamps should not be made final because there are some very narrow hose clamps and spring loaded wire clamps on the market that could be used if the minimum width requirement is deleted. Another commenter states that if the straps burn, the fuel line no longer has its antisiphon characteristics. These same comments were made at the NBSAC meeting held on 19 and 20 May 1981. Both the Coast Guard and NBSAC agree that there is not a significant probability that a serious hazard will result by providing this regulatory relief.

Section 183.536 Seals and gaskets in fuel filters and strainers.

One commenter states that this section should not be deleted, since he has found two fuel filters with split O-ring gaskets. The Coast Guard has not been able to locate or obtain information that any present manufacturer of fuel filters uses split gaskets. In fact, such a practice would be uneconomical and inconsistent with accepted commercial practice.

Another commenter noted that since § 183.562 is deleted, the reference at the end of § 183.536(b) should be changed. This was an oversight on our part and the change has been made.

Section 183.540 Hoses: Identification.

Several commenters misunderstood the intent of the change to § 183.540. We did not propose to delete the requirement for marking hose, only to

permit short lengths of marked hose to be used without a tag even though the complete legend might not be on that piece. One commenter cited difficulties in identifying some types of hose after it is installed on the boat. The Coast Guard recognizes this problem but concludes that it will not be a significant cause of improper hose being installed on boats, because a larger piece of the same type of hose which bears a marking on the hose itself is probably used elsewhere on the boat.

Section 183.550 Fuel Tanks: Installation.

One commenter states that tanks should not be installed where they will come in contact with water in the bilge and suggests wording from National Fire Protection Association Standard 302, paragraph 5-5.2: "Metallic fuel tanks shall be positioned above normal accumulations of bilge water and supported in a manner that will ensure complete drainage of water from all exterior tank surfaces as installed." Although the Coast Guard agrees with the intent of the statement proposed by the commenter, we conclude that it would be difficult to enforce as a regulation because of the imprecision of the term "normal accumulations of bilge water." As a practical matter, it is impossible to insure that water will not come into contact with the bottom of a fuel tank.

Section 183.560 Hose clamps: Installation.

Two commenters state that the deletion of § 183.506(b) is not acceptable because a space between a clamp and the hose end is needed to prevent the clamp from tapering the hose end and sliding off. This issue was thoroughly discussed at the NBSAC meeting held on the 19th and 20th of May 1981. In the opinion of the majority of those present and the Coast Guard, there is not a significant probability of a hazard developing by this change. Normal commercial practice and the voluntary standards are expected to continue to provide adequate guidance.

Section 183.564 Fuel tank fill system.

Two commenters state that the requirement for a ¼ inch space between the last clamp and the hose end is needed to make sure that a clamp is not so close to the end of the hose that it will compress the hose and slide off the end. This issue was also thoroughly discussed at the NBSAC meeting held on the 19th and 20th of May 1981. Both the Coast Guard and NBSAC have determined that there is not a significant

probability of a hazard developing by this change. Normal commercial practice and the voluntary standards are expected to continue to provide adequate guidance.

Section 183.568 Anti-siphon protection.

One commenter does not understand how the second valve at the engine functions as anti-siphon protection. The second shut-off valve is in National Fire Protection Standard 302, a voluntary standard, which was referenced during the discussions at NBSAC. It does not function as an anti-siphon valve, but it provides equivalent protection from leakage in case a mechanic neglects to close the valve at the tank.

Another commenter states that § 183.568(c) should be clarified to indicate that the tank top is below the level of the carburetor inlet. Two commenters state that rigid fuel lines (copper) should be referenced along with USCG Type A hose. These comments are incorporated and § 183.568(c) is modified accordingly.

Another commenter states that if both valves are closed and the line is full, a temperature rise will create high pressure in the line and something has to give; either the system leaks or the fuel line and fittings must distort enough to relieve the pressure down to the yield loadings of the parts. He states that two valves that can create a full closed system containing a liquid should not be permitted; that a single valve system that cannot trap fuel under high pressure is desirable. Thousands of such installations have been built and are in use, and although this sequence is theoretically possible in a completely rigid system, the Coast Guard does not have evidence of a failure ever having occurred.

Regulatory Evaluation

These proposed regulations are considered to be non major under Executive Order 12291 and are non significant under the Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations, (DOT Order 2100.5 of May 22, 1980). The overall impact on the boating industry will be favorable, because it will reduce the cost of doing business. Specifically, it is estimated that these proposed amendments will result in a savings in the manufacturing costs of a boat of up to ten dollars per boat. The adoption of these amendments will also mean that Coast Guard personnel will not have to inspect as many items per boat on each factory visit, and it is estimated that this will result in saving of one half man-hour per visit or approximately 3000 man-hours

per year. Therefore the costs to society will decrease with a minimum reduction in the safety level of boats. Since the economic impact is expected to be minimal, the Coast Guard has determined that no further evaluation is necessary. This rulemaking contains no information collection or record keeping requirement.

In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities, since these amendments will result in only a minor reduction in the costs of manufacturing a boat that is subject to the Electrical and Fuel System standards.

List of Subjects in 33 CFR Part 183

Fire prevention, Electrical power, Marine safety, Passenger vessels.

PART 183—BOATS AND ASSOCIATED EQUIPMENT

In consideration of the foregoing, Part 183 of Title 33 of the Code of Federal Regulations is amended to read as follows:

Subpart I—Electrical Systems

1. By removing and reserving § 183.401(b) as follows:

§ 183.401 Purpose, applicability, and effective dates.

(b) [Reserved]

2. By amending § 183.420 by revising paragraph (e) and by removing and reserving paragraph (f) as follows:

§ 183.420 Batteries.

(e) A vent system or other means must be provided to permit the discharge from the boat of hydrogen gas released by the battery.

(f) [Reserved]

3. By revising § 183.425(g) to read as follows:

§ 183.425 Conductors: General.

(g) This section does not apply to communications systems; electronic navigation equipment; electronic circuits having a current flow of less than one ampere; conductors which are totally inside an equipment housing; resistance conductors that control circuit amperage; high voltage secondary conductors and terminations that are in ignition systems; pigtailed of less than

seven inches of exposed length and cranking motor conductors.

4. By revising § 183.445 to read as follows:

§ 183.445 Conductors: Protection.

(a) Each conductor or group of conductors that passes through a bulkhead, structural member, junction box, or other rigid surface must be protected from abrasion.

(b) Each ungrounded terminal or stud that is continuously energized must meet § 183.455 or must have a boot, nipple, cap, cover, or shield that prevents accidental short-circuiting at the terminals or studs.

§ 183.450 [Removed]

5. By removing § 183.450, Conductors: Termination.

6. By revising § 183.460(a) to read as follows:

§ 183.460 Overcurrent protection: Special applications.

(a) Each ungrounded output conductor from a storage battery must have a manually reset, trip-free circuit breaker or fuse, unless the output conductor is in the main power feed circuit from the battery to an engine cranking motor. The circuit breaker or fuse must be within 72 inches of the battery measured along the conductor, unless, for boats built prior to August 1, 1985, the circuit has a switch that disconnects the battery.

Subpart J—Fuel Systems

§ 183.501 [Amended]

7. By removing and reserving § 183.501(b).

8. By revising § 183.510 (a), (d) and (e) to read as follows:

§ 183.510 Fuel tanks.

(a) Each fuel tank in a boat must have been tested by its manufacturer under § 183.580 and not leak when subjected to the pressure marked on the tank label under § 183.514(b)(5).

(d) Each fuel tank with a capacity of 25 to 199 gallons must not leak if tested under § 183.586.

(e) Each fuel tank of 200 gallons capacity or more must not leak if tested under §§ 183.586 and 183.588.

9. By revising § 183.514(b)(7) to read as follows:

§ 183.514 Fuel tanks: labels.

(b) . . .

(7) The statement, "This tank has been tested under 33 CFR 183.510(a)."

10. By revising § 183.516(c) to read as follows:

§ 183.516 Cellular plastic used to encase fuel tanks.

(c) Polyurethane cellular plastic used to encase metallic fuel tanks must have a density of at least 2.0 pounds per cubic foot, measured under ASTM D-1622, "Apparent Density of Rigid Cellular Plastics."

§ 183.522 [Removed]

11. By removing § 183.522, Fuel tank fill systems.

12. By revising § 183.528(b) to read as follows:

§ 183.528 Fuel stop valves.

(b) If tested under § 183.590, a fuel stop valve installed in a fuel line system requiring metallic fuel lines or "USCG Type A" hose must not leak fuel.

13. By revising § 183.532(b) and removing 183.532(c) and Table 7 as follows:

§ 183.532 Clips, straps, and hose clamps.

(b) If tested under § 183.590 a clip, strap, or hose clamp installed on a fuel line system requiring metallic fuel lines or "USCG Type A" hose must not separate under a one pound tensile force.

14. By removing and reserving § 183.536(a) and revising 183.536(b) to read as follows:

§ 183.536 Seals and gaskets in fuel filters and strainers.

(a) [Reserved]

(b) Each gasket and each sealed joint in a fuel filter and strainer must not leak when subjected for 24 hours to a gasoline that has at least a 50 percent aromatic content at the test pressure marked on the fuel tank label.

15. By revising § 183.540(a) and (b) introductory text to read as follows:

§ 183.540 Hoses: Identification.

(a) Each "USCG Type A" hose and each "USCG Type B" hose must be identified by the manufacturer by a marking on the hose itself.

(b) Each marking must contain the following information in English:

16. By revising § 183.542 to read as follows:

§ 183.542 Fuel systems.

(a) Each fuel system in a boat must have been tested by the boat manufacturer and not leak when subjected to the greater of the following pressures:

- (1) Three pounds per square inch; or
- (2) One and one-half times the pressure created in the lowest part of the fuel system when it is filled to the level of overflow with fuel.

(b) The test pressure shall be obtained with air or inert gas.

17. By revising § 183.550(d) to read as follows:

§ 183.550 Fuel tanks: Installation.

(d) Water must drain from the top surface of each metallic fuel tank when the boat is in its static floating position.

§ 183.560 [Amended]

18. By removing and reserving § 183.560(b).

19. By revising § 183.564(d)(2) to read as follows:

§ 183.564 Fuel tank fill system.

(d) . . .

(2) Be over the hose and the spud, pipe, or hose fitting.

20. By amending § 183.568 by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 183.568 Anti-siphon protection.

(b) Have an anti-siphon device or an electrically operated fuel stop valve—

- (1) At the tank withdrawal fitting; or
- (2) Installed so the line from the fuel tank is above the top of the tank; or

(c) Provided that the fuel tank top is below the level of the carburetor inlet, be metallic fuel lines meeting the requirements of § 183.538 or "USCG Type A" hose, with one or two manual shutoff valves installed as follows—

(1) Directly at the fuel tank connection arranged to be readily accessible for operation from outside of the compartment, and

(2) If the length of fuel line from the tank outlet to the engine inlet is greater than 12 feet, a manual shutoff valve shall be installed at the fuel inlet connection to the engine.

21. By revising § 183.580(a) to read as follows:

§ 183.580 Static pressure test for fuel tanks.

(a) Fill the tank with air or inert gas to the pressure marked on the tank label under § 183.514(b)(5).

§ 183.582 [Removed]

22. By removing § 183.582.

(46 U.S.C. 4302; 49 CFR 1.46(n)(1))

Dated: September 14, 1983.

J. A. McDonough, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 83-33347 Filed 12-14-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2766/R613; PH-FRL 2476-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

Correction

In FR Doc. 83-31486 beginning on page 52914 in the issue of Wednesday, November 23, 1983, make the following correction on page 52915: In **SUPPLEMENTARY INFORMATION**, in the eleventh line, "diethylO" should read "diethyl O".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-40

[FPMR Temp. Reg. A-22, Supp. 2]

Use of Contract Airline Service Between Selected City-Pairs

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement amends FPMR Temp. Reg. A-22 by incorporating the provisions of the new airline city-pairs contracts effective October 1, 1983, and by authorizing the use of GSA Contractor-issued charge cards, as announced in GSA Bulletin FPMR A-85, Travel and transportation expense payment system using Contractor-issued charge cards. (See 48 FR 43726, September 26, 1983.) Because the terms and conditions of the new airline city-pairs contract are substantially the same as the expired contracts, GSA has determined that it is more practicable and cost-effective to modify this

regulation than issue a new regulation. The use of GSA Contractor-issued charge cards is added to this regulation to reflect contract modifications between GSA and the airlines providing contract rates between selected city-pairs.

DATES: Effective date: October 1, 1983.

Expiration date: September 30, 1984.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Napoli or John B. Millington, Policy Development and Analysis Division, FTS 557-1256/(703) 557-1256.

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs to consumers or others, or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-40

Freight, Government property management, Moving of household goods, Office relocations, Transportation.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

Federal Property Management Regulations, Temporary Regulation A-22, Supplement 2

To: Heads of Federal Agencies

Subject: Use of contract airline service between selected city-pairs

1. *Purpose.* This supplement cancels supplement 1 and contains all changes to FPMR Temp. Reg. A-22. This supplement incorporates provisions of the new airline city-pair contracts effective October 1, 1983, and authorizes the use of GSA Contractor-issued charge cards as announced in GSA Bulletin FPMR A-85, Travel and transportation expense payment system using Contractor-issued charge cards and travelers checks. (See 48 FR 43726, September 26, 1983.) The justifications for not using carrier contractors are amended to include instances when the contractor's flight schedule would result in excessive local travel time and cost at the origin or termination points.

2. *Effective date.* This regulation is effective October 1, 1983.

3. *Expiration date.* This regulation expires September 30, 1984, unless sooner canceled or revised.

4. *Explanation of changes.*

a. Par. 5 is revised to read as follows:

"5. *Scope.* The extent to which this regulation applies to Government employees and military personnel and their dependents authorized to travel at Government expense is as follows:

a. Executive and other Federal agencies are governed by this regulation to the extent specified in the Federal Property and Administrative Services Act of 1949, as amended, and 5 U.S.C. 5701, et seq.;

b. The Department of Defense (DOD) shall follow the procedures established in the Military Traffic Management Regulation (AR 55-355/NAVSUPINST 4600.70/MCO P4600.14A/DLAR 4500.3); and

c. The following are exempt from the mandatory use of the airline contracts; however, all exempted personnel are authorized and encouraged to use these services when the use thereof is acceptable to the contract airlines:

(1) Uniformed members of the Public Health Service, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard;

(2) Employees of the Judicial Branch of the Government;

(3) Employees and members of the House of Representatives and Senate of the United States Congress;

(4) Employees of the U.S. Postal Service;

(5) Foreign Service officers;

(6) Cost-reimbursable contractors working for the Government; and

(7) Employees of any agency having independent statutory authority to prescribe travel allowances and who are not subject to 5 U.S.C. 5701-5709.

b. Par. 7 is revised to read as follows:

"7. *Responsibility of the contract airline.*

a. The contractor is not required to furnish services if, at the time of the request for service, the scheduled aircraft is fully loaded; nor shall the contractor be required to furnish any additional aircraft to satisfy the transportation requirement. However, the contractor will provide the official Government traveler with services that are the same as those provided to its commercial passengers in scheduled jet coach service. The carrier will make reservations for Government travelers on the same basis as for regular coach service travelers and shall not discriminate in favor of commercial travelers.

b. The contractor is to comply with all rules and regulations required by the Civil Aeronautics Board to permit carriers to contract for and to furnish air transportation in accordance with the contract.

c. The contractor is to use the designator "YCA" in describing contract fares under this regulation.

d. The carrier contractor is required to fully refund any or all portions of unused tickets to either the ordering Federal agency, the travel agent, or the SATO (see par. 9), as appropriate."

c. Par. 8 is revised to read as follows:

"8. *Procedures for obtaining service.*

a. Except as provided in b and c, below, contract air service shall be ordered by the issuance of an SF 1169, Government Transportation Request (GTR), either directly to the carrier contractor or indirectly to a travel agent or SATO. (See par. 9 on the use of travel agents and SATO's.)

b. Agencies and departments participating in GSA's travel and transportation expense payment system (see GSA Bulletin FPMR A-85), are authorized to obtain YCA contract airline fares using GSA Contractor-issued charge cards. The charge card may be presented to the contractor airline carriers, SATO's, travel agents (see par. 9), or agency travel offices, as appropriate.

c. When a traveler uses cash to procure service under FPMR 101-41.203-2, the traveler shall be prepared to authenticate the trip as official travel. When cash is used, the contractor airlines listed in the Federal Travel Directory have the option of furnishing services at either the contract or noncontract fare. If only one contract is awarded between a city-pair and the contractor does not provide a contract fare with the use of cash, the traveler shall procure service from an airline offering the lowest noncontract fare. If more than one contract has been awarded between a city-pair, the traveler shall observe the order of carrier succession in selecting a contractor which provides a contract fare with the use of cash. If none of the contractors provides a contract fare with the use of cash, the traveler shall procure service from an airline offering the lowest noncontract fare. Cash or personal credit cards shall not be used to circumvent the Government's contract with the airlines.

d. When a reservation for contract air service is requested, the fare basis shall be identified as "YCA," and the carrier's ticket agent shall be instructed to apply the appropriate fare basis and contract fare. Agencies using teletype ticketing

equipment shall examine airline tickets to determine whether the fare ticket shall be canceled, and new tickets shall be issued. Tickets picked up at the airline ticket offices shall be verified to ensure that the proper fare basis is shown on the ticket.

e. Contract fares apply only between the cities named in the Federal Travel Directory and are not applicable to or from intermediate points. The contract fares, however, are applicable in conjunction with other published fares or other contract fares.

f. When a city-pair published in the Federal Travel Directory indicates that only one contract is awarded and the contractor subsequently offers a fare lower than its YCA fare, the ordering agency may elect to use the lower fare if qualifications for obtaining the lower fare are compatible with the agency's travel requirements.

g. Cost-reimbursable Government contractors traveling on official business shall obtain contract airline passenger transportation only through the use of a GTR.

d. Par. 9 is revised to read as follows:

"9. *Use of travel agents and Scheduled Airline Traffic Offices (SATO's).* GSA has entered into contracts with various commercial travel agents and into agreements with SATO's to provide travel management services for Federal agencies. These travel agents and SATO's are responsible for providing and arranging all travel services to Federal travelers. When GTR's are used, the travel agents and SATO's are assigned GTR numbers by each participating Federal agency, and the assigned GTR number shall be shown on all transportation tickets issued. Travel management services will also be furnished when GSA Contractor-issued charge cards are used as announced in GSA Bulletin FPMR A-85. (See GSA's Federal Travel Directory for the location of travel agents and SATO's.)"

e. Par. 10 is revised to read as follows:

"10. *Multiple awards between the same city-pair.*

a. When a city-pair published in the Federal Travel Directory indicates that multiple contracts are awarded, the contractors are listed in descending order from the carrier (primary) offering the lower fare to the carrier (secondary) offering the next higher fare. Except as otherwise provided in this paragraph, agencies shall request reservations from carrier contractors in the order of succession, as listed.

(1) If service by the carrier contractors is provided at different airports but still between the same city-pair listed in the Federal Travel Directory, the lowest

overall cost, including the contract fare, lost productive time, and ground transportation, will determine which carrier will be used.

(2) The secondary carrier shall be used when the primary carrier cannot provide the service required by the ordering agency or when official travel falls within one of the following exceptions:

(a) The primary carrier's flight schedule

(i) Does not meet the agency's mission requirements,

(ii) Would result in excessive local travel time and cost at the origin or termination points,

(iii) Would require additional overnight lodging, or

(iv) Is inconsistent with the Government's policy of scheduling travel to the maximum extent practicable during normal working hours (for further information, see the Federal Personnel Manual, Supplement 990-2); or

(b) Space aboard the primary carrier's scheduled flight is not available to accomplish the mission requirements.

b. When a carrier contractor offers to the general public a fare lower than its YCA fare, the ordering agency may elect to use the lower noncontract fare provided that the qualifications for obtaining the lower fare are compatible with the agency's travel requirements and provided that a comparison of total costs as prescribed in subpar. 11b(3) justifies a change in the order of carrier succession. For example, if the YCA fares for the same city-pair are \$68 for carrier A and \$75 for carrier B and carrier A offers a fare lower than \$68, the lower fare may be used. If, on the other hand, carrier B should offer a fare lower than \$68 and carrier A remains eligible to furnish service under its contract, carrier B's lower fare may be used if a cost comparison under subpar. 11b(3) justifies the use of carrier B's lower fare. By offering to the general public an unrestricted fare that is lower than its YCA fare, the carrier contractor assumes the status of a noncontract carrier."

f. Par. 11 is revised to read as follows:

"11. *Use of noncontract airline carriers between listed city-pairs.*

a. Heads of agencies are authorized to approve the use of noncontract air carriers between city-pairs listed in the Federal Travel Directory when their use is justified under the conditions noted in b. below. This authority may be delegated provided that appropriate guidelines in the form of regulations or other written instructions are furnished the designee. Redlegation authority shall be limited. The delegation and

relegation of authority shall be held to as high an administrative level as practicable to ensure adequate consideration and review of the circumstances requiring the use of noncontract air carriers.

b. Use of noncontract air carriers is justified when contract air carriers cannot provide the services required by the ordering agency or when official travel falls within one of the exceptions noted in (1) through (3), below. Justifications for the use of noncontract air carriers will be authorized on individual travel orders (if known before travel begins) or approved on vouchers (if not known before travel begins). The exceptions are:

(1) The contractor's flight schedule

(a) Does not meet the agency's mission requirements,

(b) Would result in excessive local travel time and cost at the origin or termination points,

(c) Would require additional overnight lodging, or

(d) Is inconsistent with the Government's policy of scheduling travel to the maximum extent practicable during normal working hours (for further information, see the Federal Personnel Manual, Supplement 990-2);

(2) Space aboard the contractor's scheduled flight is not available to accomplish the mission requirements; or

(3) On the basis of a comparison of total cost for each individual trip, the use of standard jet coach fare ("Y" or "S" class of service) is less than the contract fare at the time the reservation is made considering such cost factors as actual transportation costs, subsistence, allowable overtime, or lost productive time."

g. Par. 13 is revised as follows:

"13. *Reserved.*"

h. Attachment A is canceled.

Dated: November 25, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-33338 Filed 12-14-83; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6466

[A-18805]

Arizona; Partial Revocation of Reclamation Withdrawals

Correction

In FR Doc. 83-25818, beginning on page 43176, in the issue of Thursday,

September 22, 1983, on page 43177, in the first column, under "T. 5 S., R. 21 W.," in the first line, "E½E½W½;" should read "E½, E½W½;"

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 21, 74, and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497; FCC 83-576]

Amendment of the Commission's Rules Regarding Digital Termination Systems

AGENCY: Federal Communications Commission.

ACTION: Order denying stay.

SUMMARY: The Federal Communications Commission is denying a request for a partial stay of the effective date (December 1, 1983) of certain Rules adopted in the *Second Report and Order* in Gen. Docket 79-188. The denial of the request will allow for the orderly implementation of frequencies allocated for Digital Termination Systems (DTS) and related internodal links. Also, the Commission is granting a waiver to Ericsson, Inc. to market 600 18 GHz transmitters not in compliance with the Commission's channelizing plan. These units will be licensed subject to the condition that they must cease operation or convert to the adopted channeling plan if they preclude another applicant from using frequency pairs in conformance with the adopted channeling plan.

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

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Frequency allocations.

47 CFR Part 21

Communications common carrier.

47 CFR Part 74

Radio.

47 CFR Part 94

Communications equipment.

Order Denying Request for Partial Stay and Granting Waiver in Part

In the matter of amendment of Parts 2, 21, 74, and 94 of the Commission's Rules to Allocate Spectrum at 18 GHz for, and to Establish Other Rules and Policies Pertaining to, the Use of Radio in Digital Termination

Systems and in Point-to-Point Microwave Radio Systems for the Provision of Digital Electronic Message Services, and for Other Common Carrier, Private Radio, and Broadcast Auxiliary Services; and to Establish Rules and Policies for the Private Radio Use of Digital Termination Systems at 10.6 GHz; General Docket No. 79-188, RM-3247, RM-3497.

Adopted: December 1, 1983.

Released: December 6, 1983.

By the Commission.

1. The Commission has received a Request for Partial Stay of the effective date, December 1, 1983, for certain rule sections in the above referenced matter. This Request was submitted by Ericsson, Inc. ("Ericsson") on November 16, 1983. Additionally, Ericsson has submitted a Petition for Reconsideration of the *Second Report and Order* adopting these rules (FCC 83-392 released September 30, 1983, 48 FR 50322, November 1, 1983).

2. Ericsson requests that the effective date of the *Second Report and Order* be stayed for those provisions which concern the new channelization plan for the 18.46-18.94 GHz band pending consideration of its Petition for Reconsideration. In its request, Ericsson purports that if the channelization plan is implemented it will face tremendous financial losses because approximately six hundred 18 GHz radios in current production do not conform to the new channelization plan. The Ericsson equipment operates with a 120 MHz frequency separation between pairs. The adopted channeling plan has 240 MHz as a frequency separation between pairs. Ericsson states that unless a stay is granted, all production lines will have to shut down and Ericsson will be left with inventory equipment that cannot be shipped, advertised or sold. In its Petition for Reconsideration, Ericsson requests that the Commission enact at least a two-year grandfathering period for equipment which does not conform to the new channelization plan to permit Ericsson to complete manufacture and marketing of approximately 600 units of 18 GHz equipment and to permit users to license and operate their equipment.¹ Ericsson indicates the equipment in question has been designed primarily for specialized common carriers and for telephone companies for use in the metropolitan areas.

3. In determining whether to grant a stay, the following factors are considered: (1) Likelihood of success on the merits, (2) the prospect of irreparable injury to the party seeking a

Stay if it is not granted, (3) the possibility of harm to other parties if a Stay is granted, and (4) the public interest. See *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F. 2d 841 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Association v. FPC*, 259 F. 2d 921 (D.C. Cir. 1958). We do not find it necessary to engage in extensive analysis of the first factor here because we have determined that both Ericsson's interests and those of other spectrum users may be accommodated.

4. Although economic injury does not in every situation justify a Stay, see *Virginia Petroleum Jobbers Association v. FPC*, *supra*, 259 F. 2d at 925, in this case we recognize the significant financial losses Ericsson faces under the new channelization plan. At the same time, the new plan treats an important issue affecting other spectrum users—that of frequency use blockage. In our *Second Report and Order* we allocated spectrum for Digital Termination Systems (DTS) in the 18.36-18.46 GHz and 18.94-19.04 GHz bands for use by private and common carriers. The segment of spectrum separating these DTS bands, 18.46-18.94 GHz, was intended to serve as resource spectrum for interconnecting various DTS systems, and a number of other point-to-point radio services as noted in the *Second Report and Order* [See para. 23].² Because we believe that the demand for 18 GHz DTS and for the associated 18.46-18.94 GHz band will be primarily concentrated in the metropolitan areas, we are concerned with the effect of frequency use blockage by allowing the use of a large number of non-conforming units without limitation. In particular, because the adopted frequency pairs were matched according to a given frequency separation, the use of a non-conforming pair of frequencies in a duplex link would effectively foreclose the use of two frequency pairs conforming to the new channelization plan in a particular geographic area. Accordingly, from a spectrum management viewpoint, we see a problem of creating inefficiencies in the use of spectrum by allowing a large amount of equipment in a given area using a non-conforming channelization plan.

² Also, an important use of this band has been targeted for the relocation of displaced licensees from the 12.2-12.7 GHz band. In paragraph 24 of the *Second Report and Order* in Gen. Docket 79-188, the Commission estimated that between 50 to 85 percent of the links at 12.2-12.7 GHz can be accommodated at 18 GHz and higher frequencies. In specific, the channels in the 18.46-18.94 GHz band have been particularly earmarked for about 35 percent of the relocating licensees.

¹ Alternatively, Ericsson suggests that the Commission may wish to consider other forms of relief, such as granting a waiver to permit marketing this equipment during the next two years.

5. However, we recognize the fact, as Ericsson points out, that there is little use being made of this band at present and there is relatively little equipment at 18 GHz now type accepted. As it is our desire to have equipment available to accommodate the 12 GHz displaced licensees at 18 GHz, we feel it would be in the public interest to accept Ericsson's suggestion and grant it a waiver of the rule sections pertaining to the new channelization plan for the 18.46-18.94 GHz band subject to certain conditions. This action will eliminate the need for a stay here.

6. Specifically, the Commission is granting a waiver to Ericsson, Inc. to market and install 600 units of its presently type accepted 18 GHz equipment through December 1, 1985. It is understood that this equipment is not in compliance with the Commission's channelization plan adopted for the 18 GHz band in the *Second Report and Order* in Gen. Docket 79-188. Accordingly, applicants intending to use this Ericsson equipment must request a waiver of the appropriate rule sections and a conditioned license will be granted. In the event the use of this equipment in a particular area precludes another applicant from operating on frequencies in accordance with Rule §§ 2.106, 21.502(h), 21.701(a), 21.701(k), 74.502(b), 94.61(b), 94.65(j) and 94.189(h), then the licensee using the Ericsson equipment marketed under this waiver is required to either cease operation or to convert such equipment to operate in accordance with the channelization plan set forth in our Rules.

7. With respect to the other matters raised by Ericsson in its Petition for Reconsideration, we intend to address them in a separate item in the near future. Accordingly, in this *Order* we are denying Ericsson's request to stay the effective date of the rule sections pertaining to the channelization plan for the 18 GHz band adopted in the *Second Report and Order* in Gen. Docket 79-188. However, in view of the foregoing, we find it in the public interest to grant a waiver in part subject to the conditions herein indicated.

8. In view of the foregoing, it is ordered that the Motion for Stay submitted by Ericsson, Inc. is hereby denied.

9. It is further ordered that a waiver of Rule §§ 2.106, 21.502(h), 21.701(a), 21.701(k), 74.502(b), 94.61(b), 94.65(j) and 94.189(j) is granted to Ericsson, Inc. to market and install six hundred of its currently type accepted 18 GHz equipment through December 1, 1985 subject to conditions specified herein.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-33208 Filed 12-14-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 2, 21, 74, and 94

[Gen. Docket No. 79-188; RM-3247; RM-3497; FCC 83-575]

Amendment of the Commission's Rules Regarding Digital Termination Systems

AGENCY: Federal Communications Commission.

ACTION: Stay of effective date of final rule.

SUMMARY: This action stays the effective date of Section 21.22 and Section 94.94, a technical standard requiring a spectral efficiency factor of 0.6(bps)/Hz, pending decision on a Petition for Reconsideration of the Commission's *Second Report and Order* in Gen. Docket 79-188, concerning digital termination systems. This action will allow adequate time for the filing of comments and reply comments in response to a Petition for Reconsideration of certain technical standards adopted in the *Second Report and Order* in Gen. Docket 79-188. Also, it will permit the continued manufacture of equipment currently type accepted under existing standards.

EFFECTIVE DATE: December 15, 1983.

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

FOR FURTHER INFORMATION CONTACT: Melvin Murray, Office of Science and Technology, (202) 653-8168.

Order

In the matter of Amendment of Parts 2, 21, 74 and 94 of the Commission's Rules to Allocate Spectrum at 18 GHz for, and to Establish other Rules and Policies Pertaining to, the Use of Radio in Digital Termination Systems and in Point-to-Point Microwave Radio Systems for the Provision of Digital Electronic Message Services, and for other Common Carrier, Private Radio, and Broadcast Auxiliary Services; and to Establish Rules and Policies for the Private Radio Use of Digital Termination Systems at 10.6 GHz: General Docket No. 79-188, RM-3247, RM-3497.

Adopted: December 1, 1983.

Released: December 6, 1983.

By the Commission.

1. The Commission has received a Motion for Partial Stay of the effective date, December 1, 1983, for certain rule sections in the above referenced matter.

This Motion was submitted by the Farinon Division of Harris Corporation ("Harris") on October 28, 1983. Additionally, Harris has filed a Petition for reconsideration of certain provisions of the *Second Report and Order* (FCC 83-392 released September 30, 1983, 48 FR 50322, November 1, 1983).

2. Harris requests that the effective date of the *Second Report and Order* be stayed for §§ 21.122, 21.503, 74.561, 94.67, 94.94 and 94.191 pending action on its Petition for Reconsideration. In its request, Harris purports that if the technical standards contained in the referenced rule sections were to be implemented, it would force Harris to stop immediately its production of 18 GHz equipment until design changes could be made, type acceptance obtained, and redesigned equipment placed in production. Further, Harris contends the technical standards are more stringent than necessary to achieve spectrum efficiency objectives.

3. In determining whether to grant a Stay Pending Reconsideration, the following factors are considered: (1) Likelihood of success on the merits, (2) the prospect of irreparable injury to the party seeking a Stay if it is not granted, (3) the possibility of harm to other parties if a Stay is granted and (4) the public interest. See *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1979); *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921 (D.C. Cir. 1958).

4. Sections 21.503, 74.561, 94.67, and 94.191 require that the frequency stability of a transmitter operating in the 18.46-19.04 GHz band be maintained within $\pm 0.003\%$ effective December 1, 1983. However, it was our intent to allow the continued marketing of existing type accepted equipment conforming to the new channeling plan with at least a frequency stability of $\pm 0.03\%$ until December 1, 1988.¹ Currently, type accepted equipment installed and operated prior to December 1, 1988 may continue to operate after December 1, 1988 with a minimum frequency stability of $\pm 0.03\%$. Only replacement of such equipment would require compliance with the $\pm 0.003\%$ frequency stability factor. Since the equipment currently manufactured by Harris has been type accepted with a frequency stability of $\pm 0.01\%$, it is permitted to be marketed until December 1, 1988. Thus, there appears to be no prospect of immediate irreparable injury to Harris if these

¹ Section 21.101(a), footnote 5 and § 94.67(a), footnote 7.

provisions go into effect. Furthermore, since aural broadcast STL and intercity relay stations are only being permitted to operate within the 18 GHz band as a result this rulemaking proceeding, no equipment is currently in operation for these radio services. Thus, the "grandfather" provision requested by Harris for the frequency stability requirement (§ 74.561) is unnecessary. Accordingly, we see no reason to stay the effective date for these rule sections.

5. Sections 21.122 and 94.94 require digital transmitters to meet a spectral efficiency factor of 0.6(bps)/Hz effective December 1, 1983 and 1.0(bps)/Hz effective December 1, 1988. Harris claims that while its existing type accepted equipment operates with an efficiency factor of 0.3(bps)/Hz, a minor redesign would be required to reach the new 0.6(bps)/Hz standard. Such a modification would require a new application for type acceptance of the modified equipment which, in turn, would impose upon the equipment the new frequency stability requirement of $\pm 0.003\%$. Accordingly, Harris contends that it would not be able to meet the newly adopted spectral efficiency requirements without a major redesign, type acceptance, and a new production line.

6. We recognize that, if these provisions go into effect, Harris would be significantly harmed because the minor modifications it would have to make would subject it to the new frequency stability requirements long before it would otherwise be subject to them. This in turn would require major design changes. While we do not intend to prejudge the outcome of Harris' petition for reconsideration, we find it inappropriate under the circumstances to impose such major obligations on Harris before its petition is considered on the merits. Since this spectrum space is not widely used at this time, there would appear to be little harm to others if the Stay is granted. Finally, the adoption of these rules was intended to encourage the growth and development of services being offered to the public. Thus, on balance, we find that the public interest will be served by granting the spectrum efficiency aspect of Harris' request. For these reasons, the effective date of Rule §§ 21.122 and 94.94 requiring a spectral efficiency of 0.6(bps)/Hz will be stayed, pursuant to § 1.429(k), pending a decision on Harris' Petition for Reconsideration.

7. In view of the foregoing, it is ordered that the motion for stay submitted by Harris is granted in part to stay the effective date of Rule §§ 21.122 and 94.94 to the extent discussed above

pending decision on the petition for reconsideration and is otherwise denied.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-33208 Filed 12-14-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 69

[CC Docket No. 78-72; Phase I]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Waiver of Commission rules.

SUMMARY: The Chief of the Common Carrier Bureau, acting under delegated authority, grants in part the petition filed by Satellite Business Systems (SBS) seeking a waiver of the Commission's rule limiting to ten pages the length of replies to oppositions to petitions for reconsideration of Commission decisions. SBS requested the waiver to permit parties to file oppositions to petitions for reconsideration of the Commission's amended rules for computing access charges that were up to twenty pages in length. The amended rules were published on September 21, 1983 at 48 FR 42987. The waiver granted will permit parties to file oppositions not exceeding twenty pages in length. The Chief of the Common Carrier Bureau concluded that this action was necessary because of the length of the oppositions and the detailed arguments they presented against petitioners' requests.

EFFECTIVE DATE: Waiver is effective December 6, 1983.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, (202) 632-9342.

Order

In the matter of MTS and WATS Market Structure: CC Docket No. 78-72, Phase I.

Adopted: December 2, 1983.

Released: December 6, 1983.

By the Chief, Common Carrier Bureau.

1. The Commission has received six oppositions and thirteen comments filed on or before November 25, 1983, in response to petitions requesting that it reconsider decisions reached in the *Memorandum Opinion and Order* in this docket released on August 22, 1983

(*Reconsideration Order*).¹ Under the Commission's rules, replies to these oppositions and comments, not to exceed ten pages in length, must be filed on or before December 8, 1983. See 47 CFR 1.4(g), 1.429(g). Satellite Business Systems (SBS) has filed a motion requesting permission to file a reply to the oppositions and comments in excess of twenty pages.

2. In support of its motion, SBS states that the ten page limit would deny it an adequate opportunity to respond to the arguments presented in the oppositions to its petition. We note that because we had granted an earlier waiver request,² several oppositions and comments were themselves more lengthy than the twenty-five pages prescribed by the Commission's rules. See 47 CFR 1.429(f). The opposition of the American Telephone and Telegraph Company to the SBS petition also included an Appendix exceeding twenty-five pages in length.

3. We find that the length of the oppositions and comments and the detailed arguments they contained warrant the limited relaxation of Section 1.429(g) of our rules that SBS seeks. For this reason we shall permit interested persons to file replies that do not exceed twenty pages in length.

4. Accordingly, it is ordered, That the Motion of Satellite Business Systems is granted.

5. This order is issued under § 0.291 of the Commission's rules and is effective on its release date.

(47 U.S.C. 154(i), (j), 201, 202, 203, 205, 218, and 403 and 5 U.S.C. 553)

Jack D. Smith,

Chief, Common Carrier Bureau.

[FR Doc. 83-33210 Filed 12-14-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 83-486, RM-4230; FCC 83-544]

Amendment of Subpart K of Part 90 of the Commission's Rules and Regulations To Permit the Use of Omni-Directional Antennas With Operational-Fixed Stations Operating on Assignments in the 450-470 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

¹ FCC 83-356, 48 FR 42987 (Sept. 21, 1983).

² See Order in CC Docket No. 78-72, Phase I, CC Memo 841, released November 16, 1983.

SUMMARY: This document amends Part 90 of the Commission's Rules to allow the use of omni-directional antennas on 450-470 MHz operational-fixed links if they communicate with at least three receiving stations over at least 160° of azimuth. This action will reduce the number of frequencies required by such systems and will increase spectrum usage efficiency.

EFFECTIVE DATE: December 30, 1983.

FOR FURTHER INFORMATION CONTACT:
Eugene Thomson, Private Radio Bureau,
(202) 634-2443.

List of Subjects in 47 CFR Part 90

Operational-fixed stations, Private
land mobile radio services.

Report and Order; Proceeding Terminated

In the matter of amendment of Subpart K of Part 90 of the Commission's Rules and Regulations to Permit the Use of Omnidirectional Antennas with Operational-Fixed Stations Operating on Assignments in the 450-470 MHz band; PR Docket No. 83-486, RM-4230.

Adopted: November 23, 1983.

Released: December 6, 1983.

By the Commission.

1. On May 12, 1983, the Commission adopted a Notice of Proposed Rule Making (NPRM), PR Docket No. 83-486, RM-4230,¹ which proposed to allow, on a secondary operating basis,² the use of unity gain omnidirectional antennas by fixed stations operating in the 450-470 MHz band which communicate with a minimum of three receiving locations that are encompassed in a sector of at least 160° in azimuth.

2. The NPRM was issued in response to a Petition for Rule Making submitted by the Central Committee on Telecommunications of the American Petroleum Institute (Central Committee).³ The Central Committee's petition contends that petroleum and natural gas companies extensively utilize UHF operational-fixed stations for supervisory, control, telemetry and voice operations. The petition requests rule amendments that would allow operation with omnidirectional antennas under the same conditions allowed for the 154 MHz "splinter" frequencies

governed by § 90.65(c)(16) of the Rules and Regulations.⁴

3. The petition for rule making stated that omnidirectional antennas are needed because the location of drilling rigs, whether onshore or offshore, is determined by the shape of a given oil or gas field, and that wells frequently are located in a circular or non-linear placement. Telemetry information from each well would be sent to a "master" UHF fixed station utilizing a polling procedure. Since the current rules require directional antennas for each fixed link, accessing each drilling rig requires a separate system utilizing different frequency pairs. The use of an omnidirectional antenna would allow polling of the remote sites by the master station using only a single frequency pair, thus resulting in more efficient spectrum utilization.

4. Comments on the NPRM were received from the Special Industrial Radio Service Association, Inc. (SIRSA), and the Central Committee. Both supported the proposed rule changes, but requested a modification that would allow omnidirectional antennas having gains not exceeding 10dB, rather than the proposed unity gain limitation.

5. SIRSA states that there is a scarcity of 450-470 MHz unity gain omnidirectional antennas and that an acceptable alternative would be to allow the use of omnidirectional antennas with up to 10 dB gain.⁵ The Central Committee states that subsequent to the issuance of the NPRM, it was determined that the use of unity gain antennas will not always provide an acceptable solution. The indicate that one major antenna manufacturer only makes a single variety of a unity gain UHF antenna and that the low power of master stations and the distance of the remote stations make it desirable to use omnidirectional antennas having gains of from 3 to 10 dB.⁶

6. We have considered the arguments for allowing the use of omnidirectional antennas with up to 10dB gain on fixed 450-470 MHz links. First, with respect to SIRSA's statement that there is a scarcity of 450-470 MHz unity gain omnidirectional antennas, the Commission has determined that at least three major antenna manufacturers

offer 5 models of such antennas.⁷ Second, the petition requested, and the NPRM proposed, a rule amendment that would facilitate operation of 450-470 MHz fixed links by allowing the use of unity gain omnidirectional antennas under conditions identical to systems employing VHF "splinter" frequencies as governed by § 90.65(c)(16) of the Rules. In proposing the use of only unity gain omnidirectional antennas, we carefully considered the potential interference impact of such fixed operations on existing mobile operations. The record has shown that there has been minimal interference to mobile operations from 450-470 MHz fixed operations using directional antennas. We proposed to permit omnidirectional antennas with unity gain on these fixed links because it appeared that a relaxation of these rules would not significantly increase interference between these systems. The request did not propose the use of antennas with up to 10 dB gain, and we have not solicited comments from the public on this point.

7. After considering all comments and weighing the potential interference problems, we conclude that the rules we proposed in our NPRM would be in the best interest of maximizing spectrum usage, minimizing cost to licensees, and permitting operational compatibility between fixed and mobile systems operating in the 450-470 MHz band. It would appear that the use of up to 10 dB gain omnidirectional antennas on fixed links could significantly increase interference potential, even though these antennas often would be used in remove or offshore areas. We therefore are adopting our proposal to permit, on a secondary basis, the use of unity gain omnidirectional antennas by 450-470 MHz fixed stations that communicate with a minimum of three receiving locations encompassed in a sector of at least 160° of azimuth.

8. Accordingly, it is ordered, that pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's Rules is amended, effective December 30, 1983, as set forth in the attached Appendix. It is further ordered, that this proceeding is terminated.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Attachment: Appendix.

⁷ In this regard we note that we do not regulate based solely on the availability of equipment in the market place. Our objective is to create a regulatory environment conducive to the evolution of technology.

¹ 48 FR 27797, June 17, 1983. Filing dates for comments and replies were July 22, 1983 and August 12, 1983, respectively.

² Section 90.7 defines secondary operation as radio communications which may not cause interference to operations authorized on a primary basis and which are not protected from interference from those primary operations.

³ Petition for Rule Making, RM-4230, filed October 13, 1982.

⁴ Section 90.65(c)(16) states "Operational-fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antenna having unit gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth."

⁵ SIRSA comments, paragraph 4.

⁶ Central Committee comments, paragraph 5.

Appendix

Part 90 of the Commission's Rules and Regulations is amended as follows:

1. Section 90.261 is amended by revising the introductory text to read as follows:

§ 90.261 Assignment and use of frequencies in the band 450-470 MHz for fixed operations.

The following frequencies may be assigned for fixed operations, on a secondary basis to land mobile operations, to eligibles in the services indicated. All such use of these frequencies for fixed systems is limited to locations 85 or more miles (136.79 or more km.) from the center of any urbanized area of 600,000 or more population except that the distance may be 65 miles (104.6 km.), if the output power does not exceed 20 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 dB, except that omnidirectional antennas having unity gain may be employed for stations communicating with a minimum of three receiving locations encompassed in a sector of at least 160° in azimuth. For two-frequency systems, the separation between transmit-receive frequencies is 5 MHz. Fixed stations located more than 136 km. (85 miles) from the center of urbanized areas of 600,000 or more population and operating on frequencies no longer available for that use may continue indefinitely until such time as modification involving addition of new facilities is proposed. Such use is, however, on a secondary basis to land mobile operations and harmful interference may not be caused to land mobile stations. The centers of urbanized areas are determined from the appendix, page 226, of the U.S. Commerce publication "Air Line Distance Between Cities in the United States." Urbanized areas of 600,000 or more population are defined in the U.S. Census of Population 1970, Vol. 1, table 20, pages 1-74.

[FR Doc. 83-33207 Filed 12-14-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-15)]

Exemption From Regulation; Rail Transportation of Frozen Food

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules (exemption).

SUMMARY: The Commission is exempting from regulation all rail transportation of frozen foods. The exemption is based on findings that regulation is not necessary to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from the abuse of market power by railroads, and that the service is of limited scope.

DATES: The exemption is effective on January 16, 1984.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275-7245;

or

Gerald Proger, (202) 275-7957.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission decision. To purchase a copy of the full decision write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan Area) or toll free (800) 424-5403.

No comments were received on whether this decision would have a significant economic impact on small business within the meaning of the Regulatory Flexibility Act. The Secretary of the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The purpose and effect of this rule

is to reduce regulations. It imposes no new reporting or other requirements directly or indirectly on small entities. The impact, if any, will be to reduce the amount of paperwork, tariff filing, and related activities.

We find that continued regulation of rail transportation of frozen foods under 49 U.S.C. Subchapter IV is not necessary to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from the abuse of market power, that the service is of limited scope, and consequently that an exemption must be granted under 49 U.S.C. 10505.

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Decided: November 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor would not have relied on Ex Parte No. 346 (Sub-Nos. 7 and 8) in approving this exemption.

James H. Bayne,
Acting Secretary.

Appendix

In Title 49 of the Code of Federal Regulations, § 1039.11(a) is amended by adding the following commodities to the list of miscellaneous commodities exempt from regulation as follows:

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
20 12	6001-K, eff. 1-1-1983.	Frozen meat.
20 16	do	Frozen poultry.
20 24	do	Ice cream or related frozen desserts.
20 37	do	Frozen fruits, vegetables, or fruit juices.
20 38	do	Frozen specialties.
20 361	do	Frozen processed fish or seafood.

[FR Doc. 83-33169 Filed 12-14-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 48, No. 242

Thursday, December 15, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

[Docket No. PRM 60-1]

States of Texas, Wisconsin, Minnesota, Nevada and Utah; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of Petition for Rulemaking.

SUMMARY: The Nuclear Regulatory Commission ("NRC") or "Commission" denies a petition for rulemaking filed by the States of Texas, Wisconsin, Minnesota, Nevada and Utah ("Petitioners"). The Petitioners requested that the Commission amend 10 CFR Part 60 to adopt certain procedures for NRC concurrence in siting guidelines for high-level radioactive waste repositories proposed by the Department of Energy ("DOE") pursuant to Section 112(a) of the Nuclear Waste Policy Act of 1982 ("NWPA"). The Commission finds that the proposed procedures are not required by either the NWPA or the Administrative Procedure Act ("APA"). The Commission believes that the petitioners' concerns regarding public participation in the Commission's concurrence process will be adequately addressed by the previously announced opportunity to publicly address the Commission on DOE's proposed guidelines. 48 FR 39536 (August 31, 1983).

ADDRESSES: Copies of correspondence and documents cited below are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon L. Trubatch, Office of the General Counsel, U.S. Nuclear Regulatory Commission, 1717 H Street, NW., Washington, DC, 20555, (202)-634-3224.

SUPPLEMENTARY INFORMATION: On September 2, 1983, Mr. Ken Cross, an Assistant Attorney General for the State of Texas, on behalf of the States of Texas, Wisconsin, Minnesota, Nevada and Utah ("Petitioners"), petitioned the Commission to adopt a proposed rule that would have established procedures for public participation in the Commission's concurrence in DOE's siting guidelines for high-level radioactive waste repositories.

The Commission is mindful of the importance of its role to concur in the DOE guidelines and recognizes the petitioners' interest in the guidelines. However, the Commission believes that the opportunity for oral presentation to the Commission will provide an adequate opportunity for petitioners to express their concerns and for the Commission to understand those concerns.

The benefits of oral presentation include the discipline imposed on the participants to focus their concerns and the opportunity for give-and-take between the participants and the Commissioners. Additional opportunity for written comment as petitioners propose might enlarge the body of information before the Commission; however, this fact must be weighed against the time it would take to complete the procedures in this case because the NWPA objectives include timeliness. On the basis of its experience with rulemakings, the Commission believes that the procedures could not be completed in less than 9-12 months.

Therefore, given the opportunity for oral and written presentation to the Commission, the record of public participation before DOE, and the interest in a timely (and fair) concurrence process, the Commission denies the petition.

The Petition

The text of Petitioners' proposed rule appears at 48 FR 48473-74 (October 19, 1983).¹ Essentially, Petitioners proposed

¹ Attached to the comment submitted by the Department of Energy and Transportation of the State of Mississippi is a copy of a letter to the Commission dated September 13, 1983 giving notice of that State's intent to join the State of Texas as a co-petitioner and suggesting a modification to the proposed rule to add a public hearing on any NRC draft analysis of DOE's guidelines. The Commission has no record of receiving that letter before it received Mississippi's comment (dated November 1,

that the Commission adopt the following steps in its process for concurring in DOE's siting guidelines:

1. A DOE request for NRC concurrence on proposed guidelines would be supported by: (a) A description of the technical rationale behind the guideline objectives; (b) a full description of DOE's decision process; and (c) a list of issues for which DOE wishes Commission review.

2. NRC would publish notice of receipt of DOE's request along with an NRC staff review of that request. Copies would also be provided to affected States and Indian tribes.

3. Subsequently, the NRC staff would publish for comment a draft analysis of the proposed guidelines. Affected States and Indian tribes would also be asked to comment.

4. After a comment period of at least 60 days, the NRC staff would publish a final analysis of the guidelines and provide copies directly to the affected States and Indian tribes. The Commission could then offer a discretionary public hearing on the staff's final analysis.

5. The Commission would then decide on whether or not to concur in DOE's proposed guidelines.

These procedures would also apply to any DOE proposals to revise the siting guidelines.

1983). Thus, the Commission received Mississippi's proposal too late to treat it as part of the petition. Moreover, the State of Mississippi did not inform the Commission that the NRC's October 19, 1983 notice of receipt of the Petitioners' petition for rulemaking made no mention of the State of Mississippi's September 13, 1983 letter. In any event, the Commission believes that publication of the State of Mississippi's proposal would not have significantly affected the comments received. Indeed, the Southwest Research Information Council, Serious Texans Against Nuclear Dumping and People Opposed to Wasted Energy Repository commented on the State of Mississippi's proposal. In considering these comments, the Commission treated Mississippi's proposal as a comment on the petition. The Commission's decision to deny the petitioners' petition does not depend on the fine-tuning of procedural proposals. Rather, it is based on the Commission's determination that the proposed procedures are not legally required and would result in delay contrary to the public interest. Under these circumstances, the Commission determined that Mississippi's suggestion could be addressed without publication, especially in light of the Commission's having the benefit of comments supporting that suggestion. Because the State of Mississippi's proposal would have added even more procedures to the NRC's concurrence process, those additional procedures must also be rejected for the same reasons.

Bases for Request

DOE has notified three of the petitioners, the States of Texas, Nevada and Utah, that they have within their borders one or more potentially acceptable sites for the first high-level radioactive waste repository. These States believe that this circumstance provides them with an interest in a formalized mechanism by which they can participate in the NRC concurrence process. DOE has informed the other two petitioners, the States of Wisconsin and Minnesota, that they are potential candidates for a second waste repository. Accordingly, these States are also interested in participating in the NRC's concurrence in DOE's guidelines and in any proposed amendments to those guidelines.

Petitioners discussed three reasons supporting their belief that the NRC should adopt the proposed formalized concurrence procedure: (1) The procedures will promote NRC's distinctive role under the NWA; (2) NRC concurrence is rulemaking or its equivalent; and (3) the procedures are familiar and useful.

1. *The Procedures Will Promote NRC's Role Under NWA.* Petitioners contend that the NRC's concurrence role under the NWA indicates a congressional intent to attach special significance to NRC's concurrence in DOE's siting guidelines. Petitioners believe that their proposed rule will promote that congressional intent. Petitioners also contend that their proposed rule is a necessary and desirable means for promoting the NRC's distinctive role in developing the guidelines. They argue that by providing for public participation in the concurrence process, the proposed rule will help to ensure that the siting guidelines reflect NRC policies because the public will have an opportunity to point out inconsistencies between the guidelines and NRC's technical licensing regulations.

2. *NRC Concurrence is Rulemaking or its Equivalent.* Petitioners contend that the act of concurrence or non-concurrence is an act of rulemaking subject to the notice and comment procedures of the APA. In Petitioners' view, NRC's concurrence is an act of adoption of DOE's guidelines sufficient to make them an NRC rule. Accordingly, Petitioners believe that their proposed rulemaking procedures would satisfy the NRC's obligations under the APA to conduct a rulemaking on concurrence.

3. *The Procedures are Familiar and Useful.* Petitioners believe that their procedures closely resemble those in 10 CFR 60.11 for NRC oversight of DOE site

characterization of high-level waste repositories. Petitioners also believe that their proposed procedures would be useful because they would apply also to any proposed amendments to the siting guidelines.

Comments on the Petition

On October 19, 1983 the Commission published the text of the petition and a request for comments on it in the **Federal Register**, 48 FR 48473. Although the comment period closed on November 2, 1983, the notice provided that late comments would be considered if it was practical to do so. The Commission received 17 letters of comment in response to the notice, including one late comment that it was able to consider.²

Seven commenters opposed the proposed rule: the American Nuclear Energy Counsel ("ANEC"); the Atomic Industrial Forum's Subcommittee on High-Level Radioactive Waste ("AIF"); the Edison Electric Institute joined by the Utility Nuclear Waste Management Group ("EEL/UNWGM"); Duke Power Company ("Duke"); the U.S. Department of Energy ("DOE"); Middle South Services, Inc. ("MSS"); and Carolina Power and Light Company ("CP&L").

ANEC, the AIF and MSS contended that the NWA does not require or support the proposed procedures. MSS stated its belief that if Congress had wanted formal rulemaking procedures for NRC concurrence it would have required such procedures. Because Congress did not so provide, MSS and ANEC concluded that such procedures would contradict Congress' intent that the guidelines be established expeditiously only 180 days after enactment of the NWA. EEL/UNWGM and CP&L believe that the public meeting which the Commission has stated it will hold prior to a decision on concurrence serves to promote the NRC's distinctive role under the NWA as well as the Petitioners' need to present their views directly to the Commission.

Most commenters opposing the petition noted that the Commission, in response to a similar petition filed by the Yakima Indian Nation, had already rejected the contention that concurrence was rulemaking for the purposes of the APA. They also contended that a

separate NRC rulemaking on concurrence would be redundant, time-consuming and wasteful of resources. DOE noted that its extensive public comment process on the guidelines has already aired the issues which the Commission will consider in determining whether to concur in those guidelines. And Duke noted that DOE has provided all those public comments to the Commission. Accordingly, these commenters concluded that Petitioners' proposed procedures were neither necessary nor desirable because they were redundant.³

Ten commenters supported the proposed rule: the Yakima Indian Nation; the State of Mississippi Department of Energy and Transportation; the Natural Resources Defense Council ("NRDC"); Hector & Associates representing Serious Texans Against Nuclear Dumping and People Opposed to Waste Energy Repository ("STAND/POWER"); POWER; the Southwest Research and Information Center ("SRIC"); the Nebraska Energy Office; Citizen Alert; the State of Wisconsin Department of Justice; and the Texas House-Senate Joint Study Committee on Hazardous Waste Disposal. Several of these commenters contended that concurrence is rulemaking.⁴ They also stated that the proposed procedures would provide a better procedural framework than a public hearing for informing the Commission of the public's concerns.⁵

² DOE also stated that NRC concurrence is required by the end of 1983 if DOE is to meet the statutory deadline of January 1, 1985 for recommending three sites to the President for characterization. While the Commission recognizes DOE's legitimate desires to conform to time schedules in the NWA, DOE's position is not properly included in the bases for the Commission's decision. The Commission's decision here cannot be based on the assumption that it will concur in DOE's guidelines by any particular time.

³ The State of Wisconsin Department of Justice took the position that unlike the petition by the Yakima Indian Nation, adoption of the procedures proposed by this petition does not depend on the conclusion that the Commission's concurrence is rulemaking. Rather, Wisconsin stated that this petition is premised on the State's belief that formalized procedures are necessary to ensure public participation in the NRC's concurrence process. As discussed in this decision, such formalized procedures are not legally necessary, are not required in light of the Commission's previous decision to permit public participation in the concurrence process, and are not desirable because they would unnecessarily delay the concurrence process.

⁴ SRIC and STAND/POWER also suggested that the Commission distribute directly to interested members of the public any NRC staff analysis of DOE's guidelines, and Citizen Alert suggested that the NRC hold public hearings in DOE target States. As discussed above at note 2, the Commission's decision does not depend on fine-tuned procedural proposals. Rather, the Commission has found

⁵ The Commission also received 3 mailgrams from private citizens in Mississippi who stated their support for the petition submitted by the Department of Energy and Transportation of the State of Mississippi. As noted above, the Commission is denying that petition as well because it requested procedures beyond those that the Commission has already determined are unnecessary and contrary to the public interest.

This is especially so because they believe that DOE has made numerous material changes to the proposed guidelines since the last opportunity for public comment to DOE. NRDC believes that DOE's most recent changes to the guidelines warrant an opportunity to provide written comments to the Commission. Some commenters believe that the proposed procedures would promote NRC's distinctive concurrence role under the NWPA, and would guarantee public participation in that concurrence. STAND/POWER, SIRC, and the State of Wisconsin Department of Justice urged that the establishment of these procedures now would provide a consistent procedure for the Commission's consideration of modifications to the guidelines. These commenters believe that such modifications will be necessary after EPA promulgates final repository standards under Section 112(a) of the NWPA and before the guidelines can be applied to the second repository.

Commission Decision

For the following reasons, the Commission denies the Petitioners' request for rulemaking.

1. NRC's Role Under NWPA

There is no doubt that Congress' upgrading the NRC's role from consultation to concurring in the guidelines indicates a congressional intent to create a special role for the NRC in the promulgation of DOE's siting guidelines. However, Petitioners have failed to identify any basis for their belief that their proposed rule will promote that congressional intent. If Congress had wanted the concurrence process to be a public rulemaking, it could have easily so required.⁶ Rather, Congress gave DOE 180 days to develop siting guidelines and to obtain the NRC's concurrence in them. This schedule expresses a clear congressional intent that the guidelines were to be completed expeditiously. Since concurrence is only the final stage of the lengthier process of developing the guidelines, Congress could not have intended the NRC's concurrence process to be a lengthy public proceeding.

⁶ Contrary to the public interest any elaborate procedures that would unduly delay its decision on whether to concur in DOE's guidelines. Moreover, the Commission has recently requested prospective participants in the public meeting on the guidelines to identify their representatives. 48 FR 50432 (November 1, 1983). Any persons who will not be able to attend that meeting will still have an opportunity to express their views by submitting them to those representatives.

⁷ See, for example, Section 404 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7174.

The Petitioners also appear to believe that their request for formal procedures is supported by the special role of potential host States under the NWPA. That Act does give potential host States special consideration in specific steps of the repository development process. But nothing in the NWPA suggests that these States have a special role in the NRC concurrence process that would mandate the use of formal procedures.

Petitioners further suggest that their proposed procedures will help to ensure that the guidelines reflect NRC policies and are consistent with NRC rules. The Commission believes that the primary purpose of public comments is to help the NRC formulate its policy rather than to determine consistency of the guidelines with NRC regulations. However, as discussed below, at the public meeting the Commission will also entertain comments on the consistency of DOE's siting guidelines with the NRC's requirements in 10 CFR Part 60. Because both of these purposes can be accommodated at the public meeting, there is no need for the lengthier, more formal concurrence procedures proposed in the petition.

For these reasons, the Commission finds that nothing in NWPA supports Petitioners' proposal.

2. NRC Concurrence As Rulemaking

The NRC has already considered and rejected this proposition in its response to the petition by the Yakima Indian Nation. 48 FR 39536 (August 31, 1983). Neither the Petitioners nor any commenter has provided any additional support for this proposition. Accordingly, the Commission finds no basis for reconsidering its previous decision rejecting this proposition as unfounded.

3. Familiarity and Usefulness of the Procedures

Petitioners' contention that the proposed procedures are familiar does not support the adoption of those procedures in the absence of a showing of necessity or utility.⁷ These procedures are not the only means for public participation in the concurrence process; other less time-consuming and less complex procedures, such as the established public meeting, provide

⁷ Petitioners' proposal is also undesirable because it would interfere with the staff's role as advisor to the Commission by requesting third-party comment on its decisions. But the staff has the principal expertise to evaluate DOE's proposals and the Commission intends to use the staff's evaluation as a basis for its decision. Thus, the Commission believes that the staff should remain an integral part of the agency decisionmaking team and should participate directly in advising the Commission on whether to concur.

adequate opportunity for public participation. As for utility, Petitioners' argument is that these procedures could be applied to any proposed amendments to the siting guidelines. The Commission believes it would be premature to establish procedures now for NRC concurrence in any amendments to the guidelines. Before doing so, the Commission would want to evaluate the effectiveness of the procedures used in determining whether to concur in the guidelines. If and when DOE proposes amendments to the guidelines, the Commission will then determine what procedures may be appropriate for its concurrence process.

Finally, the Commission believes that the forthcoming public meeting on the proposed guidelines and written comment period on the Commission's proposed concurrence decision will provide an adequate forum for public participation in the Commission's concurrence process. Neither the Petitioners nor the commenters have provided any basis for reaching a contrary conclusion. Even if, as some commenters claim, DOE has materially changed the guidelines since last soliciting public comment, the participants in the Commission's meeting will have time to study DOE's final proposed guidelines before meeting with the Commission. In addition, the NRC, in a companion Federal Register notice published elsewhere in today's Federal Register, setting the schedule for the public meeting with the Commission, has identified the issues that the NRC staff believes are important to the Commission's decision. For the most part, these issues are familiar to the participants in DOE's rulemaking proceeding because the NRC has raised them before in its comments. Of course, participants may also raise any other issues they believe that the Commission should consider. Moreover, the Commission has agreed to issue for public comment its proposed decision regarding concurrence in the DOE guidelines. Thus, the public will have ample opportunity to bring to the Commission's attention any perceived problems with DOE's final version of the guidelines and to address the issues uniquely of concern to the Commission in its concurrence role.

Denial

After carefully considering the petition and comments on it, the Commission, for reasons stated above, hereby denies the petition for rulemaking in Docket No. PRM 60-1. The Commission believes that it can best implement Congress' intent for the

expeditious promulgation of siting guidelines and provide for public participation by providing the informal public meeting announced in response to the Yakima Petition.

A copy of the petition for rulemaking and copies of the letters of comment and of the Commission's letter of denial are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Although Commissioner Asselstine agrees with the denial of the petition, he would have preferred a somewhat different approach for obtaining public comments than that adopted by the Commission. Commissioner Asselstine would have required the NRC staff to prepare and make available for public comment the staff's evaluation of the DOE guidelines and its recommendation on the Commission's concurrence decision before the Commission's public meeting. He believes that this approach would have provided a more focused basis for comments by the participants in the public meeting and would have provided a more meaningful opportunity for public participation in the NRC concurrence process.

Commissioner Gilinsky concurs in the result and agrees with Commissioner Asselstine's comment.

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

U.S. Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-32255 Filed 12-14-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 928

Petition by Friends of the Earth and Others To Further Implement Section 312(b) of the Coastal Zone Management Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Denial of petition for rulemaking.

SUMMARY: The National Ocean Service of the National Oceanic and Atmospheric Administration has denied the petition for rulemaking submitted by the Friends of the Earth and six other groups requesting issuance of regulations to further implement Section 312(b) of the Coastal Zone Management Act, as amended. The petitioners

contended that NOAA regulations at 15 CFR 928.4 implementing Section 312(b) are inadequate.

FOR FURTHER INFORMATION CONTACT: Mary O'Connell, Policy Coordination Division, Office of Ocean and Coastal Resource Management, 3300 Whitehaven Street NW., Washington, D.C. 20235 (202) 634-4249.

SUPPLEMENTARY INFORMATION:

I. Authority

The petition for rulemaking was considered in accordance with the procedures in the NOAA Directives Manual at Chapters 21-24, Section 14, and Section 4(d) of the Administrative Procedure Act (5 U.S.C. 553(e)).

II. Issue

Section 312(b) of the Coastal Zone Management Act, as amended, states that:

For the purpose of making the evaluation of a coastal state's performance, the Secretary shall conduct public meetings and provide opportunity for oral and written comments by the public. Each such evaluation shall be prepared in report form and the Secretary shall make copies thereof available to the public.

NOAA regulations at 15 CFR 928.4(b) require that:

(1) The Assistant Administrator will publish a Notice of Intent to Evaluate in the *Federal Register* at least 45 days before the public meeting(s). The notice will include a statement of the availability of the State's performance report and the supplemental information request.

(2) Each State will issue a notice of the public meeting(s) on its evaluation in the newspaper(s) of largest circulation in the coastal area where the meeting(s) is being held or take other reasonable action to inform the interested public, such as sending a notice of the meeting(s) to persons on its mailing list and publishing a notice in its newsletter, at least 15 days before the date of the public meeting(s). The State will inform the public that oral or written comments will be accepted and that attendance at the public meeting(s) is not necessary for submission of written comments.

(3) Notice of the availability of final findings to the public upon request will be published in the *Federal Register*.

The petition proposed additional rulemaking as follows:

15 CFR 928.4 should be amended by revising subpart (b)(3) as follows:

(3) The Assistant Administrator shall assess and consider all oral and written comments both individually and collectively, and shall respond to

written comments by one or more of the means listed below stating its response in the final evaluation findings:

(i) Reduce financial assistance for failure to make significant improvement.

(ii) Withdrawal of program approval and financial assistance.

(iii) Supplement, improve or modify its findings.

(iv) Explain why the comments do not warrant further agency response, citing the sources, authorities, or responses which support the Assistant Administrator's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

15 CFR 928.4 should be amended by adding new subpart (b)(4) as follows:

(4) All substantive written comments received on the evaluation (or summaries thereof where the response has been exceptionally voluminous) should be attached to the final evaluation findings whether or not the comment is thought to merit individual discussion by the agency in the final evaluation findings.

15 CFR 928.4 should be amended by amending and renumbering existing subpart (b)(3) as (b)(5) as follows:

(5) Notice of the availability of final findings to the public upon request will be published in the *Federal Register* and a copy will be sent to those submitting written comments during the evaluation.

III. Summary of Significant Comments on the Notice of Petition for Rulemaking and NOAA's Responses

A notice of petition for rulemaking was published on pages 41180 and 41181 of the *Federal Register* of September 14, 1983, and invited comments for 30 days ending October 14, 1983. Comments were received from 19 sources including 3 Members of Congress (all from the State of Washington); 5 coastal states (Connecticut, Maryland, Michigan, Mississippi and Washington); 8 interest groups (Coastal States Organization, Friends of the Earth, League of Women Voters—2 responses, Oregon Shores Conservation Coalition—2 responses, Atlantic Richfield Co., and Middle South Services, Inc.); and 3 private citizens (1 from Kansas and the other 2 from the State of Washington). All comments received are on file at the Office of Ocean and Coastal Resource Management and are available at that office for review upon request.

Comments received in support of the petition centered around four themes:

(1) Lack of notice of the public meeting.

Response: The law states that " . . . The Secretary shall conduct public

meetings and provide opportunity for oral and written comments to the public." NOAA believes that its existing regulations provide adequate notice of public meetings and the opportunity for public comment. A notice of intent to evaluate is published in the *Federal Register* at least 45 days prior to the public meeting and either a notice is published in a state's newspaper of largest circulation in the coastal area where the meeting is scheduled to be held or other reasonable action is taken to inform the interested public, such as sending a notice of the meeting(s) to persons on its mailing list and publishing a notice in its newsletter at least 15 days before the date of the public meeting. Interested parties are free to make direct inquiry to the Office of Ocean and Coastal Resource Management of the state coastal management program as to public meeting dates.

(2) No serious consideration is given to public comments.

Response: NOAA considers all comments received at the public meetings in the preparation of evaluation findings; however, it has been our policy not to mention names or attribute a suggestion to any individual or group. NOAA views the purpose of the public meetings as an opportunity to discuss the state's coastal management accomplishments, issues, and future endeavors. NOAA's role at the public meeting is not to defend the state's actions nor to provide a direct reaction to each individual's testimony. As a matter of course, each comment is reviewed as part of the evaluation process. Public comments are considered in conjunction with all the other relevant information on a state's program's performance. Substantive comments have been used in the development of findings and recommendations.

(3) Automatic distribution of draft and final findings to those who have submitted written comments.

Response: NOAA's regulations provide that a notice of the availability of final findings to public upon request is published in the *Federal Register*. Individuals are free to contact the Office of Ocean and Coastal Resource Management or the states for copies of the final findings. A copy of the draft findings will be provided upon request after the state has received its copy.

(4) Evaluation process should be similar to the NEPA process.

Response: Neither the statute nor the legislative history of the Coastal Zone Management Act indicate that the evaluation process was intended to be similar to the NEPA process.

Evaluations serve a different purpose than the preparation of NEPA documents; they are a program review, not a clarification of environmental effects of "major Federal actions." In light of the significant differences between NEPA and NOAA's state program review, there is no justification for the increased paperwork, the delay in issuing final findings, and the increased administrative burden on the States that would result from patterning the evaluation process on the NEPA process.

Commentors opposed to the petition cited delay in the issuance of the findings; the addition of administrative and printing costs; and a burdensome procedure with little additional benefits as their reasons for opposition.

IV. Denial of Petition.

NOAA has denied the petition. NOAA believes that its rules are sufficient to provide the opportunity for open public participation in the evaluation process and fulfill the intentions of the statute. The requested rulemaking would increase paperwork, increase costs and delay the issuance of final findings. With the exception of one commentor (from Kansas), all other commentors supporting the petition were from the states of Washington and Oregon. Therefore, the concerns of the petitioners appear to be regional in nature. NOAA does not believe that it is appropriate to resolve regional concerns on a national basis.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: December 9, 1983.

William Matuszeki,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 83-33317 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 83N-0367]

Cottage Cheese and Dry Curd Cottage Cheese; Advance Notice of Proposed Rulemaking on the Possible Amendment of the U.S. Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the "Recommended International Individual Standard for Cottage Cheese, Including Creamed Cottage Cheese" (Codex standard No. C-16) and to comment on the desirability of and need for amending the U.S. standards of identity for cottage cheese and dry curd cottage cheese to affect consistency with the Codex standard. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. If the comments received do not support the need to amend the U.S. standards of identity for these foods, FDA will not propose their amendment.

DATE: Comments by February 13, 1984.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-82, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrah, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. Codex standards for milk and milk products, including the standard for cottage cheese, are developed by the FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. Under the FAO/WHO program, a large number of food standards have been developed and submitted to governments for acceptance.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date

constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to indicate the ways in which the requirements of the nonaccepting country differ from the recommended international standard. Member nations of the FAO/WHO Codex Alimentarius Commission are requested to notify the Technical Secretary, Committee on the Code of Principles Concerning Milk and Milk Products, Animal Production and Health Division, FAO, Rome, Italy, of their decision. Should a sufficient number of governments accept the standard, the Secretariat of the Committee will notify the Codex Alimentarius Commission and request the publication of the standard by the Codex Alimentarius Commission as a worldwide standard in light of acceptances received.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a U.S. standard under authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard to incorporate the provisions within the U.S. standard. At present the United States has standards of identity for cottage cheese and dry curd cottage cheese in §§ 133.128 and 133.129 (21 CFR 133.128 and 133.129), which differ in some respects from the Codex standard.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment on (1) the desirability of amending the U.S. standards of identity for cottage cheese and dry curd cottage cheese, (2) the specific provisions of the Codex standard, (3) additional or different requirements that should be in the U.S. standards of identity, and (4) any other pertinent points.

FDA advises that if comments received do not support the need to amend the U.S. standards of identity, no amendment will be proposed. If this decision is reached, the Technical Secretary for the Committee on the Code of Principles Concerning Milk and Milk Products will be informed of the differences between the Codex and U.S. requirements and that imported foods may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations which include the U.S.

standards of identity for cottage cheese and dry curd cheese in 21 CFR 133.128 and 133.129, respectively.

Because of the large number of countries, often with diverse food regulations, which are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations.

The Codex standard specifies sampling methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA's policy to employ the methods in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any amendments to the U.S. standards of identity proposed pursuant to this notice.

For the benefit of interested persons who may wish to submit comments relative to this notice FDA points out that the following major differences exist between the Codex standard for cottage cheese, including creamed cottage cheese and the U.S. standards for cottage cheese and dry curd cottage cheese:

(1) The Codex standard, in section 1, provides for two foods—cottage cheese and creamed cottage cheese—which are essentially the same as dry curd cottage cheese in § 133.128 and cottage cheese in § 133.129, respectively.

(2) The Codex standard does not establish a maximum or minimum fat content for cottage cheese (the "uncreamed curd") while the U.S. standard for dry curd cottage cheese in paragraph (a) establishes a maximum fat content of not more than 0.5 percent.

(3) The Codex standard, in section 3, specifies the optional ingredients which may be used in the manufacture of cottage cheese and in the creaming mixture for creamed cottage cheese. It also specifies the maximum levels for certain functional ingredients. The U.S. standard for cottage cheese in paragraph (b) of § 133.128 provides for the use of safe and suitable ingredients in the creaming mixture, including but not limited to, milk and substances derived from milk. It further provides that any ingredients used that are not derived from milk shall serve a useful function other than building the total solids content of the finished food, and shall be used in a quantity not greater than reasonably required to accomplish their intended effect.

(4) The U.S. standard for dry curd cottage cheese in paragraph (b)(1) (ii) and (iii) of § 133.129 provides for an

alternative "directly set" method for curd formation through the use of certain food grade acids, with or without the addition of D-Glucono-delta-lactone, that is not provided for in the Codex standard.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 133

Cheese; Food standards.

The Codex standard under consideration is as follows:

Recommended International individual Standard for Cottage Cheese, Including Creamed Cottage Cheese (Codex Standard No. C-16)

1. Designation of cheese

Cottage Cheese, or in the case of a cheese conforming to the additional requirements therefor, Creamed Cottage Cheese.

2. Depositing country

United States of America

3. Raw materials

3.1 Kind of milk: pasteurized skimmed cow's milk

3.2 Authorized additions

- cultures of harmless lactic acid and aroma producing bacteria (starter)
- rennet or other suitable coagulating agents
- sodium chloride
- calcium chloride, max. 0.02% by weight of the milk use¹
- water

3.3 Creaming mixture for creamed cottage cheese which must be pasteurized and may contain:

3.3.1 Dairy ingredients

- cream
- skimmed milk
- condensed milk*
- nonfat dry milk*
- dry milk protein*

3.3.2 Other permitted additions

- cultures of harmless lactic acid and aroma producing bacteria (starter)
- rennet or other suitable coagulating enzymes
- sodium chloride
- lactic acid*
- citric acid*
- phosphoric acid*
- sodium caseinate*
- ammonium caseinate*
- calcium caseinate*
- potassium caseinate*

—stabilizing ingredients as follows: **

- carob bean gum¹
 - guar gum¹
 - gum karaya¹
 - gum tragacanth¹
 - calcium sulphate⁴
 - carrageenan or its salts⁴
 - furfural or its salts⁴
 - gelatin
 - lecithin¹
 - alginic acid or its salts¹
 - propylene glycol ester of alginic acid (alginate derivative)⁴
 - cellulose gum (CAC)⁴
- carrier for stabiliser as follows: **
- sugar
 - dextrose
 - corn syrup solids
 - dextrine
 - glycerine⁴
 - 1,2 propylene glycol⁴

¹ Endorsed by the Codex committee on Food Additives (CCFA).

⁴ To be considered by the CCFA.

* Weight of solids of those ingredient added singly or in any combination, not to exceed 3% by weight of the creaming mixture.

** The solids added by the stabilizing ingredients, possibly including the carrier, shall not exceed 0.5 % by weight of the creaming mixture.

4. Principal characteristics of the cheese ready for consumption

4.1 Type: a soft unripened, acid-coagulated curd having discrete curd particles of relatively uniform size and in the case of creamed cottage cheese covered with a creaming mixture.

4.2 Shape (size of curd): individual granules, comparatively uniform, from approximately 3-12mm. depending on whether small or large type curd is desired.

4.3 Dimensions and weights: sold in containers of varying capacity.

4.4 Rind: none

4.5 Body

4.5.1 Texture: Soft granules or, in the case of creamed cottage cheese, soft.

4.5.2 Colour: natural white without add colour or, in the case of creamed cottage cheese, natural white to light cream without added colour.

4.6 Holes: none

4.7 Minimum fat content of the product:

(a) cottage cheese: none

(b) creamed cottage cheese: 4%

4.8 Maximum moisture content: 80%

4.9 Other principal characteristics: the flavour is bland to mild, typical of a milk product cultured with lactic acid and aroma producing bacteria; the cheese is sold as fresh uncured cheese

5. Method of manufacture

5.1 Method of coagulation: the coagulation is produced by the action of

lactic acid bacteria with or without the addition of a small amount of a coagulating enzyme

5.2 Other principal characteristics

5.2.1 Curd is cut into cubes approximately 7-15mm. depending on whether small or large type of curd is desired

5.2.2 During cooking, the curd is stirred slowly and gently to avoid damage to the cubes and to produce the desired body and texture

5.2.3 After cooking the curd is washed with water to remove excess acid. The curd is then drained

5.2.4 Salt may be added to the finished curd or, in the case of creamed cottage cheese, to the creaming mixture

5.2.5 In the case of creamed cottage cheese, sufficient creaming mixture is added and mixed with the curd particles to meet the minimum fat requirements and not exceed the maximum moisture content of the finished product

6. Sampling and analysis

6.1 Sampling: sample bulk containers (minimum 2 kg.) by stirring entire contents thoroughly so that all portions of the cheese are reached and uniformly mixed. Remove portions with a spoon to fill a container approximately 500 grams; close tightly, place under refrigeration immediately. For consumer size packages one or more units of one litre or less may be used to obtain a 500 grams sample

7. Marking and labelling

Only cheese conforming with this standard may be designated "Cottage Cheese" or "Creamed Cottage Cheese" as appropriate. It shall be labelled and conformity with the appropriate sections of Article 4 of FAO/WHO Standard A.6, "General Standard for Cheese"

The label may include a statement as to the desirability of keeping the product under refrigeration

For the convenience of the reader, FDA is also including the texts of the existing standards of identity for cottage cheese and dry curd cottage cheese which are as follows:

§ 133.128 Cottage cheese.

(a) Cottage cheese is the soft uncured cheese prepared by mixing cottage cheese dry curd with a creaming mixture as provided in paragraph (b) of this section. The milkfat content is not less than 4 percent by weight of the finished food, within limits of good manufacturing practice. The finished food contains not more than 80 percent of moisture, as determined by the method prescribed in § 133.129(a).

(b) The creaming mixture is prepared from safe and suitable ingredients including, but not limited to, milk or substances derived from milk. Any

ingredients used that are not derived from milk shall serve a useful function other than building the total solids content of the finished food, and shall be used in a quantity not greater than is reasonably required to accomplish their intended effect. The creaming mixture shall be pasteurized; however, heat labile ingredients, such as bacterial starters, may be added following pasteurization.

(c) The name of the food consists of the following two phrases which shall appear together:

(1) The words "cottage cheese" which shall appear in type of the same size and style.

(2) The statement "not less than — percent milkfat" or "— percent milkfat minimum", the blank being filled in with the whole number that is closest to, but does not exceed, the actual fat content of the product. This statement of fat content shall appear in letters not less than one-half of the height of the letters in the phrase specified in paragraph (c)(1) of this section, but in no case less than one-eighth of an inch in height.

(d) When the optional process described in § 133.129(b)(1) (ii) or (iii) is used to make the cottage cheese dry curd used in cottage cheese, the label shall bear the statement "Directly set" or "Curd set by direct acidification". Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

(e) The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that:

(1) Concentrated milk, dried milk, and reconstituted milk prepared by addition of water to concentrated milk or dried milk may be declared as "milk".

(2) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(3) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk".

(4) Milk-clotting enzymes may be declared by the word "enzymes".

§ 133.129 Dry curd cottage cheese.

(a) Cottage cheese dry curd is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of

this section. The finished food contains less than 0.5 percent milkfat. It contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official," on page 272 of "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. (1970), which is incorporated by reference. Copies are available from the Division of Food Technology, Bureau of Food (HFF-210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b)(1) One or more of the dairy ingredients specified in paragraph (b)(2) of this section is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; thereafter one of the following methods is employed:

(i) Harmless lactic-acid-producing bacteria, with or without rennet and/or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt; or

(ii) Food grade phosphoric acid, lactic acid, citric acid, or hydrochloric acid, with or without rennet and/or other safe and suitable milk-clotting enzyme that produces equivalent curd formation, is added in such amount as to reach a pH of between 4.5 and 4.7; coagulation to a firm curd is achieved while heating to a maximum of 120° F without agitation during a continuous process. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd is washed with water, stirred, and further drained. It may be pressed, chilled, worked, seasoned with salt.

(iii) Food grade acids as provided in paragraph (b)(1)(ii) of this section. D-Glucono-delta-lactone with or without rennet, and/or other safe and suitable milk clotting enzyme that produces equivalent curd formation, are added in such amounts as to reach a final pH value in the range of 4.5–4.8, and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd is then washed with water, and further drained. It may be pressed, chilled, worked, and seasoned with salt.

(2) The dairy ingredients referred to in paragraph (b)(1) of this section are sweet skim milk, concentrated skim

milk, and nonfat dry milk. If concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) The name of the food consists of the following two phrases which shall appear together:

(1) The words "cottage cheese dry curd" or alternatively "dry curd cottage cheese" which shall all appear in type of the same size and style.

(2) The words "less than ½% milkfat" which shall all appear in letters not less than one-half of the height of the letters in the phrase specified in paragraph (c)(1) of this section, but in no case less than one-eighth of an inch in height.

(d) When either of the optional processes described in paragraph (b)(1)(ii) or (iii) of this section is used to make cottage cheese dry curd, the label shall bear the statement "Directly set" or "Curd set by direct acidification". Wherever the name of the food appears on the label so conspicuously as to be seen under customary conditions of purchase, the statement specified in this paragraph, showing the optional process used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

(e) The common or usual name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that:

(1) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(2) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured skim milk".

(3) Milk-clotting enzymes may be declared by the word "enzymes."

Interested persons may, on or before February 13, 1984, submit to the Dockets Management Branch (address above) written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be

seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any comments submitted in support of amending the U.S. standard of identity for cottage cheese and dry curd cottage cheese should be supported by appropriate information and data regarding impact on small businesses consistent with the provisions of the Regulatory Flexibility Act (Pub. L. 96-354). (Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.)

Dated: December 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-33300 Filed 12-14-83; 8:45 am]

BILLING CODE 4150-01-M

21 CFR Part 133

[Docket No. 83N-0365]

Cream Cheese; Advance Notice of Proposed Rulemaking on the Possible Amendment of a U.S. Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the "Recommended International Individual Standard for Cream Cheese" (Codex standard No. C-31) and to comment on the desirability of and need for amending the U.S. standard of identity for cream cheese to achieve consistency with the Codex standard. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. If the comments received do not support the need for an amendment to the U.S. standard of identity for the food, FDA will not propose an amendment.

DATE: Comments by February 13, 1984.

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

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-1155.

SUPPLEMENTARY INFORMATION:

The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. Codex standards for milk and milk products, including the standard for cream cheese, are developed by the FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. Under the FAO/WHO program, a large number of food standards have been developed and submitted to governments for acceptance.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to indicate the ways in which the requirements of the nonaccepting country differ from the recommended international standard. Member nations of the FAO/WHO Codex Alimentarius Commission are requested to notify the Technical Secretary, Committee on the Code of Principles Concerning Milk and Milk Products, Animal Production and Health Division, FAO, Rome, Italy, of their decision. Should a sufficient number of governments accept the standard, the Secretariat of the Committee will notify the Codex Alimentarius Commission and request the publication of the standard by the Codex Alimentarius Commission as a worldwide standard in light of acceptances received.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to

establish a U.S. standard under authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard to incorporate the provisions within the U.S. standard. At present the United States has a standard of identity for cream cheese in § 133.133 (21 CFR 133.133) which differs in some respects from the Codex standard.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment on: (1) The desirability of and need for amending the U.S. standard of identity for cream cheese, (2) the specific provisions of the Codex standard, (3) additional or different requirements that should be in the U.S. standard of identity, and (4) any other pertinent points.

FDA advises that if comments received do not support the need to amend the U.S. standard of identity for cream cheese, no amendment will be proposed. If this decision is reached, the Technical Secretary for the Committee on the Code of Principles Concerning Milk and Milk Products will be informed of the differences between the Codex and U.S. requirements and that imported foods may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations which include the U.S. standard of identity for cream cheese in § 133.133.

Because of the large number of countries, often with diverse food regulations, which are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, certain basic labeling requirements such as declaration of the net quantity of contents, name of manufacturer and country of origin, and other factors. These factors are not considered a part of U.S. food standards under section 401 of the act; rather, they are dealt with under the authority of other sections of the act.

The Codex standard for cream cheese specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, it is FDA's policy to employ the methods in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any amendments to the U.S. standard of identity proposed pursuant to this notice.

For the benefit of interested persons who may wish to submit comments relative to this notice, FDA points out that the following major differences exist between the Codex standard for cream cheese and the U.S. standard of identity for cream cheese:

(1) The Codex standard in 3.1 limits the dairy ingredients used in cream cheese to milk and cream while the U.S. standard in § 133.133(b)(3) permits the use of cream, plastic cream, milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk, as well as water to reconstitute the concentrated or dried dairy ingredients. Further, in § 133.133(b)(1), the U.S. standard provides for the use of cheese whey, concentrated cheese whey, dried cheese whey, or reconstituted cheese whey to adjust the moisture content of the cream cheese.

(2) The Codex standard in 3.2.1 permits the use of harmless lactic-acid and aroma-producing bacteria. The U.S. standard in § 133.133(b)(1) provides for harmless lactic-acid-producing bacteria but does not specifically provide for the use of aroma-producing bacteria.

(3) The Codex standard in 3.2.1 requires the use of salt while its use is optional in the U.S. standard.

(4) The Codex standard in 3.2.2.3 provides for the addition of pectin, and ammonium, calcium, and potassium alginates. The U.S. standard does not provide for these ingredients.

(5) The Codex standard in section 4.7 provides for three cream cheese products, one of which has requirements for fat content and moisture content that are consistent with those in the U.S. standard. The other two cream cheeses have lower fat and higher moisture contents and each must be labeled with the percent of fat as part of the name of the food.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 133

Cheese, Food standards.

Recommended International Individual Standard for Cream Cheese (Codex Standard No. C-31)**1. Designation of Cheese**

Cream Cheese, Rahmfrischkäse or any other translations

2. Depositing Countries

United States of America
Denmark
Federal Republic of Germany
Australia
Canada

3. Raw Materials

3.1 Kind of milk: pasteurized cow's milk and cream

3.2 Authorized additions:

3.2.1 Necessary additions:

Starter—harmless lactic acid and aroma producing bacteria Sodium chloride

3.2.2 Optional additions

3.2.2.1 Rennet or other suitable coagulating enzymes

3.2.2.2 Vegetable gums:

Karaya gum**

Tragacanth gum**

Locust (Carob) bean gum**

Guar gum

Xanthan gum**

Carrageenan

3.2.2.3 Other thickening agents:

Gelatin

Pectin

Algin (ammonium, calcium, potassium and sodium alginates)

Propylene glycol alginate

Total weight of optional additions listed above shall not exceed 5 g/kg of the weight of the finished cheese.

When one or more of optional additions listed above are used, dioctyl sodium sulfosuccinate may be used. The quantity shall not exceed 0.5 percent of such additions.

4. Principal Characteristics of the Cheese Ready for Consumption

4.1 Type: Uncured cheese

4.1.1 Consistency: soft, spreadable

4.1.2 Description: The cheese is a soft unripened cheese possessing a mild creamy or acid flavour and aroma typical of milk product cultured with lactic and aroma producing bacteria. It spreads and mixes readily with other foods.

4.2 Shape: Various—no limitations as to shape or type of package

4.3 Dimensions and weights: various

4.4 Rind:

none

soft

4.5 Body:

4.5.1 Texture: smooth to slightly flaky

4.5.2 Colour: white to light cream

4.6 Holes: none

4.7 Minimum fat and maximum moisture content:

	A Cream cheese	B Cream cheese 28%	C Cream cheese 24%
Min. fat content (percent)	33	28	24
Minimum milkfat content in dry matter	70	60	60
Max. moisture content (percent)	55	58	62
Min. dry matter content	45	42	38

5. Method of Manufacture

5.1 Method of coagulation: Lactic acid coagulation with or without the aid of coagulating enzymes.

5.2 Heat treatment of the milk: Coagulated mass may be warmed prior to removal of whey. Curd may be subsequently heated prior to packaging.

5.3 Fermentation procedure: The only fermentation desired in this product is the lactic acid fermentation used in coagulation and the flavour development by the associated aroma producing bacteria.

6. Sampling and Analysis

6.1 Sampling: According to FAO/WHO Standard B.1, "Sampling Methods for Milk and Milk Products," paragraph 7, "Sampling of Cheese."

6.2 Determination of fat content: According to FAO/WHO Standard B.3, "Determination of the Fat Content of Cheese and Processed Cheese Products."

7. Marking and Labelling

Only uncured cheese conforming with this Standard may be designated "Cream Cheese", "Rahmfrischkäse", "Fromage frais à la crème." The labelling of cream cheese shall comply with Article 4 of FAO/WHO Standard A.6 "General Standard for Cheese."

When an optional addition listed under 3.2.2.2 and 3.2.2.3 is present the label shall bear the statement "— added" or "with added —," the blank being filled in with the word or words "vegetable gum" or the appropriate name or any combination of two or more of these as the case may be.

The cheese mentioned under B and C in 4.7 may be designated "Cream Cheese," "Rahmfrischkäse," "Fromage frais à la crème" provided that the designation is accompanied by a prefix or suffix corresponding to the fat percentage, e.g. 28 percent Cream Cheese.

For the convenience of the reader, FDA is also including the text of the existing U.S. standard of identity for cream cheese which is as follows:

§ 133.133 Cream cheese.

(a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milkfat and not more than 55 percent of moisture, as

determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed. (1940), which is incorporated by reference. (These methods appear on the 10th Ed. (1965), p. 248, section 15.164; p. 247, section 15.157, respectively.) Copies of the material incorporated by reference are available from the Division of Food Technology, Bureau of Foods (HFF-210), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(b)(1) One or a mixture of two or more of the dairy ingredients specified in paragraph (b)(3) of this section is pasteurized and may be homogenized. To such ingredient or mixture harmless lactic-acid-producing bacteria, with or without rennet, or other safe and suitable milk-clotting enzyme that produces equivalent curd information, or both, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The moisture content may be adjusted with cheese whey, concentrated cheese whey, dried cheese whey, or reconstituted cheese whey prepared by addition of water to concentrated whey or dried cheese whey. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without addition of one or more of the dairy ingredients specified in paragraph (b)(3) of this section, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2)(i) In the preparation of cream cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum may be used; but the quantity of any such ingredient or mixture is such that the total weight of solids contained therein is not more than 0.5 percent by weight of the finished cream cheese.

(ii) When one or more of the optional ingredients in paragraph (b)(2)(i) of this section are used, dioctyl sodium sulfosuccinate complying with the requirements of § 172.810 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredients.

(3) The dairy ingredients referred to in paragraph (b)(1) of this section are cream, plastic cream, milk, skim milk,

** Subject to endorsement.

concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milkfat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When used in the food, salt, bacterial culture, and enzymes as provided for in paragraph (b)(1) of this section and each of the ingredients listed in paragraph (b) (2) and (3) of this section shall be declared by common name on the label as required by the applicable sections of Part 101 of this chapter except that:

(1) Any cream as defined in Part 131 of this chapter and plastic cream may be declared as "cream."

(2) Concentrated milk and reconstituted milk prepared by addition of water to concentrated milk may be declared as "milk."

(3) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk."

(4) Bacterial cultures may be declared as "cheese culture" or by the word "cultured" followed by the name of the substrate, e.g., "made from cultured cream."

(5) Milk clotting enzymes may be declared by the word "enzymes."

Interested persons may, on or before February 13, 1984, submit to the Dockets Management Branch (address above) written comments regarding this advance notice of proposed rulemaking. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any comments submitted in support of amending the U.S. standard of identity for cream cheese should be supported by appropriate information and data regarding impact on small businesses consistent with the provisions of the Regulatory Flexibility Act (Pub. L. 96-354). (Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C.

558, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.)

Dated: December 2, 1983.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 83-33362 Filed 12-14-83 8:45 am]

BILLING CODE 4160-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulation (GSAR)

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulation (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulation. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following parts of the proposed GSAR are available for review and comment:

- Part 509—Contractor Qualification
- Part 511—Acquisition and Distribution of Commercial Products
- Part 514—Formal Advertising
- Part 516—Types of Contracts
- Part 519—Small Business and Small Disadvantaged Business Concerns
- Part 523—Environment, Conservation, and Occupational Safety
- Part 524—Protection of Privacy and Freedom of Information
- Part 525—Foreign Acquisition
- Part 542—Contract Administration
- Part 549—Termination of Contracts

DATE: Comments are due not later than January 16, 1984.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office and GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th and F Streets, NW, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy (202) 523-4754.

SUPPLEMENTARY INFORMATION: Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.).

The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et. seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83-2.

List of Subjects in 48 CFR Chapter 5

General Services Administration Acquisition Regulation, Government procurement.

Dated December 5, 1983.

Richard H. Hopf, III,

Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 83-33339 Filed 12-14-83; 8:45 am]

BILLING CODE 5820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Receipt of Petition To Undertake Rulemaking

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of receipt of a petition to undertake rulemaking.

SUMMARY: On November 2, 1983, the National Marine Fisheries Service received a petition from the Sportfishing Association of California requesting a modification to the definition of "commercial fishing operation" as found at 50 Code of Federal Regulations Chapter 216.3. The Petitioner requests that "commercial passenger carrying fishing vessels" be included in the definition in order for them to secure certificates of inclusion under the regulations governing the incidental take of marine mammals in commercial fishing operations.

DATES: Comments on the Petition should be submitted on or before January 31, 1984.

ADDRESS: All comments should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. K. R. Hollingshead, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235 (Telephone (202) 634-7529).

SUPPLEMENTARY INFORMATION: Section 101 of the Marine Mammal Protection Act (MMPA) established a general moratorium on the taking and importation of marine mammals and marine mammal products. It also provides for certain exceptions to the moratorium. Section 101(a)(2) provides that:

Marine mammals may be taken incidentally in the course of commercial fishing operations and permits may be issued therefor under section 104 subject to regulations prescribed by the Secretary in accordance with section 103. In any event it shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of

commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate * * *

In promulgating regulations implementing the MMPA, the term "commercial fishing operation" was defined as:

The lawful harvesting of fish from the marine environment for profit and part of an on-going business enterprise. *Such term shall not include sport fishing activities whether or not carried out by charter boat or otherwise, and whether or not the fish so caught are subsequently sold.* (50 CFR 216.3) (Italics added).

That definition has remained unchanged since 1973.

On November 2, 1983, the Sportfishing Association of California petitioned the National Marine Fisheries Service as provided under 5 U.S.C. 553(e), requesting the above definition be modified to include their activities within a "commercial fishing operation."

The Sportfishing Association of California contends that the California sea lion (*Zalophus californianus*) population has increased from 20,000 animals 15 years ago to a population of over 80,000 animals today. They believe these sea lions are depredating the catch of their customers and impaling

themselves on the baited fishing hooks. This increased depredation, they contend, diminishes their catch and will eventually mean economic disaster for the fleet.

As "commercial passenger carrying fishing vessels," the members of the Sportfishing Association of California currently do not qualify as a commercial fishing operation under regulations governing the incidental take of marine mammals during commercial fishing operations (50 CFR 216.24) and therefore cannot secure certificates of inclusion which would allow them to protect their catch and gear from marine mammals. As a final point, the Sportfishing Association of California notes that their commercial passenger carrying fishing vessels currently qualify as a commercial fishing fleet under the NMFS' Fishing Vessel Obligation Guarantee and Capital Construction Fund programs.

Dated: December 8, 1983.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries
Resource Management, National Marine
Fisheries Service.

[FR Doc 83-33268 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 48, No. 242

Thursday, December 15, 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

Rural Electrification Administration

York County Rural Public Power District, Nebraska; Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Bulletin 20-21:320-21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to York County Rural Public Power District (York County RPPD) of York, Nebraska, and Polk County Rural Public Power District (Polk County RPPD) of Stromsburg, Nebraska. The proposed financing assistance is necessary for the construction of approximately 10.5 km (6.5 mi) of the total 26.5 km (16.5 mi) 69 kV transmission line in York and Polk Counties, Nebraska. For the remaining 16.0 km (10.0 mi) of the line, Polk County RPPD would build about 9.0 km (5.5 mi) and Nebraska Public Power District (NPPD) would build about 7.0 km (4.5 mi).

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) may be reviewed at or obtained from the office of the Director, Western Area-Electric, REA, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382-8848, or the office of York County RPPD (Mr. Hilary H. Neesen, Manager), York, Nebraska 68467, telephone: (402) 362-3355, during regular business hours.

SUPPLEMENTARY INFORMATION: REA has reviewed the Borrower's Environmental Report (BER) submitted by York County RPPD and has determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project would consist of approximately 26.5 km (16.5 mi) of 69 kV transmission line between the York Substation in York County and the Polk Substation in Polk County, Nebraska.

The BER and EA adequately consider potential impacts of the proposed project to resources including threatened and endangered species, important farmlands, cultural resources, floodplains, and wetlands.

Alternatives examined included no action, rebuilding the existing transmission system, energy conservation, alternative transmission routes, and underground construction. After reviewing these alternatives, REA determined that the proposed project is an acceptable alternative because it meets York County RPPD's and Polk County RPPD's needs with a minimum adverse impact.

Based upon the BER and other related data, REA prepared an EA and FONSI concerning the proposed construction. REA has independently evaluated the proposed project and has concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

In accordance with REA's Bulletin 20-21:320-21, dated January 21, 1980, York County RPPD advertised the availability of its BER in the local newspaper. No comments were received.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: December 9, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83-33361 Filed 12-14-83; 8:45 am]

BILLING CODE 3410-15-M

Plains Electric Generation & Transmission Cooperative, Inc.; Albuquerque, N. Mex., Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed Loan Guarantee.

SUMMARY: Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$127,000,000 to Plains Electric Generation & Transmission Cooperative, Inc. (Plains), Albuquerque, New Mexico. This loan guarantee will provide supplemental funds needed to complete the financing of Plains Escalante Generating Station Unit No. 1.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley K. Bazant, Executive Vice President and General Manager, Plains Electric Generation & Transmission Cooperative, Inc., P.O. Box 6551, Albuquerque, New Mexico 87197.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Bazant at the address given above.

In order to be considered, proposals must be submitted on or before January 16, 1984 to Mr. Bazant. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Plains and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: December 8, 1983.

Jack Van Mark,

Acting Administrator.

[FR Doc. 83-33360 Filed 12-14-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service**Little Arbor Vitae Lake Public Water-Based Fish and Wildlife Development RC&D Measure, Wisconsin; Environmental Impact**

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Arbor Vitae Lake Public Water-based Fish and Wildlife Development RC&D Measure, Vilas County, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Clifton A. Maguire, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wisconsin 53711, telephone 608-264-5351.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Clifton A. Maguire, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns preserving and enhancing water quality and developing water-based fish and wildlife. The planned work of improvement includes the replacement of the existing deteriorated crest dam with a new permanent water control structure.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy request at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Clifton A. Maguire.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of

Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted program and projects is applicable)

Clifton A. Maguire,
State Conservationist

Dated: December 6, 1983.
[FR Doc. 83-33469 Filed 12-14-83; 8:45 am]
BILLING CODE 3410-16-M

ARMS CONTROL AND DISARMAMENT AGENCY**Hubert H. Humphrey Fellowship Competition**

The U.S. Arms Control and Disarmament Agency will conduct a competition in 1984 for one year Hubert H. Humphrey Fellowships in arms control and disarmament. The fellowships will support unclassified doctoral dissertation research in the field. Law candidates for the Juris Doctor or any higher degree are also eligible, if they are writing a substantial paper in partial fulfillment of degree requirements. The fellowship stipends for Ph. D. candidates will be \$5,000, plus application tuition and fees up to a maximum of \$3,400. Stipends and tuition for law candidates will be prorated according to the credits given for the research paper. Fellows must be citizens or nationals of the U.S. and degree candidates at a U.S. university. The application deadline for the awards, which are for the period beginning September 1984, is March 1, 1984 and announcement of final selection will be on May 31, 1984. For information and application materials write: Hubert H. Humphrey Fellowship Program, Office of Public Affairs, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

Dated: December 1, 1983.
Joseph D. Liehman,
Director of Public Affairs.
[FR Doc. 83-33315 Filed 12-14-83; 8:45 am]
BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Docket 41478]

Michigan Peninsula Airways Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-titled proceeding will commence on January 10, 1984, at 10:00 a.m. (local time), in Hearing Room No. 2, Lower Level, 2120 L Street NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., December 8, 1983.

William A. Kane, Jr.,
Administrative Law Judge.
[FR Doc. 83-33306 Filed 12-14-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 38883]

Pan American World Airways Employee Protection Program Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled proceeding will be held on January 31, 1984, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are directed to submit one copy to each party and three copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Domestic Aviation will circulate its material on or before January 6, 1984, and the other parties on or before January 24, 1984. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing. On or before January 5, 1984, each party shall deliver to the judge two copies of each document heretofore filed by it in this docket.

Dated at Washington, D.C., December 12, 1983.
John M. Vittone,
Administrative Law Judge.
[FR Doc. 83-33304 Filed 12-14-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41781]

Rainbow Air, Inc., Fitness Investigation; Hearing

Notice is hereby given a hearing in the above-entitled matter is assigned to commence on December 19, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., December 12, 1983.
John M. Vittone,
Administrative Law Judge.
[FR Doc. 83-33300 Filed 12-14-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39571]**United Air Lines Employee Protection Program Investigation; Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-titled proceeding will be held on January 24, 1984, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., December 12, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83-33395 Filed 12-14-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41864]**United States-Venezuela Air-Cargo Proceeding; Assignment**

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated Washington, D.C., December 8, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-33397 Filed 12-14-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE**Office of the Secretary****President's Commission on Industrial Competitiveness; Meetings****Correction**

In FR Doc. 83-32394 appearing on page 54676 in the issue of Tuesday, December 6, 1983, in the table, the street address for Hewlett Packard Hdqtrs. should read "3000 Hanover Street" in both places that it occurs.

BILLING CODE 1505-01-M

National Technical Information Service**Intent To Grant Exclusive Patent License; SmithKline Beckman Corp.**

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to SmithKline Beckman Corporation, having a place of business at Philadelphia, Pennsylvania 19101 an exclusive right to manufacture, use, and sell products embodied in the invention,

"Plasmid Cloning Vector pAS1," U.S. Patent Application 6-457,352 (filed January 12, 1983). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: December 9, 1983.

Douglas J. Campion,

Patent Licensing, Office of Government Inventions and Patents, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 83-33313 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Statistical Headnote Amendment**

December 12, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the statistical headnote to Subpart E to Schedule 3, Part 1 of the Tariff Schedules of the United States. Effective January 1, 1984 the statistical headnote to Subpart E to Schedule 3 Part 1 defining "textured" is changed to read as follows:

1. For the purpose of this subpart the term "textured" refers to filament yarns having special characteristics of bulk or elasticity, or both, which have been imparted to the filaments by twisting and untwisting, false twisting, crimping, curling, or other additional processing subsequent to the extrusion of the filaments from the spinneret.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-33308 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE**Department of the Air Force****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.

Extension**Civil Aircraft Landing Permit System (AF Forms 180, 181, and 203)**

The Air Force requires certain information from owners of civil aircraft who desire prior authorization to land at Air Force installations. Civil aircraft operators must execute a Hold Harmless Agreement (AF Form 180), a Civil Aircraft Landing Permit (AF Form 181), and a Certificate of Insurance (AF Form 203). This information is necessary to regulate public use of Air Force airfields as authorized under the Federal Aviation Act of 1958.

Civil aircraft operators: 3,000 responses; 1,500 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 Mrs. R. A. Young, HQ USAF/PRP, Room 5D970, Pentagon, Washington, D.C. 20330, telephone (202) 697-5967.

Dated: December 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-33310 Filed 12-14-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Military Dental Research; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Military Dental Research.

Date of meeting: January 18 and 19, 1984.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

Proposed agenda: This meeting will be open to the public from 0830-0945 hrs and 1200-1300 hrs on 18 January for the administrative review and discussion of the scientific research program of the Military Dental Research Group, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1000-1200 hrs and 1300-1630 hrs on 18 January and on 19 January from 0900-1200 hrs for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield, M.D.,
Colonel, MC, Deputy Commander.

(FR Doc. 83-33312 Filed 12-14-83; 8:45 am)

BILLING CODE 3710-08-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS), Geneva-on-the-Lake, OH, Small Boat Harbor Project

AGENCY: U.S. Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent to prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY:

1. *Description of Action.* The proposed

action would involve constructing a small-boat harbor and harbor-of-refuge and recreational fishing facilities as an integral part of the State Park at Geneva-on-the-Lake, OH. The original FEIS for the project was completed in August 1981 and filed with the U.S. Environmental Protection Agency on October 7, 1981. Detailed geophysical surveys conducted after completion of the FEIS indicated that the previously estimated top-of-rock elevations were inaccurate, particularly in the area to be occupied by the southern part of the proposed harbor. In an effort to substantially reduce the excavation of bedrock and the overall cost of construction, the harbor has been redesigned. Since the redesigned project would further encroach on an existing wetland, the construction of wetland mitigation area has been incorporated into the revised project plans. The purpose of the Draft Supplement to the FEIS is to address the environmental impacts associated with the redesigned project.

2. *Alternatives.* A wide range of alternatives was addressed in the original FEIS and the Final Reformulation Phase I General Design Memorandum (GDM) for the project. The only alternatives presently being considered are No Action and Plan 3gR. Components of Plan 3gR include the construction of entrance channels, mooring facilities, breakwaters, a dike and overflow weir to regulate water levels in the existing wetland, and new wetlands within the park boundaries.

3. *Scoping Process.* Considerable agency and public coordination has been performed during preparation of the FEIS and the Final Reformulation Phase I GDM. Additional coordination will be accomplished during preparation of the Draft Supplement to the FEIS. The participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. Significant issues to be analyzed in the Draft Supplement include recreational boating, wetland values, and fish and wildlife impacts.

4. *Scoping Meeting.* No scoping meeting is currently scheduled.

5. *Availability.* The Draft Supplement is scheduled to be available for review in February 1984.

ADDRESS: Questions about the proposed action and Draft Supplement can be addressed to the District Commander, attention Mr. David W. Heicher, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, NY 14207,

telephone (716) 876-5454, (FTS 473-2171).

Robert R. Hardiman,
Colonel, Corps of Engineers, District Commander.

Dated: December 9, 1983.

(FR Doc. 83-33312 Filed 12-14-83; 8:45 am)

BILLING CODE 3710-GP-M

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement; Walnut Creek Flood Control Project in Contra Costa County, California

AGENCY: U.S. Army Corps of Engineers, Defense.

ACTION: Notice of Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement.

SUMMARY:

1. *Proposed Action.* The Walnut Creek flood control project is a continuing construction project authorized for construction by the Flood Control Act of 1960. Under the original authorized plan of improvement, work which has been completed includes reaches of Walnut Creek and Pine and Galindo Creeks. This supplement describes the impacts associated with the upper Pine Creek segment. Construction of the channel improvements as currently proposed will consist of open concrete and earth-lined channel sections to control flooding in the community, minimize impacts to and to reduce erosion in the natural stream channel. State authorization designated the Contra Costa County Flood Control and Water Conservation District as the agency to fulfill the local interest responsibilities. The supplement is being prepared to describe up-dated environmental resources data and to describe impacts and mitigation. The upper Pine Creek segment of the project is the last phase of construction work to be accomplished to complete the project.

2. *Alternatives.* There are currently three structural alternatives and a no action plan under consideration for the upper Pine Creek reach. Two of the structural alternatives include bypass routes and one includes channelization of the natural channel in the downstream portion of the reach.

3. *Scoping of the DEIS.* Close coordination will be maintained with local agencies, other Federal agencies, and interested organizations and individuals. Analyses of potential impacts will be assisted by this coordination.

4. *Scoping Meetings.* Environmental concerns related to potential future

work have been identified during previous EIS coordination. Considerable local coordination has already been carried out by the Contra Costa County Flood Control and Water Conservation District. A formal public scoping meeting will not be held, but one or more informal meetings may be held with interested and concerned agencies, organizations and individuals to obtain any additional views of the public. Significant resources identified to date include the riparian vegetation along upper Pine Creek, fish and wildlife resources, and cultural resources. Participation in scoping and review of environmental concerns by all interested Federal, State and local agencies, and interested organizations and individuals is invited.

5. *Estimated Date of DEIS.* The Draft supplement is scheduled to be made available to the public in August 1984.

ADDRESS: Questions about the proposed action and draft supplement can be answered by: Cay Goude, Environmental Planning Section, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814, telephone (916) 440-2364 (FTS 448-2364).

Dated: December 7, 1983.

Arthur E. Williams,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-33333 Filed 12-14-83; 8:45 am]

BILLING CODE 3710-GH-M

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Potential Solution to Lower Coyote Creek Flood Problems Near San Jose, Santa Clara County, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a draft environmental impact statement.

SUMMARY:

1. *Proposed Action.*—Solutions to the Lower Coyote Creek flood problems are being investigated under the provisions of Section 205 of the 1948 Flood Control Act, as amended. The potential project area is located between Montague Expressway-Trimble Road and State Highway 237. A preliminary solution identified in a Reconnaissance Report entails modification of approximately 2½ miles of existing channel to carry the 100-year floodflow. A potential solution includes channel widening, new levee construction consisting of a levee located close to the channel on one bank with a setback levee located on the opposite bank. The construction of setback levees would alternate from

right to left bank depending on availability of rights-of-way. Where feasible existing vegetation would be preserved. At the downstream end of the study reach, extending from State Highway 237 to San Francisco Bay (a distance of about 5 miles), the Santa Clara Valley Water District (SCVWD) is in the preconstruction phase of planning for a flood control project to provide a 100-year level of protection. The SCVWD is in the process of preparing a draft EIR for the entire 7½ mile area extending from Montague Expressway-Trimble Road downstream to San Francisco Bay, which includes the reach being studied by the Corps of Engineers.

2. *Alternatives.*—Three structural plans and a no action plan are being considered for the Corps study reach. One structural plan involves a bypass channel. The other two plans consider set-back levees on either one or both banks of the natural channel.

3. *Scoping of the DEIS.*—Close coordination will be maintained with local agencies, other Federal agencies, and interested organizations and individuals. Analysis of potential impacts will be assisted by this coordination. Environmental Concerns related to potential future work have been identified during coordination of the Notice of Preparation of a DEIR conducted by the SCVWD. Significant resources identified to date include the riparian vegetation along Coyote Creek, fish and wildlife resources, threatened and endangered species and cultural resources. Participation in scoping and review of environmental concerns by all interested organizations and individuals is invited.

ADDRESS: Questions about the potential action and draft EIS can be answered by Cay Goude, Environmental Planning Section, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, California 94814, telephone (916) 440-2364 (FTS 448-2364).

Dated: December 7, 1983.

Arthur E. Williams,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-33379 Filed 12-14-83; 8:45 am]

BILLING CODE 3710-GH-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.

New Collection

Manufacturing Lead Time Solicitations
None

This survey is needed periodically to ascertain industry's ability to support Naval Sea Systems Command shipbuilding requirements.
Businesses: 600; 2,000

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 Larry W. Lake, Naval Sea Systems Command, Philadelphia Naval Shipyard, NAVSEA Shipbuilding Support Office, Philadelphia, PA. 19112, telephone (215) 897-3592.

Dated: December 9, 1983.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 83-33309 Filed 12-14-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Handicapped Children's Early Education Program

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Application notice establishing closing dates for transmittal of certain fiscal year 1984 new grant applications—Handicapped Children's Early Education Program; correction.

SUMMARY: The Secretary of Education amends the notice announcing fiscal and programmatic information and the closing date for transmittal of

applications for new outreach projects under the Handicapped Children's Early Education program. The purpose of this amendment is to inform potential applicants of a revised estimate of funding level and number of awards available for new outreach projects under this program for fiscal year 1984.

FOR FURTHER INFORMATION CONTACT:

For further information contact Jane DeWeerd, Program Development Branch, Special Education Programs, Donohoe Building, Room 4046, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245-9405.

SUPPLEMENTARY INFORMATION: On November 9, 1983, the Secretary of Education published a notice inviting applications for new projects under the Handicapped Children's Early Education Program (48 FR 51507).

In order to provide potential applicants with a revised estimate of available funds and number of new projects expected to be funded under this program, the Secretary is revising the notice as follows:

On page 51509, column 3, in the first full paragraph, line 2, the estimate of available funds is changed to read "\$3,000,000". In the third line of the same paragraph, the number of new outreach projects projected to be funded under this notice is changed to read "30". This revised estimate of funding level, however, does not bind the U.S. Department of Education to a specified number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

(20 U.S.C. 1432, 1424)

(Catalog of Federal Domestic Assistance No. 84.024, Handicapped Children's Early Education Program)

Dated: December 12, 1983.

Madeleine Will,

Assistant Secretary.

[FR Doc. 83-33330 Filed 12-14-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Boundary-Spokane/Colville Valley Support Project Finding of No Significant Impact

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Finding of No Significant Impact (FONSI) for BPA's proposed Boundary-Spokane/Colville Valley Support project.

This project is proposed by BPA to improve the existing electric power transmission system that serves the general area of northeastern Washington between Roosevelt Lake and the Pend Oreille River and from the Canadian border to just north of Spokane and Long Lake on the Spokane river. The need to improve the system is created by a combination of (1) undesirable operating conditions, i.e., high losses, frequent generator dropping at Boundary Dam, and heavy loading of the two 230-kV Boundary-Bell transmission lines; (2) forecasted load growth in the project area; and (3) lack of capacity to integrate additional new generation from the Kettle Falls wood-waste fired plant, Sullivan Dam, and Boundary Dam.

BPA proposes to build about 100 miles of new 230-kV transmission line from Inland Power and Light Company's Half Moon Substation north of Spokane to its Boundary Substation south of Seattle City Light Company's Boundary Dam near the U.S.-Canadian border. For most of the route, the new line would be double circuit and would replace an existing 115-kV line. A 6.5-mile segment in the Spirit Cutoff area would be built along new right-of-way. The last 9-mile segment to Boundary Substation would be single-circuit 230-kV and would parallel rather than replace the existing Seattle City Light Company 115-kV line. The proposed action includes two-pole double-circuit wood structures, and double-circuit and single-circuit steel towers.

alternatives considered for this project did not meet one or all of the three needs identified, or were identified as having significant environmental problems, these alternatives were dropped from serious consideration. During the public review period, Seattle City Light Company asked for a reconsideration of using its existing 115-kV right-of-way. After reviewing the economic costs and environmental impacts, and discussing this alternative with Seattle City Light Company, this alternative was not given further consideration. The alternatives, the need for the project, and related actions to be taken are discussed in detail in the environmental assessment (EA) for the project (see DOE/EA-0220, July 1983).

Reasons why impacts are not significant:

(1) Disturbance to soils will occur during construction, causing erosion and compaction. To prevent subsequent erosion, exposed soil will be seeded after construction.

(2) Long-term loss or modification of vegetation and wildlife habitat will occur along the northernmost 15 miles of

the line, when a strip of timber (100 acres) in the unused portion of the right-of-way is removed. Since an average 620,000 acres of timber are harvested per year in the Colville National Forest, the amount of additional timber loss due to construction of this project is not significant.

(3) To reduce the high visibility of the towers in the Lone Hill and Lead King Lakes areas, towers will be darkened to blend with the surrounding landscapes. The right-of-way clearing on Lone Hill will be designed to create an irregular edge more like the natural appearance of the surrounding area.

To reduce visibility and glare of the line, nonspecular conductor will be used along all but a 13-mile segment of the line. This segment is located in mountainous terrain, and is not visible from any major roads. Dark insulators will be used in the visually sensitive areas of the entire line.

For overall appearance improvement, about 12 steel poles will be used at six tap points and at substations along the line to replace the more massive-looking wood deadend structures. A neutral color tone will be used for these poles to match that of the wood structures (see the EA, p. 3-39).

(4) Less than one acre of Prime Farmland out of 268 acres of Prime Farmland along the right-of-way will be removed from production to accommodate greater area requirements of the double-circuit transmission structures. To reduce the amount of farmland removed from production at structure locations, free-standing steel towers will be substituted for guyed wood deadend structures in approximately five locations. In order to minimize impacts to farming during the growing season, construction within the farmland areas north of Deer Park, and the Colville, Mill Creek, and Deep Creek Valleys will be scheduled after the normal growing season. Payment will be made by BPA for crop damage and for damage which may occur to irrigation systems, drainage systems, and fences, or other improvements.

(5) A total of approximately 152 acres of forest land along the line will be withdrawn from productive use. This is less than 0.02 percent of the 952,789 acres of forest land in Stevens County. The loss in productive capacity would be about 23 thousand board feet per year, less than 0.02 percent of the approximate annual timber harvest in Stevens County.

(6) Thirty-nine residences within 250 feet of the line may be temporarily disturbed by noise during construction. This impact is not significant because no

one residence will be affected for more than 2 or 3 weeks during construction. BPA construction contractors will comply with applicable noise regulations.

(7) An intensive cultural resource survey was conducted on the proposed corridor in August of 1983, following publication of the EA. BPA determined that several archaeological sites originally identified as potentially eligible for the *National Register of Historic Places* did not meet *National Register* criteria. No other properties on or eligible for the *National Register* were found in the project area. A report documenting these studies will be transmitted to the Washington State Historic Preservation Office for concurrence. Should a previously unknown resource be discovered late or uncovered during construction, BPA will follow all procedures outlined in applicable Federal laws to avoid adverse impacts to cultural resources. Specific actions which would be taken are detailed in the EA (see p. 3-45).

(8) The part of the 30-40 acre Lead King Lakes wetland crossed by the line will be spanned. On the western edge, only tall vegetation will be removed from about 5 acres of the corridor. This will reduce wildlife cover and the value of the area as a visual resource. Clearing equipment in the right-of-way will be restricted to insure that as much dense cover as possible is retained for wildlife and to minimize visual impacts. Steel towers will also be darkened to blend with the background.

Though not significant, the potential for direct, adverse impact to floodplains and wetlands in the project area does exist. Actions within the floodplain/wetlands involve: (1) Limited construction activity involving about 84 structures within 12 or 18 floodplains including floodplains of the Colville River, Deep Creek, Mill Creek, and Dragon Creek, in an existing corridor; and (2) clearing of tall vegetation on 5 acres on the west side of the Lead King Lakes wetland. An alternative location which would avoid floodplain-wetland areas would involve a new corridor in upland areas. Cost and impacts to soils, timber, and land use would be much higher. Designing the transmission line to span the floodplain areas is not a practicable alternative because the floodplains are too wide.

During 35 years of operation of the present line, there has been no problem with the structural integrity of the portions of the line located within the floodplain areas. To minimize potential harm to or within the floodplain/wetland areas from the new line, similar design and construction practices will

be used. If, during the tower design process, specific problems are encountered, special measures such as swamp braces could be incorporated. In addition, clearing equipment will be restricted to designated roads or one travelled way, and a minimum 100-foot-wide buffer strip of vegetation will be left along all stream banks. The proposed project will comply with Federal, State and local floodplain protection standards. Though Federal policy does not allow BPA to make formal application for required State permits, BPA will provide all requested information necessary in order to comply with State and local substantive requirements.

(9) The proposed project is consistent and compatible with the land use plans and policies of Spokane County, Pend Oreille County, and Stevens County (see the EA, p. 3-33).

(10) There will be no effect on (1) endangered species (see the EA, p. 3-19); or (2) special recreation areas such as Wild and Scenic Rivers, National Trails, etc. (see the EA, p. 3-32).

Related Documents: A Study Report containing technical support and documentation for the EA was prepared by Dames and Moore, Inc., BPA's contractor for the EA. An overview report on cultural resources was prepared for BPA by Archaeological and Historical Services of Eastern Washington University (Bonneville Cultural Resources Group Report Number 100-25, 1982). The conclusions for that report were used in the EA. A report on the intensive surveys is expected before construction begins. The report will identify previously unknown cultural resources, if any, that qualify for the protective measures outlined in the EA.

Other related documents include: (1) Environmental Assessment for the Bell-Halfmoon Transmission Line Project, prepared by BPA in 1981; (2) Environmental Report to Support Application for Amendment to License for the Boundary Hydroelectric Development Project No. 2144, prepared by the City of Seattle's City Light Department in 1982; (3) final environmental impact statement (FEIS) for The Washington Water Power Company's Wood-Fired Electric Generating Plant at Kettle Falls, Washington, prepared by Stevens County Planning Department in 1980; (4) FEIS for the Sullivan Creek Hydroelectric Project, prepared by the Washington State Department of Ecology and the Pend Oreille Public Utility District in 1981.

The EA was circulated for a 30-day review. It included a tentative finding

that no significant impact would result from the proposed project (see p. 1-1). Based upon the information in the EA, and because comments from the public and other agencies revealed no new impacts, the Department of Energy determines that BPA's action will not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* Therefore, an environmental impact statement will not be prepared. Also, there is no practicable alternative to locating the proposed action within the floodplains discussed above.

Copies of this finding will be distributed to those landowners and governmental agencies which received the EA and participated in the scoping meeting and workshops. Copies of the EA, this finding, and related documents are available upon request to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland, Oregon 97208, telephone (503) 230-5136.

Issued in Washington, D.C., December 5, 1983.

William A. Vaughan,
Assistant Secretary, Environmental
Protection, Safety, and Emergency
Preparedness.

[FR Doc. 83-33391 Filed 12-14-83; 8:45 am]

BILLING CODE 9450-01-M

Impact Aid Policy; Opportunity for Public Comment

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of revised proposed policy and opportunity for public review and comment.

SUMMARY: Section 7(m) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) provides that BPA may establish a regionwide uniform formula for payment of impact aid to local governments, which have been substantially impacted by the presence of a BPA major transmission facility located within the government's boundaries. This revised proposed policy has been changed significantly from an earlier proposal published in the *Federal Register* on May 20, 1982 (47 FR 21912). The present revised policy contains the formula and administrative requirements for making impact aid payments. The payment formula itself takes into account the nature and costs of local government services provided to the BPA Administrator in connection with major transmission facilities.

DATES: BPA encourages the public to submit written comments on the revised proposed formula. They will become part of the Official Record, and must be received on or before February 15, 1984. In addition, BPA will meet with interested persons who may have questions regarding the revised proposed formula. To request such a meeting, interested persons should contact the Area or District Manager in their locality or the office of the Public Involvement Manager.

ADDRESS: Written comments should be submitted to Ms. Donna Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Manager, at the address above, 503-230-3478. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

Mr. George Gwinnett, Lower Columbia Area Manager, Suite 288, 1500 NE Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201 509-456-2518.

Mr. George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Ronald Casad, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206-422-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2708.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9138.

SUPPLEMENTARY INFORMATION:

Background

I. Public Review and Comment

The Regional Act allows BPA to develop a regionwide uniform formula for making annual impact aid payments to appropriate local governments in

accordance with the procedures for public notification and hearings as described in Sec. 7(j) of the Regional Act.

BPA held hearings on its proposed formula in May and June of 1982. In addition to the opportunity to submit oral and written material, BPA encouraged the submission of written views, data, questions, and arguments for inclusion in the record.

The Administrator has developed a revised proposed formula after considering the public comment received on the proposed formula. BPA is now seeking written comment on the revised proposed formula, and will endeavor to meet with those who may have questions concerning the revised proposed formula. Following the receipt of public comment, the Administrator will make a final decision establishing a uniform regionwide formula which will be based on the record. The final formula may differ from the revised proposed formula as set forth in this Notice, in consideration of public comment, the record, and other information developed by the Administrator.

The formula will become effective as indicated in the summary following.

II. Summary of Impact Aid Formula

The attached proposed formula represents BPA's effort to maximize payments to affected local governments, given the limitations contained in the congressional authorization. The intent is to pay for a qualifying local government's cost of services concerning a BPA major transmission facility located within the government's boundaries. If expenditures exceed the amount calculated pursuant to the formula, the additional amount will be paid. That facility must have been completed, or a modification of it undertaken, subsequent to passage of the Regional Act, and it must result in a substantial impact on the local government. The latter requirement is met where application of the construction period formula results in an annual payment figure of at least \$1,000. Services covered are all those reasonably related to the facility and the personnel associated with it, and include fire protection, police protection, facility planning services, emergency services, road maintenance, school services, etc. As stipulated in the Regional Act, payments may not begin until the first full fiscal year after approval of a regional plan by the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council). The Regional Council approved the plan in April 1983,

and the appropriate fiscal year is therefore 1984 (beginning October 1, 1983). However, the Regional Act also requires approval of the formula by the Federal Energy Regulatory Commission (FERC). That approval will not have occurred by October 1, 1983, and payments will not begin until some months later, when approval has occurred. At that time, a qualifying local government would receive payment for services provided since December 5, 1980. Thereafter, construction payments would be made at the beginning of each Fiscal Year, and preconstruction and O&M period payments would be made generally at the time of incurrence.

III. Discussion of Significant Concepts in the Policy

A. Major Transmission Facility.

Section 7(m) of the Regional Act states that major transmission facilities shall be as defined in Sec. 3(c) of the Federal Columbia River Transmission System Act (FCRTSA). The definition in Sec. 3(c) provides that:

The term "major transmission facilities" means transmission facilities intended to be used to provide services not previously provided by the Bonneville Power Administration with its own facilities.

Through the annual budget (submitted to Congress), BPA identifies those facilities which are determined to be major transmission facilities. Those which have been so identified are: WNP Nos. 3 and 5 Integrating Transmission; Western Montana Transmission; Southwest Oregon Service; Surprise Valley Area Service; and Boundary Integration and Colville Valley Support; and Salmon River-Lost River Service. The last facility was completed prior to passage of the Regional Act, and hence could only qualify for impact aid by a future modification meeting Sec. 7(m) requirements.

Additionally, BPA proposes to include facilities that were not identified as major under the FCRTSA definition because they were included in budgets that preceded passage of the FCRTSA. BPA considers such facilities to have been within the contemplation of Congress as "major facilities" at the time of the FCRTSA's passage. The facilities covered are: The Ashe-Willamette Valley service; the Bell-Hot Springs Service; the Grand Coulee-Hanford Service; the Trojan-Allston service; and the WNP No. 2 Integrating Transmission service. Only the first two (Ashe-Willamette Valley and Bell-Hot Springs) were or will be completed after passage of the Regional Act, hence qualifying for impact aid. The other three could qualify if they are modified

at some future date. It should also be noted that some "modifications" to older lines may be so substantial that they would be identified as new "major transmission facilities" and would therefore qualify for impact aid.

B. Payment of Service Costs. BPA has determined that the "costs" which can be paid through impact aid can only be service costs, and not any other costs or reimbursement of lost taxes. Section 7(m)(2) of the Regional Act states that:

In developing such [impact aid] formula, the Administrator shall identify, and take into account, the local governmental services provided to the Administrator concerning such facilities and the associated costs to such governments as the result of such facilities.

There is some question as to whether the words "associated costs" refer to the "facilities" or to "services." If the former, then the costs would be any that the local government incurred on behalf of the facilities; if the latter, then the costs would be limited to those of services provided. Any uncertainty on this or the tax issue is put to rest by the legislative history. Representative Dingell, in his summary of section 7(m) (126 Cong. Rec. 10,685 (daily ed. Nov. 17, 1980)), stated:

The intent is to make these payments reflect the services provided by the governments and not any taxes that may have been lost or estimated to have been lost by the communities. This is not a payment-in-lieu-of-taxes provision.

Consequently, only service costs are being compensated for under the policy formula.

C. Formula Based on Nonlocal Work Force and County Service

T3Expenditures. Although an actual-cost approach was the basis of the initial proposal, BPA received many comments indicating that this amounted to a narrow and limited interpretation of Sec. 7(m), and also would be an extreme administrative burden, both on the local governments and on BPA. The revised proposal responds to both criticisms by basing construction period payments on a mathematical formula utilizing the average non-local work force in the county, and the per capita service expenditures budgeted by the county. The construction payment is intended to pay for normal services incurred. Extraordinary expenditures are outside this payment's coverage. Also, payment supplementation is allowed where normal actual expenditures are shown to exceed the formula payment. There is a recordkeeping requirement in the formula, and the service budget and population figures will be updated

annually during the construction period. For the preconstruction and O&M periods recognized by the formula, payments will be made on an actual cost basis, since services are less and are more easily identified during these periods.

D. Substantial Impact Requirement. The Administrator is not authorized to provide impact aid assistance under Sec. 7(m) unless he finds that the qualifying transmission facility substantially impacts, as distinguished from merely impacts, the local government. According to the formula, the substantial impact requirement is satisfied where application of the construction period formula results in an annual payment figure of at least \$1,000. The requirement does not apply to the preconstruction period. If the test is met, payment under the formula is implemented. Any proposed test would necessarily be a somewhat arbitrary one, as "substantial" is not a defined or specific term in section 7(m); however, the proposed test is recommended based on its reasonableness and ease of application.

E. Qualifying Local Governments. Under the statute, payments may be made to " * * * appropriate local governments * * *". That term is not defined in the statute. The initial proposal defined local governments as "cities, towns, counties, and appropriate Indian tribes." The present definition qualifies counties only, for a number of reasons. Responding to one of the criticisms of the policy, a single entity is administratively easier for BPA to deal with. Further, BPA major transmission facilities are not located in cities, towns, or on Indian Reservations. Local service districts have not been included because they do not meet the general definition of a local government.

Payment of impact aid is subject to availability of funds. BPA will pay no interest on impact aid monies.

Impact Aid Policy

Table of Contents

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Section 1. Introduction

The following provisions constitute Bonneville Power Administration's (BPA) implementation of a regionwide uniform formula, as allowed by Sec. 7(m) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). That section allows

impact aid payments to qualifying local governments which have been substantially impacted by the location of a major transmission facility within their jurisdictional boundaries. In compliance with the Regional Act, the payment formula is to identify and take into account the services provided to the BPA Administrator concerning such facilities and the associated costs to such governments as the result of such facilities. To be eligible for impact aid payments, the construction of the facilities, or any modification thereof, must be completed after the effective date of the Regional Act (December 5, 1980), and any modification must result in a substantial increase in capacity. Payments may not begin until the beginning of the first fiscal year (FY 84) after adoption of a Northwest Conservation and Electric Power Plan (FY 83) and approval of the formula by the Federal Energy Regulatory Commission (FERC). Additional requirements are identified in Sec. 7(m) of the Regional Act and in the provisions that follow. Failure to comply with any requirements herein may disqualify a local government from impact aid payments.

Section 2. Definitions

a. "Construction Period" includes the time from the first Notice to Proceed (NTP) date to the final completion date, as scheduled in or for the construction contracts, and is applied to the separately energized segments of each Major Transmission Facility.

b. "Fiscal Year" is the BPA (and Federal Government) fiscal year of October 1 through September 30.

c. "Location" or "Located" generally means the beginning of construction of a Major Transmission Facility or segment thereof, but may also include preconstruction activity related to BPA consideration of various sites. Alternative sites will be covered only to the extent they are so identified in BPA's Notice of Intent. (See also Sec. 2(g) of the Policy.)

d. "Major Transmission Facility" [as defined in Sec. 3(c) of the Federal Columbia River Transmission System Act (FCRTSA)] means a transmission facility completed after the effective date of the FCRTSA that has been or would have been identified for inclusion in BPA's budget as a major transmission facility requiring specific congressional approval.

e. Notice of Intent is publication in the Federal Register of the BPA Administrator's decision to consider construction of a given facility.

f. "Operation and Maintenance (O&M) Period" includes the time from the construction completion date as stated in the contract, until such time as the facility is permanently taken out of service (decommissioned), is subject to reconstruction or major modification, or is sold or otherwise removed from BPA operation.

g. "Preconstruction Period" includes the time from publication of BPA's Notice of Intent (NOI) in the *Federal Register* regarding a facility until the NTP date for that particular facility's construction. (See also Sec. 2(c) of the Policy.)

h. "Qualifying Local Governments" are counties which have been Substantially Impacted by the location of BPA Major Transmission Facilities within their jurisdictional boundaries.

i. "Regional Plan" means the plan and program developed and adopted by the Pacific Northwest Electric Power and Conservation Planning Council pursuant to Secs. 4(d) and 4(h) of the Regional Act.

j. "Substantially Impacted" is a requirement met by a local government where application of the Construction Period formula results in an annual payment figure of at least \$1,000.

k. "Substantial Increase in Capacity" is a requirement for modifications to existing Major Transmission Facilities. It is met where there is a 100-percent increase in the design electrical capacity of such facility.

Section 3. Formula

Each Qualifying Local Government shall be paid pursuant to the following formula:

a. During the Preconstruction Period, actual costs plus reasonable overhead costs for all services requested by BPA or necessarily incurred as a direct consequence of proposed BPA action. The Substantially Impacted requirement shall not be applicable during this period. A negotiated advance will be paid by BPA to each local government. That amount may be increased as necessary, and the local government will return any excess within 60 days after construction has commenced.

b. Annually, during the Construction Period, an amount equal to the estimated non-local work force and family members present in the county times the county's per capita cost for services. This can be represented by:

$$1.67 \times A \times B$$

Where

A = county share of project average non-local work force

B = county's annual per capita budgeted service expenditure

The .67 factor reflects the presence of workers' family members. The average non-local work force is determined based on BPA construction estimates. The county share is determined on the basis of the ratio of structure mileage in a county to total project mileage for the line, with substation work force allocated separately. Annually updated county budget and population figures will determine per capita expenditure. Annually updated figures will be sent to BPA by the counties.

c. During the Operation and Maintenance (O&M) Period, actual costs plus reasonable overhead costs for all services requested by BPA or necessarily incurred as a direct consequence of proposed BPA action or presence. Payment will be made upon presentation of satisfactory vouchers.

d. Annual construction payments will be prorated for periods of construction lasting less than one calendar year. Payments will be debited for any period of construction suspension (not applicable to seasonal adjustment). Since the payments will be made in advance, any interest gained by the Local Governments shall be considered part of the payments. The first payment will cover the period from the effective date of the Regional Act through the calendar year numbered the same as the Fiscal Year in effect at the time of formula approval. Where a Qualifying Local Government can prove an annual expenditure for services which exceeds that allowed by the construction period formula, BPA will pay the actual amount.

e. The construction payment is intended to pay for normal services provided by Qualifying Local Governments. Any extraordinary expenditures are beyond the coverage of this formula, and will be paid separately.

Section 4. Payments

Beginning in the first fiscal year after adoption of the Regional Plan and following approval of the impact aid formula by the FERC [see Regional Act Secs. 7(m) (1) and (2)], BPA will commence impact aid payments. For facilities already located, formula-derived payment will be mailed to all known Qualifying Local Governments once FERC approval of the formula has occurred. For future facilities, payments shall begin once such facilities have been appropriately identified by the BPA Administrator in a Notice of Intent. Therefore, as appropriate, construction payments shall be made annually at the beginning of each fiscal year for the same numbered calendar year, and other payments shall be made as

indicated in section 3 of this policy. Payment is subject to availability of funds and budget authority. No interest will be paid with respect to impact aid payments.

Section 5. Recordkeeping and Review

All Local Governments receiving impact aid payments shall keep adequate records of their total service budget and population figures, and shall make such records available to the Administrator upon request. In addition, BPA, or its designee, may conduct such audits, examinations, or inspections of the local government's records and procedures, as BPA deems appropriate. Any audit will be performed in accordance with audit standards established by the Comptroller General of the United States. The number, timing, and extent of such audits will be at the discretion of BPA or its designee. The right to audit will be available for a 3-year period subsequent to the date of payment.

Section 6. Penalties

Officials or others who provide information or documentation under this formula are subject to, among other laws, the criminal penalties of Title 18 of the United States Code. Sections 287 and 1001, which punish the submission of false, fictitious, or fraudulent claims and the making of false, fictitious, or fraudulent statements, provide for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both. Violators are likewise subject to the civil penalties of 31 U.S.C. 231. Section 231 provides that the person liable "shall forfeit and pay to the United States the sum of \$2,000, and, in addition, double the amount of damages which the United States may have sustained by reason of doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit."

Section 7. Modification

This formula is subject to modification where determined necessary by the BPA Administrator; such modification shall not occur more often than once a year. Any changes of a major nature shall require application of the Regional Act Sec. 7(i) procedure, including FERC review.

Issued in Portland, Oregon, on December 5, 1983.

Peter T. Johnson,
Administrator, Bonneville Power
Administration.

[FR Doc. 83-33420 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-83-018; FC Case No. 55069-92326-20-24]

Powerplant and Industrial Fuel Use; Prohibition Orders, Exemption Requests; Container Corporation of America

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting to Container Corporation of America an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act") to Container Corporation of America (CCA). The cogeneration exemption permits the use of natural gas and/or distillate fuel oil as the primary energy source in a proposed 38 megawatt (MW) cogeneration facility at CCA's Vernon Plant located in Los Angeles County, California. The final exemption order and detailed information on the proceeding is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: The order shall take effect on February 13, 1984 (section 702(a), FUA).

The public file containing a copy of the order, other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, from 8:00 to 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-8162.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-235, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: On August 1, 1983, CCA petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration

exemption to permit the use of natural gas and/or petroleum as the primary energy source in a proposed 38 MW cogeneration powerplant to produce electricity and steam at CCA's Vernon Plant in Los Angeles County, California. At ERA's request, CCA filed additional data and information on September 23, 1983. The cogeneration facility will consist of a natural gas-fired combustion turbine, with distillate fuel oil backup capability, and a supplemental-fired duct burner unit associated with a heat recovery steam generator. The facility will operate on a continuous basis producing approximately 34 MW of electric power and up to 160,000 pounds per hour of steam. CCA proposes to sell virtually all of the electric power generated by the facility to Southern California Edison. Accordingly, under ERA's definition set forth in 10 CFR 500.2, the cogeneration facility is an electric powerplant.

Basis for Permanent Exemption Order

The permanent exemption order is based upon the evidence in the record including CCA's certifications to ERA, as required by 10 CFR 503.37(a)(1), that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules; and
2. The use of a mixture of either petroleum or natural gas and an alternate fuel in the cogeneration facility for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of the Petition and Availability of Certification in the *Federal Register* on October 14, 1983 (48 FR 46836), commencing a 45-day public comment period.

A copy of the petition was provided to the California State Clearinghouse, Office of the Governor and to the Environmental Protection Agency for comments as required by section 701 (c) and (f) of the Act. During the comment period, interested persons were also afforded an opportunity to request a public hearing. The comment period closed on November 28, 1983; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that CCA has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to CCA to permit the use of natural gas and/or distillate fuel oil in a proposed 38 MW cogeneration powerplant to produce electricity and steam at its Vernon Plant in Los Angeles County, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the *Federal Register*.

Issued in Washington, D.C., on December 2, 1983.

Robert L. Davies,

Director, Petroleum and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-33396 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-024; FC Case No. 67041-924-20-24]

Powerplant and Industrial Fuel Use; Prohibition Orders, Exemption Requests; University Energy

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting to University Energy an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted 3 permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42

U.S.C. 8301 *et seq.*) (FUA or "the Act") to University Energy (University). The permanent cogeneration exemption permits the use of natural gas as the primary energy source in a 8.4 megawatt (MW) combined cycle cogeneration facility designed to produce electricity as well as the thermal energy required to produce steam at University's facility in the South Belridge Oil Field, Southeast corner of T28S, R21E, of Section 19, Kern County, California. The final exemption order and detailed information on the proceeding is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATES: The order shall take effect on February 13, 1984, (section 702(a), FUA).

The public file containing a copy of the order, other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m. to 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2993.

Marya Rowan, Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-235, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: On September 1, 1983, University petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas as the primary energy source in a 8.4 megawatt (MW) combined cycle cogeneration facility consisting of a gas-fired combustion turbine and a waste heat boiler. The natural gas for the turbine will be obtained from wells located in the oil field. The steam will be used in the tertiary recovery of crude oil from the oil field and all of the net annual electric power generation will be sold to the local utility, Pacific Gas and Electric Company. Accordingly, the facility which will be located in the South Belridge Oil Field, Southeast corner of T28S, R21E, of Section 19, Kern County, California, is an electric powerplant pursuant to 10 CFR 500.2.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including University's certification to

ERA, in accordance with 10 CFR 503.37(a)(1) that the oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility, where the calculation of savings is in accordance with § 503.37(b) of the final rules, and the use of a mixture of petroleum and natural gas and an alternate fuel in the cogeneration facility, for which an exemption under § 503.38 of the final rules would be available, would not be economically or technically feasible.

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of the Petition and Availability of Certification in the *Federal Register* on October 17, 1983 (48 FR 47048), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comment as required by section 701(f) of the Act; a copy was also provided to the Federal Trade Commission for its comments. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on December 1, 1983; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that University has satisfied the eligibility requirements for the requested permanent exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to University to permit the use of natural gas as the primary energy source for its cogeneration facility in Kern County, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the *Federal Register*.

Issued in Washington, D.C., on December 2, 1983.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-33382 Filed 12-14-83; 8:45 am]

BILLING CODE 8450-01-M

The True Companies; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with The True Companies (True) as a final order of the DOE.

EFFECTIVE DATE: November 17, 1983.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466, (816) 374-2092.

SUPPLEMENTARY INFORMATION: On August 12, 1983, 48 Fed. Reg. 36643, the ERA published a notice in the *Federal Register* that it executed a proposed Consent Order with The True Companies of Casper, Wyoming on July 18, 1983 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles alleged regulatory violations brought by the DOE against True relating to True's compliance with the federal petroleum price and allocation regulations administered by DOE and its predecessor agencies as applied to True's transactions involving natural gas processing, crude oil production, and the distribution of crude oil and petroleum products during the period August 19, 1973 through January 28, 1981. Under the terms of the Consent Order the company will refund \$3,500,000. The funds are to be paid to the DOE for ultimate distribution.

Pursuant to 10 CFR 205.199(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Comments were received from thirteen states and two claimant purchasers. The commenting states each suggest that funds not distributed to directly identifiable injured purchasers should be distributed to the states for use in energy related programs. Some of the comments suggested specific

guidelines for restricting the use of the funds including a percentage to cover the state's administrative costs.

Comments from the two claimant purchasers assert their respective rights to a share of the settlement amount. One claimant also submitted its objection to the provision in the Consent Order which relieves True of certain DOE reporting and recordkeeping requirements and the provision whereby DOE limits its involvement in judicial proceeding against True with respect to matters covered by the Consent Order.

The ERA has considered these comments and has decided to make the proposed Consent Order final without modification. As indicated by the comments themselves, the ultimate disposition of the funds will depend on several factors; therefore, the ERA believes that depositing the funds into a suitable account for ultimate distribution is an appropriate disposition of the funds at this time.

Regarding the comments on the judicial proceedings covenant, ERA notes that the Consent Order by its expressed terms is intended to resolve only issues between the DOE and True, and does not resolve issues between private parties and True arising under the federal petroleum price and allocation regulations, nor does it preclude any actions between private parties and True.

ERA's agreement not to voluntarily participate adversely to True in proceedings related to True's compliance with the federal petroleum price and allocation regulations reflects the essence of the Consent Order as a final resolution of the issues between DOE and True. DOE's voluntary participation in Section 210 actions adversely to True would be inconsistent with an agreement settling matters between the company and the agency.

In releasing the company of its duty to comply with the recordkeeping requirements of 10 CFR 210.92, DOE has simply exercised the authority conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement the need for which no longer exists. With the completion of DOE's audit and settlement of disputes by the Consent Order, the records are no longer needed. The Court in *U.S. Oil Company, Inc., et al v. DOE and Koch Industries*, 510 F. Supp. 910 (ED Wisc. 1981), noted that "the recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the defendants and other major oil refiners and producers were complying with the price regulations." (*Id* at 913).

Since the Department received no other comments, the Consent Order as proposed became effective on November 17, 1983 by notice to True on November 17, 1983.

Issued in Kansas City, Missouri on the 17th day of November 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-33386 Filed 12-14-83; 8:45 am]

BILLING CODE 8450-01-M

Federal Energy Regulatory Commission

[Docket No. QF84-72-000]

Callis H. Atkins—Advance Mills; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

December 9, 1983.

On November 28, 1983, Callis H. Atkins of Advance Mills, Rt. 2, Box 91, Ruckersville, Virginia 22968, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The 100 kilowatt hydroelectric facility will be located on the North Fork of the Rivanna River in Ruckersville, Virginia.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

A separate application is required for a hydroelectric project license, preliminary permit or exemption from licensing. Comments on such applications are requested by separate public notice. Qualifying status serves only to establish eligibility for benefits provided by PURPA, as implemented by the Commission's regulations, 18 CFR Part 292. It does not relieve a facility of any other requirements of local, State or

Federal law, including those regarding siting, construction, operation, licensing and pollution abatement.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33383 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-128-000]

Central Maine Power Co.; Filing

December 9, 1983.

The filing Company submits the following:

Take notice that on December 2, 1983, Central Maine Power Company (Central Maine) tendered for filing as a rate schedule an executed agreement dated as of January 20, 1984 between Central Maine and Green Mountain Corporation. The proposed rate schedule provides for the sale of interruptible energy by Central Maine to Green Mountain Power Corporation.

Central Maine requests an effective date of January 20, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Green Mountain Power Corporation and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 83-33364 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-79-002]

Columbia Gas Transmission Corp.; Petition To Amend

December 9, 1983.

Take notice that on November 22, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston,

West Virginia 25314, filed in Docket No. CP83-79-002 a petition to amend the order issued January 26, 1983, in Docket No. CP83-79-000 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the extension of the term of the transportation service provided by Columbia for UGI Corporation (UGI), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Columbia states that on January 26, 1983, it was authorized in Docket No. CP83-79-000 to transport up to 22,000 dt equivalent of natural gas per day for UGI on a best-efforts basis from November 1, 1982, through March 31, 1983. Columbia proposes to extend this transportation for the period November 1, 1983, through March 31, 1984.

Columbia states that it would receive the gas from Transcontinental Gas Pipe Line Corporation (Transco) at existing delivery points located in Downingtown, Pennsylvania, and Rockville, Maryland. Columbia further states it would redeliver said gas for the account of UGI at existing delivery points from Columbia to UGI, an existing wholesale customer of Columbia.

Columbia states that the gas which Transco could deliver to Columbia is available to UGI pursuant to a storage arrangement between Penn-York Energy Corporation (Penn-York) and UGI. Columbia states that it would charge UGI 40.11 cents per dt for the transportation service.

Columbia states it would retain 2.85 percent of the total quantity of gas received from Transco for the account of UGI for company-use and unaccounted-for gas.

Columbia states that it has been advised that UGI requires the subject gas for system supply during the 1983-1984 winter heating season.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 4, 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.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33365 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-121-000]

Dayton Power & Light Co.; Filing

December 9, 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 City of St. Marys (St. Marys), Ohio.

DP&L states that the proposed Agreement allows St. Marys 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 St. Marys.

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. 83-33365 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP84-12-000]

Dorchester Gas Producing Co. v. Natural Gas Pipeline Co. of America; Complaint

December 9, 1983.

On November 23, 1983, Dorchester Gas Producing Company (Dorchester) filed a complaint, pursuant to Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR 385.206

(1983)), requesting that the Commission direct Natural Gas Pipeline Company of America (Natural) to pay the total rate on file under Dorchester's Rate Schedule No. 2. Specifically, Dorchester seeks to collect a generic allowance for gathering services provided to Natural.

Dorchester states that pursuant to a 1946 gas purchase contract entered by and between the predecessor to Dorchester and Natural, Natural agreed to pay Dorchester a fixed rate "and, in addition thereto, any applicable gathering allowance."¹ Dorchester avers that the contract provided for this gathering allowance to permit Dorchester to recover the cost of gathering gas from wells located in Texas County, Oklahoma for delivery to Natural at the Hooker Plant. Dorchester's sale under Rate Schedule No. 2 was certificated by the Commission in Docket No. G-4907.

Upon issuance of Opinion No. 586,² Dorchester claims that Natural paid Dorchester 2.0 cents (2¢) per Mcf for "substantial off-lease gathering." When the Commission issued Order Nos. 94³ and 94-A,⁴ Dorchester claims that it was then entitled to collect the generic gathering allowance under Rate Schedule No. 2 after filing its blanket affidavit pursuant to § 154.94(k) of the Commission's regulations (18 CFR 154.94(k) (1983)). Although Dorchester informed Natural that it had filed its blanket affidavit, and further provided Natural with an itemization and description of its entitlement to retroactive and prospective gathering charges, Natural "has refused to pay any gathering allowance under Rate Schedule No. 2."⁵ Dorchester states that Natural's refusal to pay is based on the Commission's regulations concerning minimum rate gas (18 CFR 2.56(b) (1983)).

In support of its complaint, Dorchester submits that it has provided a gathering service to Natural and that it is expressly authorized to collect a gathering allowance under its contract with Natural. Dorchester states that the Commission provided for such allowances, even for minimum rate gas, in Order Nos. 94 and 94-A. Accordingly, Dorchester requests that the

¹ Dorchester complaint at 2.

² Area Rate Proceeding, *et al.* (Hugoton-Anadarko Area), Docket No. AR84-1, *et al.*, 44 FPC 783 (1970).

³ Order Amending Interim Regulations under the Natural Gas Policy Act of 1978 and Establishing Policy under the Natural Gas Act, Docket No. RM80-47, FERC Stats. and Regs. ¶ 30,178 (1980) [Reg. Preambles 1977-1981].

⁴ Final Rule and Order on Rehearing of Order No. 94, Docket No. RM80-47-002, III FERC Stats. and Regs. ¶ 30,419 (1983).

⁵ Dorchester complaint at 4.

Commission issue an order directing Natural to pay the total rate on file under Dorchester's Rate Schedule No. 2.

Any person desiring to be heard or to protest this complaint should file within 15 days after notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33307 Filed 12-14-83; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. QF84-53-000]

Energy Enrichment, Inc.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

December 9, 1983.

On November 17, 1983, Energy Enrichment, Inc., of 6200 Rockside Woods Blvd., Independence, Ohio 44131, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The facility will be located at Mt. Carmel Sanitary Landfill, 100 N. Vine Street, Mt. Carmel, Pennsylvania 17851. The primary energy source will be biomass in the form of landfill gas which is cleansed to enhance its methane concentration. The power production capacity will be 1.0 megawatts, with possible expansion not to exceed 10 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33308 Filed 12-14-83; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. CP84-106-000]

Mid Louisiana Gas Co.; Request Under Blanket Authorization

December 9, 1983.

Take notice that on November 30, 1983, Mid Louisiana Gas Company (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP84-106-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to transport natural gas on behalf of Georgia-Pacific Corporation (Georgia-Pacific), under the authorization issued in Docket No. CP82-539-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated October 18, 1983, Applicant proposes the transportation of natural gas purchased by Georgia-Pacific from Exchange Oil & Gas Corporation (Exchange) or from Louisiana Intrastate Gas Corporation (LIG). It is asserted that no gas purchase contract yet exists or is now contemplated with LIG; therefore, all current transportation volumes are purchased from Exchange. Applicant states that all transportation under the agreement is conditioned upon the availability of capacity sufficient to provide service without detriment or disadvantage to Applicant's existing customers dependent upon its general system supply. It is asserted that the volumes of gas to be transported are 10,632 Mcf on a peak day, 7,250 Mcf on an average day, and 2,715,726 Mcf annually.

It is explained that of the transportation volume 48 percent is subject to a purchase price equal to the current maximum lawful price under Section 102 of the Natural Gas Policy Act of 1978 and that the remaining 52 percent is subject to a price of \$2.8414 per million Btu. Applicant submits that the transportation path is from Georgia-Pacific's purchase point from Exchange in the Ridge gas field, Lafayette Parish, Louisiana, to a paper mill owned and operated by Georgia-Pacific in East Baton Rouge Parish, Louisiana. Applicant states that 47 percent of the gas consumed at the mill is for process

use, 51 percent for boiler fuel, and 2 percent for space heating. It is asserted that the transportation volumes would be consumed in the same end uses and in the same relative percentages.

It is asserted that LIG would charge 20.00 cents per million Btu for transporting the gas from the Ridge field to LIG's points of interconnection with Applicant. Applicant states its transportation rate as provided in its Rate Schedule T-1 is presently 16.58 cents per Mcf.

Applicant submits that it agreed to construct and has constructed and put in service the transportation lateral facilities necessary to connect Applicant's existing pipeline system to the Georgia-Pacific paper mill.

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. 83-33309 Filed 12-14-83; 8:45 am]

BILLING CODE 8717-01-M

[Docket No. RP78-77-007]

Mississippi River Transmission Corp.; Rate Change Filing

December 9, 1983.

Take notice that on December 6, 1983, Mississippi River Transmission Corporation ("Mississippi") submitted for filing First Revised Sheet No. 4 to its FERC Gas Tariff, Second Revised Volume No. 1. Said tariff sheet is proposed to be effective January 1, 1984.

Mississippi states that the instant filing reflects reductions in all of Mississippi sales rate schedules other than Rate Schedules SWS-1 and X-19. It is claimed that this rate reduction will reduce Mississippi's annual jurisdictional revenues by approximately \$2.5 million.

Mississippi states that the purpose of the instant filing is to remove from its

Base Tariff Rates effectively January 1, 1984 all costs associated with the five year amortization to expense of a storage gas loss from Mississippi's West Unionville Storage Field. Mississippi states that such amortization to expense and related rate recovery was conducted in accordance with the Stipulation and Agreement at Docket No. RP78-77 approved by Commission Order dated December 11, 1979.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 85.214). All such motions or protests should be filed on or before December 15, 1983. Protest 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. 83-33370-Filed 12-14-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF84-61-000]

Phillips Petroleum Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

December 9, 1983

On November 21, 1983, Phillips Petroleum Co., Minerals Group, Geothermal Branch, 655 East 4500 South, Salt Lake City, Utah 84107, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations.

The facility will be located at Mount Diablo Meridian, in Churchill County, Nevada. The primary energy source will be geothermal hot water and steam. The power production capacity will be 9 megawatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy

Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33371-Filed 12-14-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP84-31-000]

Texas Gas Transmission Corp.; Application

December 9, 1983.

Take notice that on October 25, 1983, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP84-31-000, 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 the purpose of making a direct sale of gas to Texas Gas Exploration Corporation (Exploration), an affiliate of Texas Gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to sell Exploration up to 20,000 Mcf per day on a direct sale interruptible basis for an initial term of one year and year to year thereafter pursuant to a contract dated October 21, 1983. Texas Gas states that Exploration would pay it a price per million Btu equal to its average system cost per million Btu of all gas purchased by Texas Gas during the preceding month plus a transportation charge of (1) 7.89 cents per Mcf for the volume purchased and (2) 0.32 percent of the volume purchased by Exploration times Texas Gas's system average cost per million Btu of gas purchased by Texas Gas during the preceding month for gas consumed as compressor fuel, company-use and unaccounted-for gas. As an alternative, gas delivered to Exploration may be replaced by other gas on a therm-for-therm basis but still subject to a transportation charge. The gas is attributable to volumes allocated to the accounts of Exploration and/or third

parties due to the extraction of liquefiable hydrocarbons in Exploration's Eunice, Acadia Parish, Louisiana, processing plant, it is explained. Texas Gas states it would be able to make the proposed sale from general system supply without impairing service to its existing resale customers.

It is shown that the subject gas would be delivered to the Eunice processing plant.

Texas Gas asserts that the subject sale and proposed transportation would give Texas Gas added market flexibility to help avoid any take-or-pay payments.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 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 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 Texas Gas to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33372 Filed 12-14-83; 8:45 am]
BILLING CODE 6717-01-M

Oil Pipeline Tentative Valuation

December 12, 1983.

The Federal Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative valuation is under consideration for the common carrier by pipeline listed below:

1981 Annual Report

Valuation Docket No. PV-1453-000

Osage Pipe Line Company, 1670 Broadway, Denver, Colorado 80217.

On or before January 23, 1984, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

(FR Doc. 83-33373 Filed 12-14-83; 8:45 am)

BILLING CODE 6717-01-M

[Project No. 7693-000]

Hydroelectric Application Filed

December 12, 1983.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. Type of Application: Preliminary Permit.

b. Project No.: 7693-000.

c. Date Filed: October 6, 1983.

d. Applicant: Saylorville Hydro Partners.

e. Name of Project: Saylorville.

f. Location: Polk County, on the Des Moines River, in Iowa.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791(a)—825(r).

h. Contact Person: Mr. Ingold Hermann, Saylorville Hydro Partners, 1715 Soo Line Building, Minneapolis, Minnesota 55402.

i. Comment Date: January 23, 1984.

j. Competing Application: Project No. 7691, Date Filed: October 5, 1983.

k. Description of Project: The proposed project would utilize the existing Corps of Engineers' Saylorville Dam and Reservoir and would consist of: (1) An intake works consisting of a control structure on the lake side of the dam; (2) a penstock approximately 1000 feet long through the dam; (3) a powerhouse substructure and superstructure housing two horizontal propeller type turbine/generator units rated at a total of 6.5 MW and operating at a head of 37.5 feet; (4) a tailrace channel leading the powerplant discharge back to the river; (5) a step-up transformer to raise the generator voltage to the transmission line voltage; (6) a short, 69-kV transmission line; and appurtenant facilities. The average annual generation of 26.5 million kWh would be sold to the Iowa Power and Light Company or the Iowa Electric Power and Light Company.

l. This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

m. *Proposed Scope of Studies under Permit*—Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Corps and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be \$125,000.

n. *Purpose of Preliminary Permit*—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a

competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) A preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33 (a) and (d).

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) A preliminary permit application or (2) a license, small hydroelectric exemption, or conduit exemption application, and be served on the applicant(s) named in this public notice.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33281 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

University Research Instrumentation Program; Solicitation Announcement

AGENCY: Department of energy.

ACTION: Program solicitation announcement.

SUMMARY: On June 7, 1983, the Department of Energy, Office of Energy Research, requested public comments on a proposed program solicitation for the University Research Instrumentation (URI) program (48 FR 26328-26331), and on October 18, 1983, DOE published the changes to the proposed program (48 FR 48277-48281). These documents may be referred to for more detailed background information about the URI solicitation. The purpose of this notice is to announce the availability of the URI program solicitation and to inform

potential applicants of the closing date and location for transmittal of applications for awards under this program. Notice of the availability of the official solicitation will also appear in the *Commerce Business Daily*.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the University Research Instrumentation program is to help strengthen the ability of U.S. universities and colleges to conduct long-range energy-related research by assisting them in acquiring some of the specialized research instrumentation which is required. In the conference report for the act making appropriations for energy and water development for fiscal year 1984 (H. Rep. No. 272, 98th Cong. 1st Sess. (1983)), Congress identified \$4,000,000 for university research instrumentation for fiscal year 1984. DOE invites all qualified universities to write for a copy of its University Research Instrumentation program solicitation, DOE-ER-0184, Notice of Program Announcement Number DE-PS05-84ER75111.

Principal Research Areas

While all areas of energy research are eligible, in FY 1984 the URI program's funds will be used principally to meet the needs of established research groups with demonstrated capability in one of four energy areas (listed below in alphabetical order). In order to indicate the potential breadth of the research in each area, a number of examples of related research topics are given. Within each area no specific projects have preference relative to other possible related projects.

1. **Bioconversions Related to Energy**—Metabolic aspects of fermentations and other pathways; molecular structure of key molecules and higher ordered biological entities in cells involved with energy transduction; chemistry of major substrates for bioconversion (e.g., lignocellulose); genetic manipulations involved with altering biological traits; biomass energy feedstock; etc.

2. **Combustion**—Heat transfer; fluidized bed combustion; kinetics and dynamics; combustion mechanics; hydrogen and other "exotic" fuels; solid and gaseous combustion by-products; pyrolysis; modeling of combustion processes; etc.

3. **Nuclear Waste Isolation Research**—Geologic factors; high temperature and high pressure chemistry; migration in geologic media and the oceans; immobilization of transuranium elements; radiation damage;

properties of ceramics containing high-level wastes; etc.

4. **Turbulent and Multiphase Flow**—Interface mechanics; solid suspensions in moving gases and liquids; effects of polymers on heat transfer; effects of changes of phase in moving matter; properties of fluids; etc.

While the equipment requested will be equally suitable and may be used for research on other energy-related topics, the need for the instrument(s) must be justified in terms of its value and ability to enhance the institution's capabilities in the principal energy-related research area described in its application.

Eligibility and Limitations

Participation in the URI program is limited to U.S. universities and colleges which during the past two calendar years (1982 and 1983) have conducted a minimum of \$150,000 of DOE-sponsored research on-campus in the area for which the equipment is requested.

The Department will consider only requests for the larger instruments, items costing about \$100,000 or more, which are required to advance research in the designated area. Small research instruments (less than about \$100,000 each) will not be eligible for consideration in this program. General purpose computing equipment is also not eligible under this program. However, laboratory computers and associated peripherals dedicated for use in connection with the instrument(s) requested or for use with existing research instruments in the selected area(s) will be considered.

Application Forms: Program solicitations were expected to be ready for mailing by December 5, 1983. Applications must be prepared and submitted in accordance with the instructions and forms included in the program solicitation. Copies may be obtained by writing to: Division of University and Industry Programs, Office of field Operations Management, Office of energy Research, Department of energy, 1000 Independence Avenue, SW., Washington, D.C., 20585; Telephone Number: (202) 252-6641.

Closing Date for Transmittal of Applications: To be eligible, applications must be received by the Department of Energy by 5:00 p.m., January 31, 1984.

FOR FURTHER INFORMATION CONTACT: All communications or questions regarding this program solicitation should be directed to: Mr. Walker K. Love, Contracting Officer, Procurement and Contracts Division, Oak ridge Operations, Department of energy, Oak

ridge, TN 37830; Telephone Number: (615) 566-0792.

Authority for the University Research Instrumentation Program is contained in section 31 (a) and (b) of the Atomic Energy Act of 1954 (42 U.S.C. 2051) and section 209 of the Department of Energy Organization Act (42 U.S.C. 7139).

(Catalog of Federal Domestic Assistance No. 81.077, University Research Instrumentation Program)

Issued in Washington, D.C. on December 9, 1983.

Alvin W. Trivelpiece,

Director, Office of Energy Research.

[FR Doc. 83-33315 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Period of November 7 Through November 18, 1983

During the period of November 7 through November 18, 1983, the notice of objection to a proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in

the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: December 7, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Mobil Oil Corporation, Fairfax, Virginia, HRO-0200

On November 14, 1983 Mobil Oil Corporation-General Crude Oil Company, 3225 Gallows Road, Fairfax, Virginia filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Dallas Office of the Economic Regulatory Administration (ERA) issued to Mobil Oil Corporation on October 3, 1983. In the PRO, the ERA found that during August 1973 to June 1979 General Crude Oil Company, which was subsequently acquired by Mobil Oil Corporation on July 6, 1979, charged prices in excess of those permitted by the Mandatory Petroleum Price Regulations for sales of NGLs/NGLPs and

crude oil. According to the PRO, the violations resulted in \$2,928,942.00 and \$1,846,054.00 of overcharges, respectively.

[FR Doc. 83-33367 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of November 11 Through November 18, 1983

During the Week of November 11 through November 18, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: December 7, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

(Week of Nov. 11 through Nov. 18, 1983)

Date	Name and location of applicant	Case No.	Type of submission
Nov. 14, 1983	Continental Oil Co., Washington, DC	HFF-0484	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR, Part 205, Subpart V in connection with the June 30, 1982, Consent Order issued to Continental Oil Company.
Nov. 14, 1983	Silver Eagle Oil, Inc., Washington, DC	HED-0176	Motion For Discovery. If granted: Discovery would be granted to Silver Eagle Oil, Inc. in connection with the Statement of Objections submitted by the firm in response to a Sept. 8, 1983, proposed Decision and Order (Case No. HED-0070) issued to the Department of Interior.
Nov. 16, 1983	Economic Regulatory Administration, Washington, DC	HRZ-0178	Interlocutory Order. If granted: Certain portions of Exxon Company, U.S.A.'s Supplemental Statement of Objections (Case No. BRO-1453) and its Motion to Compel Discovery (Case No. HRZ-0156) would be stricken, regarding the discussion of certain allegedly privileged DOE documents.
Nov. 17, 1983	O. B. Mobley, Jr., Shreveport, La.	HEX-0097	Supplemental Order. If granted: The escrow account established by the May 15, 1978, Decision and Order issued to O. B. Mobley, Jr. (Case No. DES-0170) would be transferred from the Bank of Commerce, Shreveport, Louisiana to a deposit fund escrow account with the Department of Energy.
Nov. 17, 1983	State of Texas, Austin, Tx.	HRD-0194	Motion For Discovery. If granted: Discovery would be granted to State of Texas in connection with its Statement of Objections submitted in response to the Proposed Remedial Order (Case No. HRO-0194) issued to Southwestern Gulf Petroleum Company.

REFUND APPLICATIONS RECEIVED

(Week of Nov. 11 to Nov. 18, 1983)

Date	Name of refund proceeding/Name of refund applicant	Case No. assigned
Nov. 14, 1983	Palo Pinto/New York	RO5-30
Nov. 14, 1983	Amoco/Broadway Standard	RF21-12230
Nov. 14, 1983	Amoco/Broadway Standard	RF21-12231
Nov. 14, 1983	Amoco/Moreland Standard	RF21-12232
Nov. 10, 1983	Ada Resources/Metropolitan Transit Authority	RO24-31
Nov. 16, 1983	Amoco/Johnson & Dix Fuel Corporation	RF21-12234
Nov. 16, 1983	Amoco/T.L. Oxford	RF21-12235

REFUND APPLICATIONS RECEIVED—Continued

[Week of Nov. 11 to Nov. 18, 1983]

Date	Name of refund proceeding/Name of refund applicant	Case No. assigned
Nov. 18, 1983	Amoco/Transit Oil Company	RF21-12235

[FR Doc. 83-33388 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of Nov. 18 through Nov. 25, 1983

During the week of November 18 through November 25, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions

inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: December 7, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Nov. 18 through Nov. 25, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 19, 1983	Atlantic Richfield Co., Los Angeles, CA	HRR-0076	Request for Modification/Rescission. If granted: The March 26, 1983, Decision and Order (Case No. HRR-0039) issued to the Economic Regulatory Administration and Atlantic Richfield Company would be modified; permitting the disclosure of the 701 forms to in-house personnel of Atlantic Richfield Company.
Nov. 18, 1983	Economic Regulatory Administration, Washington, DC	HRD-0178	Motion For Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Marathon Oil Company in response to three Proposed Remedial Orders (Case Nos. HRO-0024, HRO-0025, and HRO-0026) issued to the firm.
Nov. 18, 1983	Economic Regulatory Administration, Washington, DC	HRZ-0179	Interlocutory Order. If granted: The Proposed Remedial Orders issued to Marathon Oil Company (Case Nos. HRO-0024, HRO-0025, and HRO-0026) would be amended to join the United States Steel Corporation as a party in the proceedings.
Nov. 18, 1983	Economic Regulatory Administration/Dane Energy Co., Washington, DC	HRJ-0042	Motion For Protective Order. If granted: Dane Energy Company would enter into a Protective Order with the Economic Regulatory Administration regarding the release of proprietary information to Dane Energy Company in connection with the Proposed Remedial Order issued to the firm (Case No. HRO-0124).
Nov. 22, 1983	Economic Regulatory Administration, Washington, DC	HRD-0184	Motion For Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by the Mobil Oil Corporation in response to a September 18, 1981, Proposed Remedial Order (Case No. HRO-0014) issued to the firm.
Nov. 22, 1983	Kaiser Aluminum International Corp., Washington, DC	HRD-0180	Motion For Discovery. If granted: Discovery would be granted to Kaiser Aluminum International Corporation in connection with the Statement of Objections submitted by Kaiser Aluminum in response to a Proposed Remedial Order (Case No. HRO-0180) issued to the firm.
Nov. 23, 1983	John W. Shaver N., Deming, NM	HFA-0198	Appeal of an Information Request Denial. If granted: The October 21, 1983, Freedom of Information Request Denial issued by the Southwest District Office would be rescinded, and John W. Shaver N. would receive access to certain DOE information.
Nov. 25, 1983	State of Texas, Austin, TX	HRD-0187	Motion For Discovery. If granted: Discovery would be granted to the State of Texas in connection with the Statement of Objections which it submitted in connection with a Proposed Remedial Order (Case No. HRO-0198) issued to the Crown Central Petroleum Corporation.
Nov. 25, 1983	State of Texas, Austin, TX	HRD-0186	Motion For Discovery. If granted: Discovery would be granted to the State of Texas in connection with a Statement of Objections which it submitted in connection with a Proposed Remedial Order (Case No. HRO-0198) issued to Tesoro Petroleum.

REFUND APPLICATIONS RECEIVED

[Week of Nov. 18, 1983 to Nov. 21, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No. assigned
Nov. 21, 1983	Amoco/Roger's Son Standard	RF21-12236
Nov. 10, 1983	Panhandle/Missouri Self Service Gas Company	RF15-4
Nov. 23, 1983	Amoco/J. J. Hewell & Son, Incorporated	RF21-12237
Nov. 23, 1983	Amoco/J. J. Hewell & Son, Incorporated	RF21-12238

[FR Doc. 83-33389 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration**Floodplain/Wetlands Involvement Determination for Construction of Transmission Line Facilities in Big Horn County, Montana**

AGENCY: Western Area Power Administration, DOE.

ACTION: Floodplain/wetlands involvement and opportunity for comment.

SUMMARY: The Western Area Power Administration (Western) proposes to construct about one-half mile of 230-kV transmission line to interconnect Montana Power Company's (MPC) Colstrip-Billings 230-kV transmission line with Western's proposed Crossover Substation northwest of Hardin, Montana. The proposed work would be located in the SW¼, SW¼, SW¼ of Section 6 and the E¼, NE¼, NE¼ of Section 7, T1S, R33E, in Big Horn County, Montana.

Pursuant to the Department of Energy's "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR 1022), Western has determined that construction of the proposed transmission line would involve activities within the 100-year floodplain of Whitman Coulee. Two three-pole wooden turning structures and guys and one woodpole H-frame tangent structure would be constructed in the floodplain. Maps or further information are available from Western at the address provided below.

Public comments or suggestions on Western's proposed activity in this floodplain area are invited.

DATE: Any comments are due December 30, 1983.

ADDRESS: Send written comments or suggestions to: Mr. James D. Davies, Area Manager, Billings Area Office, Western Area Power Administration, Department of Energy, P.O. Box EGY, Billings, MT 59101.

FOR FURTHER INFORMATION CONTACT:

Mr. Mike Skougard, Environmental Specialist, Billings Area Office, Western Area Power Administration, Department of Energy, P.O. Box EGY, Billings, MT 59101, (406) 657-6525
Mr. Gary Frey, Director, Division of Environmental Affairs, Western Area Power Administration, Department of Energy, P.O. Box 3402, Golden, CO 80401, (303) 231-1527.

Issued at Golden, Colorado, November 30, 1983.

Robert L. McPhail,
Administrator.

[FR Doc. 83-33390 Filed 12-14-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL 2489-7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 USC 3501 et seq.) requires the Agency to publish in the Federal Register a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:**OPPE Programs**

- Title: Diesel Odor Survey (EPA #1162).

Abstract: EPA will conduct a survey of 1200 respondents to develop quantitative estimates of the benefits of reducing odors from diesel vehicles. The result of this survey may be used as part of the supporting material that EPA will consider if the Agency decides to promulgate standards for diesel vehicles.

Respondents: Randomly selected persons in three predetermined cities.

Comments on all parts of this notice should be sent to:

David Bowers (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, 401 M Street, SW., Washington, D.C. 20460; and

Vartkes Broussalian, Wayne Leiss or Carlos Tellez, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: December 7, 1983.

Daniel J. Fiorino,
Acting Director, Regulation and Information Management Division.

[FR Doc. 83-33342 Filed 12-14-83; 8:45 am]

BILLING CODE 6560-50-M

[A-4-FRL 2489-6]

PSD Permit for Florida Steel Corporation; Baldwin, Florida

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a Prevention of Significant Deterioration (PSD) permit issued on September 20, 1983, became effective on October 20, 1983. The permit was issued for the initial and subsequent modifications to Florida Steel Corporation's construction of a scrap steel reclamation facility in Baldwin, Florida.

DATES: This action is effective as of October 30, 1983, the effective date of the PSD permit. Construction must begin within 18 months of this date or the permit will become invalid.

ADDRESSES: Copies of the PSD permit, permit application, preliminary and final determination are available for public inspection upon request at the following locations.

Environmental Protection Agency, Region IV, Air Management branch, Air and Waste Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365

Bureau of Air Quality Management, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Michael Brandon of the EPA-Region IV, Air Management Branch at the Atlanta address given above, telephone 404/831-7654 (FTS: 257-7654).

SUPPLEMENTARY INFORMATION: On April 28, 1981, Florida Steel Corporation submitted an application for a PSD permit to construct/modify a scrap steel reclamation facility in Baldwin, Florida. The PSD preliminary determination was issued by the Florida Department of Environmental regulation (DER) on October 26, 1982, and the public comment period commenced on November 5, 1982. The PSD final determination was issued by the Florida DER on January 3, 1983. Several comments were made by the U.S. Environmental Protection Agency-Region IV regarding the capture and control of electric arc furnace emissions

and opacity limitations for emissions from the furnace building during furnace operation. The high capture and control efficiency of collection devices for the electric arc furnace warranted a lower opacity limit than those promulgated under new Source Performance Standards for Electric Arc Furnaces (40 CFR 60, Subpart AA, 1975). As a result, a 6 percent opacity was stipulated for visible emissions from the electric arc furnace building during all phases of operation (Part I Specific Condition A-8).

The federal PSD permit was issued on September 20, 1983, and became effective as of October 20, 1983. The effective date of the permit constitutes final Agency action under 40 CFR § 124.19(f)(1) and Section 307 of the Clean Air Act, for purposes of judicial review. Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceeding to enforce its requirements (See section 307(b)(2)). If construction does not commence within 18 months after this effective date, or if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time, the permit shall expire and authorization to construct shall become invalid.

(Sections 160-169 of the Clean Air Act (42 U.S.C. 7470-7479))

Dated: December 6, 1983.

John A. Little,
Acting Regional Administrator.

[FR Doc. 83-33344 Filed 12-14-83; 8:45 am]

BILLING CODE 5580-50-M

[PF-351; PH-FRL 2475-S]

Certain Companies; Pesticide, Food, and Feed Additive Petitions

Correction

In FR Doc. 83-31484 beginning on page 52974 in the issue of Wednesday, November 23, 1983, make the following correction: On page 52975, the first column, in the paragraph designated "C.", "3(3.5)" should read "3-{3.5}."

BILLING CODE 1505-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 U.S.C. 4314 of a revision in the

membership of the Performance Review Board of the Federal Mediation and Conciliation Service. The Board, as revised, consists of the following appointments:

Bernard M. O'Keefe, Director, Central Region, Chicago, Illinois

Chair—One Year

Edward F. O'Brien, Director, Southern Region, Atlanta, Georgia

Two Years

Jean McKee, Executive Director, Washington, D.C.

Two Years

Paul Yager, Director, Eastern Region, New York, New York

Alternate—Three Years

Dated: December 7, 1983.

Richard D. Williams,

Deputy Director.

[FR Doc. 83-33314 Filed 12-14-83; 8:45 am]

BILLING CODE 6372-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Board of Scientific Counselors, Division of Resources, Centers, and Community Activities; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Resources, Centers, and Community Activities, National Cancer Institute, National Institutes of Health, January 12-13, 1984, Building 31, Conference Room 10, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. on January 12 through adjournment on January 13, to discuss the current and future programs of the Division of Resources, Centers, and Community Activities. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of meetings and rosters of committee members upon request.

Dr. Mary E. Sears, Acting Executive Secretary, National Cancer Institute, National Institutes of Health, Blair Building, Room 614, Bethesda, Maryland 20205 (301/427-8630) will furnish substantive program information.

Dated: December 8, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-33304 Filed 12-14-83; 8:45 am]

BILLING CODE 4140-01-M

Breast Cancer Task Force Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Task Force Committee, National Cancer Institute, January 9-12, 1984. The meeting will be held in Building 31, C-Wing, Conference Room 6, National Institute of Health, Bethesda, Maryland on all four days, and also in Conference Room 9 on January 9, 11, and 12, to accommodate the overflow. This meeting will be open to the public from 8:00 a.m. to approximately 5:00 p.m. each day and will be concerned with scientific sessions and program discussions on breast cancer and other related issues. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institute of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Elizabeth Anderson, Executive Secretary, Breast Cancer Task Force Committee, National Cancer Institute, Blair Building, Room 3A-05, National Institute of Health, Bethesda, Maryland 20205 (301/427-8818) will furnish substantive program information.

Dated: December 8, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 83-33305 Filed 12-14-83; 8:45 am]

BILLING CODE 4140-01-M

Head and Neck Cancer Workshop; Integration of Treatment and Rehabilitation; Workshop

Notice is hereby given that the National Cancer Institute, National Institutes of Health, will hold a workshop on Head and Neck Cancer: Integration of Treatment and Rehabilitation, January 18-19, 1984, at the Lister Hill Center, Building 38A, Auditorium, 9000 Rockville Pike, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to approximately 5:00 p.m. on both days.

This workshop will identify and prioritize clinically relevant issues in the treatment and rehabilitation of the head and neck cancer patient. It will provide the basis for selecting the goals and major research areas for future activities in the NCI rehabilitation program.

Requests for information on the workshop should be directed to Mrs. Linda Wong, National Cancer Institute, Division of Resources, Centers, and Community Activities, Blair Building, Room 7A-05, Bethesda, Maryland 20205 (301) 427-8708.

Dated: December 8, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 83-33303 Filed 12-14-83; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee sponsored by the National Heart, Lung, and Blood Institute, on January 27, 1984, at 9:00 a.m., at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814. The entire meeting will be open to the public.

The coordinating committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program.

Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary contact: Dr. Edward J. Roccella, Coordinator, Health Education Branch, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A18, Bethesda, Maryland 20205, 301-496-1051.

Dated: December 9, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-33308 Filed 12-14-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-060-139A]

Mill Creek Wilderness Study Area (WSA) Boundaries Modified as Instructed by the Interior Board of Land Appeals

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: In accordance with instructions from the Interior Board of Land Appeals (IBLA) to "reinstate" the Mill Creek unit as a Wilderness Study Area (WSA), BLM has done so, subject to the following: "Although if any of the routes in the area identified during the investigation of the protest meet the wilderness definition of a road, those roads should be 'cherry-stemmed'" (72 IBLA 182). Accordingly the boundary is modified to exclude two parcels of land (300 acres and 240 acres) where roads bisect part of the WSA and isolate these parcels, leaving a WSA of 9,780 acres. The original unit was identified as 10,320 acres in size.

The acreage dropped from further consideration as wilderness in this inventory unit will no longer be subject to the management restrictions imposed by Section 603 of Pub. L. 94-579.

The final decision announced herein is scheduled to become effective 30 days after publication of this notice. For purposes of this decision, this unit is considered separable from every other unit under wilderness review. Should any amendment to the decisions listed herein be made by the Utah BLM State Director as a result of new information received following this announcement, that amendment will be formally published in the *Federal Register* and will not become effective until 30 days following such publication. This 30 day extension will apply only to the amendment and not to this decision.

Upon publication of this decision in the *Federal Register*, a 30 day appeal period is initiated. Any person who has disagreement with this decision and has information which may influence the decision may file an appeal with the IBLA by following administrative procedures applicable to formal appeals. These are published in the Code of Federal Regulations under 43 CFR Part 4. A copy of any notice of appeal must be filed with the Utah State Director (U-930), Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, so that the case files can be transmitted to IBLA. To avoid summary dismissal of the appeal, these must be in strict compliance with the regulations found in 43 CFR 4.411. The rules of practice require that a copy of the notice of appeal, any statement of reasons, written arguments, or briefs, must be served on the Regional Solicitor, Intermountain Region, U.S. Department of the Interior, Suite 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, and provide proof of service in accordance with 43 CFR

4.401(c) within 15 days of filing any document in connection with an appeal.

FOR FURTHER INFORMATION CONTACT: Gene Nodine, Moab District Office, (801) 259-6111.

Dated: December 6, 1983.

Roland G. Robison,

State Director.

[FR Doc. 83-33353 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-DQ-M

Winnemucca District, Nevada; Environmental Impact Statement

AGENCY: Bureau of Land Management.

ACTION: Designation of public lands within the Paradise-Denio Resource Area as the Osgood Mountains Milk-vetch Area of Critical Environmental Concern (ACEC).

SUMMARY: Pursuant to the authorities in the Federal Land Policy and Management Act (FLPMA) of 1976 and the authorization from the Director, I have designated the following described public lands within the Paradise-Denio Resource Area as an Area of Critical Environmental Concern:

Mt. Diablo Base and Meridian

T. 38 N., R. 42 E.,

Section 6, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 39 N., R. 42 E.,

Section 31, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described totals about 60 acres of public land.

EFFECTIVE DATE: The Osgood Mountains Milk-vetch ACEC designation became effective on the same day the Paradise-Denio Management Framework Plan was officially adopted—July 9, 1982. The designation was authorized by regulation (43 CFR Part 1600) effective September 6, 1979.

ADDRESSES: For further information about this designation, contact either of the following Bureau of Land Management officials:

Edward F. Spang, Nevada State Director, Nevada State Office, 300 Booth Street, P.O. Box 12000, Reno, Nevada 89520; (702) 784-5451

Frank C. Shields, District Manager, Winnemucca District, Bureau of Land Management, 705 E. 4th Street, Winnemucca, NV 89445; (702) 623-3676

SUPPLEMENTARY INFORMATION: An ACEC as defined by FLPMA is an area "within the public lands where special management attention is needed (when such area are developed or where no development is required) to protect and prevent irreparable damage to important historical, cultural, or scenic values, fish

and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards."

The Bureau of Land Management has adopted as its policy that those areas must meet the criteria of relevance and importance as defined in the ACEC policy and procedures guidelines published in June 1980.

The Osgood Mountains Milk-vetch ACEC is the critical habitat for the Osgood Mountains Milk-vetch (*Astragalus yoder-williamsii*). This species was listed as endangered by the U.S. Fish and Wildlife Service (FWS) on August 13, 1980, on an emergency listing. However, the listing expired on April 15, 1981. A Memorandum of Understanding (MOU) between FWS and BLM has been established in an effort to aid the conservation of the species. The MOU is an interim measure under the Endangered Species Act of 1973, as amended, in light of the complicated and lengthy process of formally listing the plant as a federally endangered species. The relevance criterion is therefore met because the area requires special management attention in order to prevent irreparable damage to the critical habitat of the Osgood Mountains Milk-vetch.

The importance criterion is met because this is the only known occurrence of this species. Due to the endangerment of the species, there is a significant "cause of concern" to manage this area in such a manner that future disturbance does not occur.

Based on the plan element prepared for this ACEC, the following resource use limitations are imposed:

(1) Off-road vehicle activity will be discouraged in the Critical Habitat Area. This includes off-road vehicle use in conjunction with maintenance of the existing fence, prospecting, and recreation.

(2) By virtue of the ACEC designation, a plan of operations must be filed with the BLM for any proposed mining activity within the area. Any activity which would cause habitat disturbance can be mitigated by this means.

(3) Maintenance of the existing roadway shall be restricted to the present right-of-way reservation. No expansion of the road into undisturbed areas will be allowed.

Opportunity for public comment on this ACEC designation occurred during the period between July 1980 and July 1982, when comments were requested on the Paradise-Denio Management Framework Plan. Two public meetings

and a week-long open house were conducted for the purpose of receiving public comments. Following approval of the Management Framework Plan, the ACEC designation was protested in July of 1982. Subsequently, the protest was resolved in February 1983 in favor of designation.

Dated: December 9, 1983.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83-33352 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-HC-M

[OR-34957, OR-35019, OR-36020]

Oregon; Realty Action Competitive/Modified Competitive Sale in Lake County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value shown:

Sale and Parcel No.	Legal description	Acreage	Fair market value
OR-34957: 1	T. 27 S., R. 17 E., Willamette Meridian, Oregon		
	Section 15: SW¼ SE¼	40	\$8,200
2	Section 15: SW¼ SW¼	40	8,000
3	Section 22: SE¼ NE¼	40	8,200
4	Section 14: SE¼ SW¼; Section 23: NE¼ NW¼, S¼ NW¼ NW¼	100	19,000
5	Section 23: S¼ NW¼, N¼ SW¼	160	32,000
OR-36019: 6	T. 27 S., R. 17 E., Willamette Meridian, Oregon		
	Section 31: SE¼ NE¼, E¼ SE¼	120	
	Section 32: S¼ NW¼	80	
	T. 28 S., R. 17 E., Willamette Meridian, Oregon		
	Section 6: Lot 1	37.46	
		237.46	30,900
OR-36020: 7	T. 28 S., R. 16 E., Willamette Meridian, Oregon		
	Section 11: SW¼ NW¼, NW¼ SW¼	80	14,000

The parcels offered for sale will be conducted either by competitive or modified competitive sale procedures, however all bids will be limited to

sealed bids and must be for at least the appraised value. Individuals with a preference right to purchase a parcel must be present at the auction and must submit a sealed bid, appraised value or higher, in order to qualify to meet the high sealed bid.

The sale will be held on Wednesday, February 15, 1984, at 10:00 a.m., Bureau of Land Management Conference Room, 1000 South Ninth Street, Lakeview, Oregon 97630.

Sale parcels No. 1, 2, 3, and 5, OR-34957 and sale parcel No. 7, OR-36020, will be offered for sale at public auction through competitive bidding.

Sale parcel No. 4, OR-34957 and sale parcel No. 6, OR-36019 will be offered for sale at public auction through modified competitive bidding with William C. Remy and Joe Oxenford, respectively, given preference to meet the high selling bid. Refusal or failure by either Mr. Remy or Mr. Oxenford to meet the high selling bid immediately after the close of bidding shall constitute a waiver of such right.

Modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; CFR Part 2711.3-2(a)(2)).

This sale is consistent with the existing land use plan developed in accordance with the Department's planning regulations, public participation and in coordination with local governmental entities. The sale involves isolated land completely surrounded by private land, that is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering this land for sale.

Federal law requires that all bidders be U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale land is offered.

Sealed written bids will be considered only if received by the Bureau of Land Management, 1000 South Ninth Street, P.O. Box 151, Lakeview, Oregon 97630, prior to 10:00 a.m., Wednesday, February 15, 1984. A separate written bid should be

submitted for each sale parcel desired. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashiers check, made payable to the Department of the Interior-BLM for at least twenty percent (20%) of the amount bid and shall be enclosed in a sealed envelope clearly marked, "Bid for Public Land Sales OR-34957, OR-36019, OR-36020, Sale Parcel Number —, Lake County, Oregon, February 15, 1984". The written sealed bids will be opened and publicly declared at the beginning of each sale. If 2 or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid, shall be by drawing.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from the date of sale. Failure to submit the full bid price within 30 days from the date of sale shall result in sale cancellation of the specific parcel and the twenty percent (20%) deposit shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his/her obligation and withdraw any tract from the sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

3. The patents will contain a reservation to the United States for ditches and canals.

4. The sale is for surface estate only. The patents will contain a reservation to the United States for all minerals.

5. The sale will be subject to all valid existing rights.

Parcels not sold on the day of the sale will remain available for sale until sold or withdrawn. Sealed bids will be solicited on these parcels at the Lakeview District during regular business hours (7:45 a.m. to 4:30 p.m.). The sealed bids will be opened March 7, 1984 and every first Wednesday of each subsequent month until the land is either sold, or withdrawn.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Lakeview District Office, Bureau of Land Management, 1000 South Ninth Street, Lakeview, Oregon 97630.

For a period of 45 days from the date of this notice, interested parties may

submit comments to the District Manager, Lakeview District Office, Bureau of Land Management, P.O. Box 151, 1000 South Ninth Street, Lakeview, Oregon 97630. Any adverse comments received as a result of the Notice of Realty Action or notification to the congressional committees and delegations pursuant to Pub. L. 98-146, will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: December 7, 1983.

L. E. Duncan,

Acting District Manager.

[FR Doc. 83-33354 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-33-M

[OR-36556]

Oregon; Realty Action Proposed Bombing and Aerial Gunnery Range in Lake County, Oregon; Leasing of Land

The Oregon Military Department proposes to submit an application to lease the following described land under section 302 of the Federal Lake Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732), for an aerial gunnery and bombing range.

A. Exclusive Use Area

T. 28 S., R. 23 E., W.M.

Secs. 31,¹ 32, and 33¹

T. 29 S., R. 23 E., W.M.

Secs. 4, 5, 6,¹ and 8

B. Non-Exclusive Use Area

T. 28 S., R. 23 E., W.M.

Secs. 19,¹ 20, 21, 22, 23,¹ 26, 27, 28, 29, 30,¹ 33, 34, and 35¹

T. 29 S., R. 23 E., W.M.

Secs. 3,¹ 6,¹ 7, 10,¹ 15,¹ 16, 17, 18, 19, 20, 21, 22,¹ 27,¹ 28, 29, 30,¹ 32,¹ 33,¹ and 34^{*}

T. 29 S., R. 22 E., W.M.

Secs. 12, 13, 24,¹ 25, and 36¹

The exclusive use area described above, containing approximately 3,840 acres, identifies the main impact area. The ordinance use would be restricted to inert bomb simulators, with marking charges, and non-explosive, non-incendiary 20 and 30 mm cannon rounds. The Oregon Military Department subsequently would apply for a withdrawal for this portion of the range. This area would be fenced off and not available for public or livestock use. The non-exclusive use area,

¹ Portions of sections.

containing approximately 20,500 acres, would remain under a lease and would be used as a safety buffer zone. This area would be available for public use with the exception of those times when the strafing exercises were occurring. At this time, a "safety fan" encompassing roughly 5,000 acres would be cleared of all persons. The southern boundary of the lease area is approximately two and one half miles north of Alkali Lake, Oregon. To accommodate current land uses, the Oregon Military Department proposes to abstain from aerial strafing practice during the livestock grazing season, while the bombing exercises could occur year round. The Oregon Military Department would provide additional livestock and wildlife watering facilities to offset negative impacts to these values.

The proposed use is in conformance with the Lakeview District land use plans. The Lakeview District Bureau of Land Management will consider a long term (approximately 20 year) direct-noncompetitive lease for the non-exclusive use area, and a lease for the exclusive use area that would terminate upon withdrawal. Rental would be based upon the appraised fair market value. Final consideration is dependent upon the Oregon Military Department's filing of an application for lease, and on the assessment of all environmental and human impacts that would result from such a lease.

Interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630. In order to fully assimilate comments for incorporation into the Environmental Assessment, the comment period for this Notice will be 45 days from the published date. The Environmental Assessment is scheduled to be completed by August 1, 1984 and will be available for review at the Lakeview BLM offices at that time.

Dated: December 5, 1983.

Richard L. Harlow,

Acting District Manager.

[FR Doc. 83-33355 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-33-M

[M-58031 (SD), et al.]

Amendment to Notice of Realty Action—Competitive Sale of Five Parcels of Public Land in Lyman County, South Dakota

AGENCY: Bureau of Land Management, Miles City District, South Dakota Resource Area Office.

ACTION: Notice of Realty Action M-58031(SD); M-58032(SD); M-58033(SD); M-58034(SD); M-58035(SD); Amendment.

SUMMARY: The fair market value for the following described public lands has been determined and will be used in the competitive bid sale to be held December 21, 1983.

The parcels and appropriate values are as follows:

M-58031(SD) Township 103 North, Range 75 West.

Section 22: Lot 4—28.7 acres—\$2,500.

M-58032(SD) Township 103 North, Range 73 West.

Section 5: S½NE¼—80.00 acres—\$8,000.

M-58033(SD) Township 103 North, Range 73 West.

Section 5: NE¼NE¼—80.00 acres—\$9,000.

Township 103 North, Range 73 West.

Section 32: SE¼SE¼.

M-58034(SD) Township 103 North, Range 78 West.

Section 29: Lot 1—2.60 acres—\$500.

M-58035(SD) Township 103 North, Range 74 West.

Section 2: Lot 1—1.05 acres—\$50.

All other terms of the sale are as described in the original Notice of Realty Action FR Doc. 83-28542, Vol. 48, No. 204, page 48715, as corrected by FR Doc. 83-29888 in the *Federal Register*, Vol. 48 No. 214, page 50803 dated November 3, 1983, except for the following changes to paragraph

SUPPLEMENTARY INFORMATION:

Bid Standards: No bid will be accepted for less than the appraised fair market value and bids must be individually submitted for each parcel in this notice.

Method of Bidding: In second sentence, change "not less than one-fifth (20%)" to "30%" of the amount bid.

Final Details: In first sentence, change "within the time period designated by the authorized officer." to "within 180 days."

Dated: December 9, 1983.

Robert A. Teegarden,
Acting District Manager.

[FR Doc. 83-33350 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-DN-M

[M-57761 (SD)]

Amendment to Notice of Realty Action—Competitive Sale of Public Land in Custer County, South Dakota

AGENCY: Bureau of Land Management, Miles City District, South Dakota Resource Area Office.

ACTION: Notice of reality action M-57761 (SD); Amendment.

SUMMARY: The fair market value for the following described public lands has

been determined and will be used in the competitive combination of sealed and/or oral bids to be held December 28, 1983, at 1:30 pm, M.S.T., at the Custer County Courthouse, Custer, South Dakota.

The parcel and approximate value follows:

Black Hills Meridian

Township 6 South, Range 2 East, Section 25, NE¼NW¼, containing 40—acres—value \$3,000

All other terms of the sale are described in the original Notice of Realty Action FR Doc. 83-29198, Vol. 48, No. 209, page 49706 on October 27, 1983, and as corrected by FR Doc. 83-30441, Vol. 48 No. 219, page 51706 dated November 10, 1983, except as follows:

SUPPLEMENTARY INFORMATION

paragraph is amended at:

Bid Standards: No bid will be accepted for less than the appraised fair market value and bids must include all of the land identified in the notice.

Method of Bidding: In the second paragraph, change the amount from one-fifth of the amount bid to 30% of the amount bid.

Add the following sentence to the last paragraph: The successful bidder will submit 30% of the amount bid at the time of bid and the remainder within 180 days of the sale date.

Dated: December 6, 1983.

Robert A. Teegarden,
Acting District Manager.

[FR Doc. 83-33351 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-DN-M

[CA-14666]

Termination of the Segregative Effect of State of California Application for Indemnity Selection; Realty Action; Exchange of Public Land in Mendocino County, California

The segregative effect of State of California State Lands Commission application dated February 5, 1982, Serial No. CA 12321, is hereby cancelled insofar as it affects the following described lands:

Mount Diablo Meridian

T. 13 N., R. 16 W.,
Sec. 1, lots 1, 6, 8, 9.

T. 14 N., R. 15 W.,

Sec. 30, NE¼;

Sec. 32, SW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼.

T. 14 W., R. 16 W.,

Sec. 21, SE¼SW¼;

Sec. 24, N½SW¼;

Sec. 28, NE¼NW¼.

T. 20 N., R. 12 W.,

Sec. 18, N½ lots 1 and 2, NW¼NE¼.

Pursuant to 43 CFR Part 1600, the Bureau of Land Management has published both a Notice of Intent to Amend the Scattered Blocks and the East Mendocino Management Framework Plans, 48 FR 48720 (Oct. 20, 1983), and an Availability of Planning Criteria for Amendments to the Scattered Blocks and the East Mendocino Management Framework Plans, 48 FR 52986 (Nov. 23, 1983) for tracts 4, 5, and 15 of the public lands described below.

The following described public lands, subject to the amendments to the Scattered Blocks and East Mendocino Management Framework Plans, have been determined to be suitable for disposal under Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2756):

Mount Diablo Meridian

Tract 1

T. 14 N. R., 16 W.,

Sec. 21, SE¼SW¼;

- Sec. 28, NE¼NW¼.

Tract 2

T. 13 N., R. 16 W.,

Sec. 1, lot 6.

Tract 3

T. 13 N., R. 16 W.,

Sec. 1, lots 1, 8, 9.

Tract 4

T. 11 N., R. 15 W.,

Sec. 3, E½ lot 6.

Tract 5

T. 11 N., R. 15 W.,

Sec. 1, lots 1, 2, 13.

T. 12 N., R. 15 W.,

Sec. 35, SW¼SE¼.

Tract 6

T. 12 N., R. 15 W.,

Sec. 20, SW¼NE¼, NW¼SE¼.

Tract 7

T. 14 N., R. 15 W.,

Sec. 32, SW¼NE¼, NE¼NW¼, S½NW¼, NW¼SW¼.

Tract 8

T. 14 N., R. 15 W.,

Sec. 30, NE¼.

Tract 9

T. 24 N., R. 12 W.,

Sec. 20, SE¼SE¼.

Tract 10

T. 14 N., R. 16 W.,

Sec. 24, N½SW¼.

Tract 15

T. 20 N., R. 12 W.,

Sec. 18, N½ lots 1 and 2, NW¼NE¼.

Tract 16

T. 17 N., R. 12 W.,

Sec. 15, lot 2.

Containing 1042.17 acres more or less.

Louisiana Pacific Corporation, P.O. Box 158, Samoa, California 95564, has applied to acquire the above described public lands in exchange for the following described privately owned lands:

All lands are in Township 2 South, Range 2 West, Humboldt Meridian

Tract 1

Parcel 1.

Sec. 19, portion of S $\frac{1}{2}$ lot 1 in SW $\frac{1}{4}$, S $\frac{1}{2}$ lot 2 in SW $\frac{1}{4}$.

Parcel 2.

Sec. 30, portion of N $\frac{1}{2}$ lot 1 in NW $\frac{1}{4}$, N $\frac{1}{2}$ lot 2 in NW $\frac{1}{4}$.

Parcel 3.

Tract A Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$;

Tract B Sec. 21, portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Parcel 4.

Sec. 22, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$ NE $\frac{1}{4}$.

Parcel 5.

Sec. 27, S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$.

Tract 2

Sec. 27, lots 7, 8, S $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Containing 1178.15 acres more or less.

Supplementary Information: A mineral evaluation has been completed on the public lands. Tracts 1 through 8 and 10 were found to be prospectively valuable for oil and gas. Tract 16 was found to be prospectively valuable for geothermal. A reservation of these minerals will be made to the United States. The mineral estate of the privately owned lands will be conveyed with the exception of Tract 2. On Tract 2 all coal and other minerals together with the right to prospect for, mine and remove shall be retained into private ownership.

There will be reserved to the United States in the applied for lands, a right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945). There will also be a 40 foot wide electrical transmission line right-of-way, SAC 059944, reserved to Pacific Gas and Electric Company across Tract 6.

Pursuant to the authority contained in Section 3(d) of Executive Order 11988 of May 24, 1977, there will be a restriction on the following described public lands that would constitute a covenant running with the land, whereby the land may not be used for residential purposes, dwellings or buildings:

Mount Diablo Meridian

Tract 4

T. 11 N., R. 15 W.,

Sec. 3, SE $\frac{1}{4}$ E $\frac{1}{4}$ Lot 6.

Tract 7

T. 14 N., R. 15 W.,

Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Tract 8

T. 14 N., R. 15 W.,

Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Tract 9

T. 24 N., R. 12 W.,

Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The purpose of this exchange is to acquire non-Federal lands that would consolidate other public lands adjacent to the King Range Conservation Area for more effective management and to provide for legal access to the consolidated lands.

The publication of this notice in the Federal Register shall segregate the applied for public lands from all other forms of appropriation and the public land laws, including the mining laws, for a period of two years. This exchange is expected to be consummated before the end of that period.

For Further Information Contact: Van W. Manning, District Manager, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, P.O. Box 940, Ukiah, California 95482, Phone: (707) 462-1876. Detailed information concerning the exchange, including the environmental assessment and record of non-Federal participation is available for review.

Dates: For a period of 45 days from the publication of this notice in the Federal Register, interested parties may submit comments to the Ukiah District Manager, Bureau of Land Management, 555 Leslie Street, P.O. Box 940, Ukiah, California 95482. Any adverse comments will be evaluated by the California State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation or modification this realty action will become the final determination of the Bureau.

Dated: December 5, 1983.

Van W. Manning,

Ukiah District Manager.

[FR Doc. 83-33325 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-40-M

Ely District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ely District Advisory Council will be held on Wednesday, January 25, 1984.

The meeting will be held jointly with the Ely District Grazing Advisory Board, and will convene at 9:30 a.m. in the conference room of the Ely District Office located on the Pioche Highway one mile south of Ely, Nevada.

The one major agenda item is the proposed change of kind of livestock on several grazing allotments in the Egan Resource Area. After discussion of this topic, the advisory groups will conduct separate meeting during which their recommendations will be formulated and submitted to the District Manager.

Public comment time is scheduled for 1:30 p.m. The public is invited to attend this meeting and may, at the designated time, submit written or oral statements for the advisory groups' consideration.

Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Cleone McDonald at (702) 289-4865.

DATE: January 25, 1984.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: December 8, 1983.

Merrill L. DeSpain

District Manager.

[FR Doc. 83-33329 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-HC-M

Ely District Grazing Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Ely District Grazing Advisory Board will be held on Wednesday, January 25, 1984.

The meeting will be held jointly with the Ely District Advisory Council, and will convene at 9:30 a.m. in the conference room of the Ely District Office located on the Pioche Highway one mile south of Ely, Nevada.

The one major agenda item is the proposed change of kind of livestock on several grazing allotments in the Egan Resource Area. After discussion of this topic, the advisory groups will conduct separate meetings during which their recommendations will be formulated and submitted to the District Manager.

Public comment time is scheduled for 1:30 p.m. The public is invited to attend

this meeting and may, at the designated time, submit written or oral statements for the advisory groups' consideration.

The election of officers and the discussion of items of range management policy will also occur during the separate meeting.

Minutes of the meeting will be available for public inspection and reproduction during regular office hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Kathy Lindsey at (702) 289-4865.

DATE: January 25, 1984.

ADDRESS: Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301.

Dated: December 8, 1983.

Merrill L. DeSpain,
District Manager.

[FR Doc. 83-33328 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-HC-M

Yuma District Advisory Council Notice of Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Advisory Council Meeting.

SUMMARY: The Yuma District District Advisory Council will meet from 9:00 a.m. to 3:00 p.m., January 20, 1984, at the Yuma County Chamber of Commerce Conference Room, 377 S. Main Street, Yuma, Arizona. The public is invited to attend.

The meeting agenda will include:

1. District Manager's update;
2. Wilderness area recommendation status report;
3. Resource Management Plan update;
4. Floodplain Management Plan update;
5. Long Term Visitor area program update;
6. Lands Program Update; and
7. Public comments.

Individuals wishing to make statements at the meeting should advise the District Manager by 4:00 p.m., January 19, 1984 so that time may be reserved.

FOR FURTHER INFORMATION CONTACT: Glenn Stewart (602) 726-6300.

B. Gene Miller,
Acting District Manager.

[FR Doc. 83-33326 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-32-M

C-21446 and C-25341 for lands in Dolores County, Colorado was timely filed and was accompanied by all the required rentals and royalties accruing from August 1, 1983, the date of termination.

The lessee has agreed to new lease terms for rentals and royalties at rates of \$5.00 and 16% percent, respectively.

The lessee has paid the required \$500 administrative fee for each lease and has reimbursed the Bureau of Land Management for the estimated cost of this Federal Register notice.

Having met all the requirements for reinstatement of the leases as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920, as amended, (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the leases, effective August 1, 1983, subject to the original terms and conditions of the leases and the increased rental and royalty rates cited above.

Questions concerning this notice may be directed to Barbara Benz of the Colorado State Office at (303) 837-5551. William J. Norton II,

Acting Chief, Mineral Leasing Section.

[FR Doc. 83-33327 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-JB-M

Realty Action; Sale of Public Lands; Emery County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Direct Sale of Public Lands in Emery County, Utah (U-50237).

SUMMARY: The following described land has been examined and identified as suitable for disposal by direct sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than fair market value:

Salt Lake Meridian, Utah

T. 17 S., R. 8 E.,
Sec. 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The above-described land, comprising 5 acres, is being offered by direct sale to Samuel H. Rowley at fair market value. Disposition will assure equitable consideration to a historical user and the owner of improvements on the land.

The proposed sale is consistent with the Bureau's Planning System. The tract location and its characteristics make it difficult to manage as part of the public lands. The only access to the tract is by a private road across lands owned by Mr. Rowley and other members of his family.

The tract is not required for any other Federal purpose and meets the disposal criteria of the regulations contained in 43 CFR 2710.0-3(a)(3).

The land will not be offered for sale until 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945 (1970).

2. All minerals in the land above described, with the right to prospect for, mine and remove the same under applicable law and such regulations as the Secretary may prescribe.

3. All oil and gas with the rights to explore for and produce oil and gas, including ingress and egress.

Patent will be issued recognizing that the lands lie within a floodplain and as such the patentees or their successors will be limited by Section 3(d) of Executive Order 11938 of May 24, 1977 from seeking compensation from the United States or its agencies in the event the patented lands and/or existing or future facilities on the patented lands are damaged by floods.

The sale of these lands will be subject to all valid existing rights and reservations of record.

Detailed information concerning the sale, including the combined Environmental Assessment and Land Report, is available for review at the San Rafael Resource Area Office, 900 North 7th East, Price, Utah and the Moab District Office, 125 West 2nd South, Moab, Utah.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager at 125 West 2nd South, P.O. Box 970, Moab, Utah 84532. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue the final determination of the Department of the Interior.

Dated: December 8, 1983.

Gene Nodine,
District Manager.

[FR Doc. 83-33324 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-DQ-M

[AA-5684-A]

Alaska Native Claims Selection; Chaluka Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec.

[Colorado 21446 and 25341]

Proposed Reinstatement; Delores County, Colorado

Notice is hereby given that a petition for reinstatement of oil and gas leases

14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), will be issued to Chaluka Corporation, for approximately 5 acres. The lands involved are within T. 83 S., R. 136 W., Seward Meridian, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in THE ANCHORAGE TIMES upon issuance of the decision.

For information on how to obtain copies, contact Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in 43 CFR Part 4, Subpart E, as revised.

If an appeal is taken, the notice of appeal must be filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (990), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until January 16, 1984 to file an appeal.

Any party known or unknown who is adversely affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State

Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

O. Earle Williams, Jr., Chief, Logistics and Property Management, 17th Coast Guard District, P. O. Box 3-5000, Juneau, Alaska 99802

Chaluka Corporation, Nickolski, Alaska 99638

The Aleut Corporation, 2550 Denali Street, Anchorage, Alaska 99503.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc 83-33336 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Interim Water Service Contracts; Intent To Negotiate Interim Water Service Contracts

The Regional Director of the Lower Missouri Region, Bureau of Reclamation, Department of the Interior, may enter into interim water service contracts for irrigation and municipal and industrial (M&I) water when such water or storage space is available and surplus to project needs. Contracts of this type can be entered into upon short notice to meet emergency or temporary demands. However, such contracts may not exceed 1 year in duration and are limited to 10,000 acre-feet annually per irrigation contract and 2,000 acre-feet annually per M&I contract. All interim contracts will specify quantities, rates, and other terms and conditions in compliance with Reclamation law and Bureau of Reclamation policy.

The Regional Director of the Lower Missouri Region, Denver, Colorado, has authority to execute interim water service contracts in southeastern Wyoming, eastern Colorado, Nebraska, and northern Kansas. For the calendar year 1984, it appears that water or storage space, surplus to project needs, will be available for sale from Glendo, Seminoe, and Glen Elder Reservoirs of the Pick-Sloan Missouri Basin Program; Pathfinder Reservoir of the North Platte Project; Ruedi Reservoir and the East Slope System of the Fryingpan-Arkansas Project; and Green Mountain Reservoir of the Colorado-Big Thompson Project. Other Bureau projects in the region with regulated reservoir storage may have minor quantities of surplus water or storage space available to meet temporary demands. All releases will be subject to State laws for beneficial use and prior appropriation rights.

Parties interested in receiving information about the Bureau's interim water or storage space marketing program or obtaining a temporary supply of water or storage space from a Bureau project should contact:

Project Manager, Mills, Wyoming (307) 261-5632, Glendo, Seminoe, and Pathfinder Reservoirs, Wyoming.

Project Manager, Grand Island, Nebraska (308) 345-4400, Glen Elder Reservoir, Kansas.

Project Manager, Pueblo, Colorado (303) 544-8171, Ruedi Reservoir and East Slope System, Colorado.

Project Manager, Loveland, Colorado (303) 667-4410, Green Mountain Reservoir, Colorado.

Unless significant public interest in the proposed interim water marketing program is demonstrated in response to this notice and local news releases or announcements, the availability of the proposed draft contracts will be limited to those parties who have expressed an interest therein. Written comments from the public on the forms of the proposed contracts should be submitted not later than 30 days after the completed drafts are made available.

Dated: December 9, 1983.
William C. Klostermeyer,
Acting Commissioner of Reclamation.

[FR Doc. 83-33377 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Endangered Species Permit; Don C. Isgar et al.; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Don C. Isgar, Salt Lake City, UT—PRT 2-11297

The applicant requests a permit to import one hunting trophy of a captive-bred bontebok antelope (*Damalisca dorcas dorcas*) that was culled from a ranch herd in South Africa.

Applicant: Gladys Porter Zoo, Brownsville, TX—APP No. 584012

The applicant requests a permit to export a pair of captive-bred tigers (*Panthera tigris*) to the Toluca, Mexico Zoo for enhancement of propagation.

Applicant: Cleveland Metroparks Zoo, Cleveland, OH—APP No. 583945

The applicant requests a permit to import one female captive-born cheetah, (*Acinonyx jubatus*) from Whipnade

Park, England, for enhancement of propagation or survival.

Documents and other information submitted with these applications are available to the public during normal business hours 7:45 a.m. to 4:15 p.m. in Room 601, 1000 N. Glebe Rd. Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WFO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate file when submitting comments.

Dated: December 12, 1983.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-33359 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; C&K Petroleum, Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that C&K Petroleum, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1954, Block 103, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land 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 of the Code of Federal Regulations.

Dated: December 8, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-33319 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co., U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the West Delta Block 73 Federal Unit Agreement Nos. 14-08-0001-11674, 14-08-0001-8916, 14-08-0001-11677, submitted on December 1, 1983, a proposed annual plan of development/production describing the activities it proposes to conduct on the West Delta Block 73 Federal Units.

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 offices of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. 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 State, executives of affected local governments, and other interested parties became effective on 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 8, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 83-33318 Filed 12-14-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-174]

Certain Woodworking Machines; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 10, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Rockwell International Corp., 600 Grant Street, Pittsburgh, Pennsylvania 15219. A supplement to the complaint was filed on November 21, 1983. The complaint as supplemented alleges unfair methods of competition and unfair acts in the importation of certain woodworking machines into the United States, or in their sale, by reason of alleged (a) infringement of claims 1 through 3 and 5 through 14 of U.S. Letters Patent 3,754,493; (b) infringement of complainant's common law trademark in the configuration of its woodworking machines; (c) infringement of complainant's common law trademark "Contractor's Saw"; (d) infringement of complainant's registered trademarks "Unisaw" and "Rockwell", Registration Nos. 369,416 and 765,006, and its registered logo, Registration No. 1,031,146; (e) false representation of manufacturing source; (f) passing off; and (g) false and deceptive advertising. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and permanent cease and desist orders.

Authority

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on December 7, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of

subsection (a) of section 337 in the unlawful importation of certain woodworking machines into the United States, or in their sale, by reason of alleged (a) infringement of claims 1 through 3 and 5 through 14 of U.S. Letters Patent 3,754,493; (b) infringement of complainant's common law trademark in the configuration of its woodworking machines; (c) infringement of complainant's common law trademark "Contractor's Saw"; (d) infringement of complainant's registered trademarks "Unisaw" and "Rockwell", Registration Nos. 369,416 and 765,006, and its registered logo, Registration No. 1,031,146; (e) false representation of manufacturing source; (f) passing off; and (g) false and deceptive advertising, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Rockwell International Corp., 600 Grant Street, Pittsburgh, Pennsylvania 15219.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Chiu Ting Machinery Co., Ltd., 16, Chen Shing Road, Taiping Taichung County, Taiwan

Shih Hsin Screw Works, 372 An Ho Road, Sec. 1, Tainan, Taiwan

Ju Ting Machinery Works Co., Ltd., 88-10, Tung Ping Road, Taiping Hsiang, Taichung Hsien, Taiwan

Leroy International Corp., Hung Tai Sung Chiang Bldg., 152 Sung Chiang Road, Taipei, Taiwan

King Feng Fu Machine Works Co., Ltd., No. 45, Sec. 1, Chung Chin Road, TaYa Taichung Hsien, Taiwan

World Wide Supplies Co., Ltd., 4th Floor No. 305, Sec. 3, Nanking E. Road, P.O. Box 67-2, Taipei, Taiwan

Show Soon Enterprises Co., Ltd., 5, 6th Floor, No. 41-4 Hsing Tung Street, Taipei, Taiwan

Dankey International Inc., 3-F1-2, 19 Sec. 4, P.O. Box 81-149, Nanking E. Road, Taipei, Taiwan

Tauco Manufacturing (Pty) Ltd., P.O. Box 4125, Port Elizabeth, 6000, South Africa

Jet Equipment & Tools Corp., 1901 Jefferson Ave., Tacoma, Washington 98408

Wilton Corp., 2400 E. Devon Ave., Des Plaines, Illinois 60016

Industrial Industries International, Inc., 19411 Londerius Street, Northridge, California 91324

Toolcoa International, Inc., 377 N. Anaheim Boulevard, Orange, California 92668

American Machine and Tool Co., Fourth and Spring Streets, Royersford, Pennsylvania 19468

Wilke Machinery Co., 1519 Mt. Rose Ave., York, Pennsylvania 17403

Conover Woodcraft Specialties, 18125 Madison Road, Parkman, Ohio 44080

Big Joe Industries Tool Corp., 2421 West 11th Street, Houston, Texas 77008

Harbor Freight Salvage Co., 7110 Case Ave., North Hollywood, California 91605

Trend-Lines, Inc., 170 Commercial Street, Malden, Massachusetts 02148

Fort Bragg Rent-All, Inc., 1855 North Highway 1, P.O. Box 1790, Fort Bragg, California 95437

The Tool Guys, 1659 Willow Pass Road, Concord, California 94520

Pro Shop Power Tools, 313 North Route 83, Elmhurst, Illinois 60126.

(c) Juan Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room

156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT:

Juan Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-1272.

Issued: December 12, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 33337 Filed 12-14-83; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Domestic Cannabis Eradication/Suppression Program on Federal Lands; Intent To Prepare a Programmatic Environmental Impact Statement

The Department of Justice, Drug Enforcement Administration (DEA), will prepare a programmatic environmental impact statement (EIS) on the possible environmental and health implications in the United States associated with domestic cannabis eradication on Federal lands and intermingled forest and range lands. After preparation of that EIS, DEA will investigate the need to prepare a similar EIS for the remainder of the United States.

The EIS will review a range of alternatives for this proposed action which will include mechanical and manual means, fire and herbicides, and alternative herbicides such as 2, 4-D, Paraquat and Glyphosate, and alternative methods of application, as well as health effects associated with spraying.

In the interim, DEA will continue to encourage and to assist state and local law enforcement authorities in conducting cannabis eradication programs throughout the United States.

The eradication and suppression of domestically produced cannabis is an obligation placed upon the United States Federal Government by the Single Convention on Narcotic Drugs, 1961, the Controlled Substances Act of 1970, and the 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking. In addition to these mandates, a vigorous eradication campaign in the United States is necessary to demonstrate to foreign governments our commitment to controlling illicit cannabis cultivation.

Federal, state, and local agencies, law enforcement officials, and other individuals and organizations who may be interested in or affected by the program will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.
2. Identification of those issues to be analyzed in-depth.
3. Elimination of insignificant issues or those that have been covered by a previous environmental review.
4. Determination of potential cooperating agencies and assignment of responsibilities.
5. Identification of a reasonable range of alternatives.

All Federal land management agencies, the Environmental Protection Agency, and other agencies, will be invited to participate as cooperating agencies to evaluate the potential impacts on Federal lands and intermingled forests and range lands.

Public scoping meetings will be held at the following times and locations:

January 16, 1983, 7:00 p.m.

Richard B. Russell Building, 75 Spring Street, Room 848, Atlanta, GA 30305

January 18, 1984, 7:00 p.m.

Holiday Inn West, West 4212 Sunset Boulevard, Spokane, WA 99204

January 20, 1984, 7:00 p.m.

St. Cajetan's Conference Center, Auraria Campus, 9th and Lawrence Streets, Denver, CO 80204

January 24, 1984, 2:00 p.m.

Health and Human Services, North Auditorium, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Francis M. Mullen, Jr., Administrator, Drug Enforcement Administration, Department of Justice, Washington, D.C., is the responsible official.

Questions about the proposed action, and written comments and suggestions concerning the scope of the environmental impact statement, should be addressed to Thomas G. Byrne, Chief, Cannabis Investigations Section, Operations Division, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537 (202-633-5628) by January 27, 1984.

Copies of the draft environmental impact statement (DEIS) will be made available for agency and public comment upon publication. Requests for copies of the DEIS should also be addressed to Mr. Byrne.

Dated: December 12, 1983.

Francis M. Mullen, Jr.,
Administrator.

[FR Doc. 83-33357 Filed 12-14-83; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Shearon Harris Nuclear Power Plant Units Nos. 1 and 2; Meeting

The ACRS Subcommittee on Shearon Harris Nuclear Power Plant Units Nos. 1 and 2 will hold a meeting on January 3 and 4, 1984 at the Ramada Inn South, U.S. 1 at Route 55, Apex, NC. The Subcommittee will review the application of the Carolina Power and Light Company for an operating license.

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 Cognizant 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:

Tuesday, January 3, 1984—12:00 Noon—8:00 p.m.

Wednesday, January 4, 1984—8:00 a.m.—5:00 p.m.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may 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 Carolina Power and Light Company, NRC Staff, their 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. Richard Major (telephone

202/634-1414) between 8:15 a.m. and 5:00 p.m., est.

Dated: December 12, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-33362 Filed 12-14-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Revision.

2. The title of the information collection: 10 CFR Part 73—Physical Protection of Plants and Materials.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Only when requesting an exemption from the regulations.

5. Who will be required or asked to report: Persons requesting an exemption from the requirements of regulations in 10 CFR Part 73.

6. An estimate of the number of responses: One.

7. An estimate of the total number of hours needed to complete the requirement or request: 80.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR 73.5 provides that the Commission may grant exemptions from the requirements of Part 73 under specific conditions, upon the application of any interested person or on its own initiative.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, N.W., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 12th day of December 1983.

For the Nuclear Regulatory Commission.
Patricia G. Norry,
Director,
Office of Administration.
 [FR Doc. 83-33405 Filed 12-14-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. 50-416 OLA; ASLBP No. 84-497-04 LA]

**Mississippi Power & Light Co., et al.;
 Establishment of Atomic Safety and
 Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Mississippi Power & Light Co., et al.
 Grand Gulf Nuclear Station, Unit 1
 Facility Operating License No. NPP-13

This Board is being established pursuant to a notice published by the Commission on October 26, 1983, in the *Federal Register* (48 FR 49608) entitled, "Notice of Issuance of Amendment to Facility Operating License and Final Determination of No Significant Hazards Consideration and Opportunity for Hearing (Exigent or Emergency Circumstances)." This Amendment grants changes to the Technical Specifications and one-time exceptions to some Technical Specifications for relief needed to restart the plant.

The Board is comprised of the following administrative judges:

Herbert Grossman, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
 Dr. James H. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555
 Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 8th day of December, 1983.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-33402 Filed 12-14-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket Nos. 50-463-CP and 50-464-CP;
 ASLBP No. 76-300-01 CP]

**Philadelphia Electric Co. (Fulton
 Generating Station, Units 1 and 2);
 Notice of Reconstitution of Board**

Pursuant to the authority contained in 10 CFR 2.721, the Atomic Safety and Licensing Board for *Philadelphia Electric Company* (Fulton Generating Station, Units 1 and 2), Docket Nos. 50-463-CP and 50-464-CP, is hereby reconstituted by appointing Administrative Judge B. Paul Cotter, Jr., in place of Administrative Judge Hugh K. Clark.

As reconstituted, the Board is comprised of the following Administrative Judges:

B. Paul Cotter, Jr., Chairman
 Mr. Gustave A. Linenberger, Jr.
 Dr. Donald P. de Sylva

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge B. Paul Cotter, Jr., Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 9th day of December, 1983.

B. Paul Cotter, Jr.,
Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-33403 Filed 12-14-83; 8:45 am]
 BILLING CODE 7590-01-M

**NRC Concurrence in High-Level Waste
 Repository Safety Guidelines Under
 the Nuclear Waste Policy Act of 1982;
 Pub. L. 97-425; Proposed 10 CFR Part
 960**

Order

On August 24, 1983, the Commission issued a Memorandum and Order stating that a public meeting would be held at which representatives of interested Indian tribes, state and local governments, federal agencies, industry groups, public interest groups, and individuals would have the opportunity to make oral presentations on the Department of Energy's (DOE) General Guidelines for Recommendation of Sites for Nuclear Waste Repositories, and on the NRC's concurrence or non-concurrence in those guidelines. CLI-83-26 (1983). The Commission stated that the opportunity to participate would be limited to DOE and to those organizations, governmental entities, and individuals who filed comments with DOE on the proposed guidelines.

In an order issued October 25, 1983, the Commission requested groups or individuals interested in exercising this opportunity to orally address the Commission to advise the NRC Office of the Secretary of the identity of their representative no later than November 9, 1983. 48 FR 50432 (Nov. 1, 1983). The organizations listed after the Department of Energy below responded to the notice. The Department of Energy transmitted its General Guidelines to the Commission on November 23, 1982. In this order, the Commission sets forth the procedural format of the public meeting contemplated in its order of August 24, and describes the decisionmaking process it will employ in this matter.

The Commission will hear the oral presentations beginning at 10:00 a.m. on Wednesday, January 11, 1984 at the Commission's meeting room at 1717 H Street, NW, Washington, DC. The time allotted to each participant is as follows:

	Minutes
Department of Energy	30
Yakima Indian Nation	15
State of Texas	15
State of Wisconsin	15
State of Utah	15
State of Nevada	15
State of Minnesota	15
Edison Electric Institute	15
Natural Resources Defense Council, Inc.	15
Environmental Policy Institute	15
National Parks and Conservation Ass'n., et al.	15
Serious Texans Against Nuclear Disposal, Inc.	15
Southwest Research and Information Center	15

Participants are strongly encouraged to consolidate their presentations, and will not be penalized in terms of the time allotted for doing so. Thus, where participants choose to consolidate their presentation, their joint spokesperson will be allowed the entire time allotted to the consolidated participants individually. In order to simplify participants' presentations and expedite the comment process, the Commission requests, but does not require, that participants file written comments on the Department of Energy General Guidelines with the Secretary of the Commission. Any such written comments should be in the Commission's hands no later than 5:00 p.m., Monday, January 9, 1984.

The precise order of presentation will be made final at the beginning of the oral presentations. The participants identified above should notify the NRC Office of the Secretary no later than 5:00 p.m. on Friday, January 6, 1984 of their continued intention to participate, the identity of the other participants with whom they intend to consolidate their presentations, and the identity of the spokesperson representing the participant.

The Commission's preliminary review of the guidelines suggests that the parties may wish to focus their comments on the following significant issues:

- Do the guidelines omit any relevant technical criteria established in 10 CFR Part 60?
- Could any guidelines not related to 10 CFR Part 60 result in selecting a site that would not be a reasonable candidate for a license application?
- The guidelines and 10 CFR Part 60 sometimes employ different wording to define terms and to describe certain technical criteria. Could these differences result in selecting a site that would not be a reasonable candidate for a license application?
- Would the selection of sites in accordance with the guidelines be a reasonable means to identify alternative sites for the purposes of the National Environmental Policy Act (NEPA)?
- Are the guidelines sufficient to assure the selection of sites that would be reasonable candidates for a license application?

Following receipt of these oral and written comments, the Commission, with the assistance of the NRC Staff, will issue a proposed decision regarding concurrence in the DOE Guidelines. The decision will be served on the participants making oral presentations and notice of the decision will be published in the *Federal Register*. The participants and public will be provided a two-week comment period. Upon the close of the comment period, the Commission, with the assistance of the NRC Staff, will review all comments and transmit its final concurrence or non-concurrence in the General Guidelines to DOE.

For the Commission,
Samuel J. Chilk,
Secretary of the Commission.

It is so ordered.

Dated at Washington, D.C., this 12th day of December, 1983.

[FR Doc. 83-33404 Filed 12-14-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-39]

Steel Wire Rope From the Republic of Korea

AGENCY: Office of the United States Trade Representative.

ACTION: Termination of investigation.

SUMMARY: Notice is hereby given that the U.S. Trade Representative has

terminated the section 301 investigation of Korean steel wire rope.

On March 16, 1983, the Committee of Domestic Steel Wire Rope Manufacturers ("Petitioner") filed a petition pursuant to section 301 of the Trade Act of 1974 (19 U.S.C. 2411 *et seq.*). The petition alleged that the Republic of Korea provides direct and indirect subsidies to Korean steel wire rope manufacturers in a manner inconsistent with the Agreement on the Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code"). The U.S. Trade Representative initiated a section 301 investigation on May 2, 1983 (48 FR 20529) based on the petition. Public hearings were held on June 2, 1983.

On November 29, 1983, Petitioner withdrew the petition. Accordingly, the U.S. Trade Representative has terminated the investigation pursuant to 15 CFR 2006.06.

Jeanne S. Archibald,
Chairman, Section 301 Committee.

[FR Doc. 83-33322 Filed 12-14-83; 8:45 am]

BILLING CODE 3190-01-M

Amendment of Determination Regarding Application of Agreement on Government Procurement

Section 1-104 of Executive Order 12260 provides that the United States Trade Representative shall determine, from time to time, the dollar equivalent of 150,000 Special Drawing Right units.

Now, therefore, I, William E. Brock, III, United States Trade Representative, in conformity with the provisions of Executive Order 12260, do hereby determine, effective January 1, 1984, that, with respect to the Agreement on Government Procurement, the dollar equivalent of 150,000 Special Drawing Right units is \$161,000. This determination may be modified from time to time as appropriate.

William E. Brock III,
United States Trade Representative.

[FR Doc. 83-33321 Filed 12-14-83; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. R84-1]

Postal Rate and Fee Changes, 1983

December 12, 1983.

On December 7, 1983, the Postal Service filed a Notice scheduling an informal technical conference with

witness Tolley¹ on December 16, 1983, at 2:00 p.m. in Room 1P629, Postal Service Headquarters. The Notice states that all parties and Commission advisory staff are invited to participate. The Commission appreciates this cooperative gesture by the Postal Service and members of the advisory staff will attend. The participation of advisory staff in the informal technical conferences in this docket will aid the Commission in its expeditious consideration of the Postal Service request for changes in postal rates and fees.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 83-33311 Filed 12-14-83; 8:45 am]

BILLING CODE 7715-01-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Advance notice of proposed modification to an existing system of records.

SUMMARY: The purpose of this document is to provide information for public comment concerning the Postal Service's proposal to add a new temporary routine use to system USPS 050.020, Finance Records—Payroll System.

DATE: Any interested party may submit written comments regarding the proposed new routine use. Comments on this notice must be received on or before January 16, 1984.

ADDRESS: Comments may be mailed to Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, DC 20260-5010, or delivered to Room 8121 between 8:15 a.m. and 4:45 p.m. Comments received may be inspected in Room 8121 between 8:15 a.m. and 4:45 p.m.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith (202) 245-5568.

SUPPLEMENTARY INFORMATION: In accordance with Section 5 of the Debt Collection Act of 1982, Pub. L. No. 97-365, the Postal Service is assisting the Department of Education in its efforts to collect over-due debts from current and former postal employees. These debts are based upon student loans administered by the Secretary of Education—such as those extended

¹ Notice of United States Postal Service of Scheduling of Informal Technical Conference of Witness Tolley, Docket No. R84-1, December 7, 1983.

through the Federally Insured Student Loan, the National Direct (Defense) Student Loan, and the Guaranteed Student Loan programs. Under the arrangements established by the two agencies, the Postal Service will notify current employees of their indebtedness. The Education Department, however, will contact former Postal Service employees directly by using, in some cases, home addresses furnished by the Postal Service. Accordingly, the Postal Service is proposing a new temporary routine use for system USPS 050.020, Finance Records—Payroll System, to disclose these addresses for the limited purpose of enabling the Department of Education to notify the former employees of their indebtedness to the United States and to take subsequent action, if necessary, to collect the debts. If adopted, the temporary routine use will be in effect for a period of one year from its effective date.

Proposed System Modification To Add Temporary Routine Use

The Postal Service proposes to modify system USPS 050.020, Finance Records—Payroll System by adding the following temporary routine use:

28. (Temp.) To provide to the Department of Education, home address information on former postal employees for the purposes of notifying those individuals of their indebtedness to the United States under programs administered by the Secretary of Education and for taking subsequent actions to collect those debts.

As provided in 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments concerning the proposed new routine use. After any comments submitted have been considered, final notice of the routine use will be published.

A complete statement of the system as it is proposed to be revised appears below:

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System, 050.020.

SYSTEM LOCATION:

Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees and postmaster relief/replacement employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain general payroll information including retirement deduction, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding, allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1003, 5 U.S.C. 8339.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.

2. To provide information to USPS Management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection committee and Regional Postmasters General.

3. To compile various lists and mailing lists, i.e., Postal Leader, Women's Programs, Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Non-Bargaining Positions Evaluations of Probationary Employees, Merit Evaluation, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs, and to generate retirement eligibility information and analysis of employees in various salary ranges.

Use—

1. Retirement Deduction—To transmit to the Office of Personnel Management a roster of all USPS employees under Title 5 U.S.C., Section 8334, along with a check.

2. Tax Information—To disclose to Federal, State and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdiction.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W-2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FI (SS Tax) Deduction—To SS Administration as record of earnings under the SS act for all casual employees not under retirement.

7. Determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

8. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits program and authorizing payment of that amount and transfer related records as appropriate.

9. Transfer to Office of Workers Compensation Program, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

10. Transfer earnings information under the Civil Service Retirement System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

11. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

12. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program.

13. To refer, where there is an indication of a violation or potential violation of law, whether civil criminal or regulatory in nature to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged

with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

14. To request or provide information from or to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant, or other benefits.

15. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

16. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

17. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

18. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

19. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

20. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

21. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

22. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service computation date, retirement system, and FEGLI status) for use by OPM's Compensation Group Data collected are

not for the purpose of making determinations about specific individuals but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment.

23. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

24. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

25. May be disclosed to a Federal or State agency providing parent locator services or to other authorized persons as defined by Pub. L. 93-647.

26. (Temp.) Disclosure of information about postal employees on the employment rolls of the Philadelphia, Pennsylvania, School District (PSD) may be made to the PSD for a one-time comparison with the PSD's time/attendance/payment files. (Note: this routine use will be in effect for a period of one year from its effective date.)

27. To union-sponsored insurance carriers for the purpose of determining eligibility for coverage and payments of benefits under union-sponsored, nonfederal insurance plans and transferring related records as appropriate.

28. (Temp.) To provide to the Department of Education, home address information on former postal employees for the purposes of notifying those individuals of their indebtedness to the United States under programs administered by the Secretary of Education and for taking subsequent actions to collect those debts. (Proposed)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

RETRIEVABILITY:

These records are organized by location, name and social security number.

SAFEGUARDS:

Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

RETENTION AND DISPOSAL:

Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department and APMG, Employee Relations Department at Headquarters.

NOTIFICATION PROCEDURE:

Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

Information is furnished by employees, supervisors and the Postal Source Data System.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-33191 Filed 12-14-83; 8:45 am]

BILLING CODE 7710-12-M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-0169]

First Maryland Capital, Inc., Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA Regulations (13 CFR 107.102 (1983)) by First Maryland Capital, Inc., 107 West Jefferson Street, Rockville, Maryland 20850 for a license to operate as a small business investment company (SBIC) under the provisions of the Small

Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and shareholders are:

Name and address	Title and relationship	Percent of ownership
Joseph A. Kenary, 8511 Longfellow Place, Chevy Chase, MD 20854.	President, Treasurer, and Director.	15.7
Mary L. Kenary, 8511 Longfellow Place, Chevy Chase, MD 20854.	Vice President and Director.	
Mary A. Roby, 18517 Kitt Terrace, Olney, MD 20832.	Secretary and Director.	

The sale of common stock will be made to no more than 35 beneficial owners at completion of the initial financing. Except for Joseph A. Kenary, other owners in excess of 10 percent are presently not known.

The Applicant will begin operations with a capitalization of \$595,600 and will be a source of equity capital and long term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Rockville, Maryland.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 20, 1983.

Robert G. Lineberry,
Deputy associate administrator for Investment.

[FR Doc. 83-33384 Filed 12-14-83; 6:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 21-A]

Redelegation of Financial Management Authority

I. Pursuant to the authority delegated by the Administrator in Delegation of

Authority No. 21 (48 FR 51560), to the Comptroller, the following authority is hereby redelegated to the specific positions as indicated herein:

A. Financial Management

1. *Director, Office of Accounting Operations.* To assign, endorse, transfer, deliver or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

2. *Chief, Accounting Branch.* Same as paragraph A.1 above.

3. *Chief, Fiscal Branch.* Same as paragraph A.1 above.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

Effective Date: December 15, 1983.

Dated: December 12, 1983.

Harry S. Carver,
Comptroller.

[FR Doc. 83-33383 Filed 12-14-83; 6:45 am]

BILLING CODE 8025-01-M

Declaration of Disaster Loan Areas

Pursuant to Pub. L. 98-166, in connection with disasters commencing January 1, 1983, through September 30, 1983, a determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 is deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises. With regard to duplication of benefits for disasters commencing January 1, 1983 through September 30, 1983, section 18(a) of the Small Business Act is applicable. As provided in Pub. L. 98-302, only agricultural enterprises which are ineligible for disaster assistance from the Farmers Home Administration are eligible for disaster assistance at SBA under Pub. L. 98-166. This limited group includes applicants ineligible for FmHA disaster assistance because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms, etc.

Accordingly, this notice is for the purpose of providing opportunity for appropriate agricultural enterprises to apply for physical disaster loans for

losses incurred due to physical disasters declared by the Secretary of Agriculture and communicated to SBA prior to November 28, 1983. Subsequent physical disaster declarations for agricultural enterprises will be published in the Federal Register as issued.

Pursuant to Pub. L. 98-166, the Counties of the States listed below constitute a physical disaster loan area for eligible agricultural enterprises only. Interest rates for eligible agricultural enterprises are listed below with each disaster area. Eligible agricultural enterprises may file applications for loans for physical damage until the close of business 60 days after publication of this notice in the Federal Register at: U.S. Small Business Administration, Area 2 Disaster Office, 75 Spring Street S.W., Suite 822, Atlanta, Georgia, 30303, (404) 221-5822, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No. 59008)

State of Alabama

SBA Disaster No. 3001

Incident: Drought and high temperatures beginning May 1, 1983 and continuing through September 31, 1983. *Freezing weather from April 17 through 25, 1983 and high temperatures and drought beginning May 1, 1983 and continuing until September 31, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-93 (10/21/83)	10.5	8.0

Counties

Autauga, Bibb, Bullock, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clay, Cleburne, Colbert, Coosa, Cullman, Dallas, Elmore, Etowah, Fayette, Franklin, Greene, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Monroe, Morgan, Pickens, Randolph, Russell, Shelby, St. Clair, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Winston, *DeKalb, *Geneva, *Jackson.

State of Florida

SBA Disaster No. 3003

Incident: Excessive rainfall January through March, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-84 (9/7/83)	11.0	8.0

Counties

Broward and Palm Beach.

State of Georgia**SBA Disaster No. 3004**

Incident: Drought and high temperatures beginning on May 1, 1983 and continuing. *Extreme frosts and freezing temperatures occurring April 16-22, 1983 and severe drought and high temperatures beginning on May 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-92 (10/6/83)	10.5	8.0

Counties

Baldwin, Banks, Barrow, Bibb, Calhoun, Carroll, Catoosa, Chattooga, Clarke, Clayton, Cobb, Coffee, Coweta, Crisp, Dade, Dawson, De Kalb, Douglas, Evans, Floyd, Franklin, Fulton, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Lee, Lincoln, Lumpkin, McDuffie, Madison, Meriwether, Mitchell, Monroe, Newton, Oconee, Oglethorpe, Paulding, Pike, Polk, Pulaski, Putnam, Richmond, Rockdale, Schley, Screven, Spalding, Stephens, Stewart, Talbot, Tattnall, Taylor, Telfair, Tift, Troup, Twiggs, Walton, Warren, Webster, Wheeler, White, Wilcox, Wilkes, *Bryan, *Columbia, *Dooly, *Elbert, *Emanuel, *Fayette, *Haralson, *Jenkins, *Lamar, *Long, *Wilkinson.

State of Alabama**SBA Disaster No. 3005**

Incident: Heavy frost and freeze occurring April 17 thru April 23, 1983. Potato losses are not eligible in DeKalb and Jackson Counties.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-76 (6/28/83)	10.5	8.0

Counties

Blount, Cherokee, Cullman, De Kalb, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan.

State of Georgia**SBA Disaster No. 3006**

Incident: Severe and extreme frost and freezing temperatures during the period April 18 through April 20, 1983; high winds and hail occurring April 23, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-79 (7/12/83)	10.5	8.0

Banks, Burke, Butts, Candler, Carroll, Catoosa, Clarke, Cobb, Dawson, Evans, Fannin, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Hancock, Harris, Hart, Henry, Jackson, Jefferson, Lumpkin, Madison, McDuffie, Meriwether, Morgan, Newton, Oconee, Oglethorpe, Pickens, Pike, Polk, Pulaski, Rabun, Richmond, Rockdale, Screven, Spalding, Stephens, Talbot, Tattnall, Union, Upson, Walton, Washington, Wilkes.

Additional Counties included by Amendment No. 1: Bleckley, Jones, Macon, Peach.

State of Illinois**SBA Disaster No. 3007**

Incident: Drought and high temperatures beginning June 1, 1983 and continuing through October 10, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-86 (7/12/83)	10.5	8.0

Adams, Bond, Clay, Clinton, Effingham, Fayette, Ford, Franklin, Gallatin, Hancock, Henry, Iroquois, Johnson, Macon, Perry, Pike, Scott, Washington.

Additional Counties included by Amendment No. 1: Alexander, Brown, Bureau, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cook, Crawford, Cumberland, DeWitt, Douglas, Du Page, Edgar, Edwards, Fulton, Greene, Grundy, Hamilton, Hardin, Henderson, Jackson, Jasper, Jefferson, Jersey, Kankakee, Knox, LaSalle, Lawrence, Lee, Livingston, Logan, McDonough, McLean, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan,

Moultrie, Peoria, Piatt, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Shelby, Stark, Stephenson, Tazewell, Union, Vermillion, Wabash, Warren, White, Williamson, Winnebago, Woodford.

Additional Counties included by Amendment No. 2: Boone, Carroll, De Kalb, Jo Daviess, Kane, Kendall, Lake, McHenry, Ogle, Whiteside, Will.

State of Indiana**SBA Disaster No. 3008**

Incident: Severe drought occurring from June 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-83 (9/7/83)	10.5	8.0

Counties:

Bartholomew, Benton, Blackford, Brown, Carroll, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, Delaware, Dubois, Fayette, Floyd, Fountain, Gibson, Grant, Greene, Harrison, Hendricks, Henry, Jackson, Jasper, Jefferson, Jennings, Johnson, Lagrange, Lawrence, Martin, Monroe, Morgan, Newton, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Ripley, Rush, St. Joseph, Scott, Shelby, Spencer, Sullivan, Switzerland, Tippecanoe, Vanderburgh, Vigo, Warren, Washington, Wayne, White, Whitley.

Additional Counties included by Amendment No. 1: Adams, Allen, Boone, Cass, De Kalb, Elkhart, Franklin, Fulton, Hamilton, Hancock, Howard, Huntington, Jay, Knox, Kosciusko, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Noble, Porter, Pulaski, Putnam, Randolph, Starke, Steuben, Tipton, Union, Vermillion, Wabash, Warrick, Wells.

State of Kentucky**SBA Disaster No. 3012**

Incident: Excessive rainfall and flooding during the planting season followed by drought and high temperatures beginning May 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-93 (10/7/83)	10.5	8.0

Counties

Adair, Bath, Bracken, Calloway, Christian, Cumberland, Fayette, Garrard, Hancock, Henderson, Jefferson, Laurel, Lincoln, McCreary, Mason, Monroe, Nicholas, Perry, Rowan, Spencer, Union, Wolfe, Allen, Boone, Breckinridge, Campbell, Clark, Daviess, Fleming, Grant, Hardin, Henry, Jessamine, Lawrence, Livingston, McLean, Meade, Montgomery, Ohio, Powell, Russell, Taylor, Warren, Woodford, Anderson, Bourbon, Bullitt, Carlisle, Clay, Edmonson, Franklin, Graves, Harlan, Hickman, Kenton, Lee, Logan, Madison, Menifee, Morgan, Oldham, Pulaski, Scott, Todd, Washington, Ballard, Boyd, Butler, Carroll, Clinton, Elliott, Fulton, Grayson, Harrison, Hopkins, Knott, Leslie, Lyon, Marion, Mercer, Muhlenberg, Owen, Robertson, Shelby, Trigg, Wayne, Barren, Boyle, Caldwell, Casey, Crittenden, Estill, Gallatin, Green, Hart, Jackson, Larue, Lewis, McCracken, Marshall, Metcalfe, Nelson, Pendleton, Rockcastle, Simpson, Trimble, Whitley.

Additional Counties included by Amendment #1: Bell, Breathitt, Carter, Greenup, Knox, McGoffin, Owsley, Webster.

State of Maryland**SBA Disaster No. 3013**

Incident: Drought and high temperatures beginning June 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-91 (10/6/83)	10.5	8.0

Counties

Allagany, Calvert, Carroll, Charles, Dorchester, Frederick, Hartford, Kent, Montgomery, Queen Annes, St. Marys, Talbot, Washington.

Additional Counties included by Amendment No. 1: Anne Arundel, Baltimore, Caroline, Cecil, Garrett, Howard, Prince Georges, Somerset, Wicomico, Worcester.

State of Mississippi**SBA Disaster No. 3014**

Incident: Drought and high temperatures beginning July 1, 1983 and continuing. *Severe storms and flooding in April and May 1983 and drought and high temperatures beginning July 1, 1983, and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-101 (11/1/83)	10.5	8.0

Counties

Alcorn, Benton, Bolivar, Carroll, Chickasaw, Choctaw, Clay, Coahoma, Copiah, DeSoto, Holmes, Humphreys, Issaquena, Itawamba, Kemper, Lafayette, Leflore, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Prentiss, Quitman, Scott, Sharkey, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Warren, Washington, Webster, Winston, Yazoo, *Adams, *Attala, *Calhoun, *Grenada, *Lee, *Panola, *Pontotoc, *Union, *Yalobusha.

State of North Carolina**SBA Disaster No. 3017**

Incident: Freezing temperatures and extreme frost occurring March 24 and 25, 1983 and April 16 thru 21, 1983. Limited to fruit and berry farmers only. *Freezing temperatures occurring April 11 and 12, 1983 and April 17 through 22, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-80 (8/3/83)	10.5	8.0

Counties

Bladen, Johnston, Lincoln, McDowell, Montgomery, Polk, Richmond, Rutherford

Additional Counties added by Amendment No. 1: *Anson, *Cleveland, *Cumberland, *Yadkin.

State of North Carolina**SBA Disaster No. 3018**

Incident: Extended drought and high temperature beginning March 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-87 (9/23/83)	10.5	8.0

Counties

Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Chowan, Cleveland,

Currituck, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Iredell, Jones, Lee, Lenoir, Mecklenburg, Moore, Northampton, Orange, Pasquotank, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Stanly, Surry, Union, Vance, Warren, Washington, Wilkes, Yadkin.

Additional Counties included by Amendment No. 1: Clay, Columbus, Duplin, Graham, Haywood, Henderson, Jackson, Johnston, Lincoln, McDowell, Macon, Madison, Martin, Mitchell, Montgomery, New Hanover, Onslow, Pender, Polk, Scotland, Swain, Transylvania, Wayne, Wilson, Yancey.

State of Ohio**SBA Disaster No. 3019**

Incident: Drought and high temperatures beginning on June 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-89 (9/30/83)	10.5	8.0

Counties

Adams, Allen, Athens, Auglaize, Butler, Clark, Champaign, Darke, Delaware, Franklin, Hamilton, Hardin, Highland, Hocking, Logan, Madison, Meigs, Mercer, Miami, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, Warren, Washington.

Additional Counties included by Amendment No. 1: Ashtabula, Belmont, Brown, Clermont, Gallia, Jackson, Lake, Marion, Monroe, Montgomery, Morgan, Morrow.

Additional Counties included by Amendment No. 2: Columbiana, Geauga.

State of Pennsylvania**SBA Disaster No. 3021**

Incident: Drought beginning on July 1, 1983, and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-94 (10/11/83)	10.5	8.0

Counties

Adams, Bedford, Berks, Blair, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juniata,

Lancaster, Lebanon, Montgomery, Somerset, York.

Additional Counties included by Amendment No. 1: Bucks, Cambria.

Additional County included by Amendment No. 2: Perry.

State of South Carolina

SBA Disaster No. 3022

Incident: Drought and high temperatures beginning May 1, 1983 and continuing. *Drought and high temperatures beginning May 1, 1983 and continuing through November 1, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-100 (10/24/83)	10.5	8.0

Counties

Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Berkeley, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Edgefield, Fairfield, Greenville, Greenwood, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Marlboro, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, York.

Additional Counties included by Amendment No. 1: *Colleton, *Darlington, *Dillon, *Florence, *Georgetown, *Horry, *Marion, *Williamsburg.

State of South Carolina

SBA Disaster No. 3023

Incident: Unusually low temperature (freeze) during April 16 thru 21, 1983 (for eligible fruit and nut farmers only). *For eligible vegetable farmers only.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-76 (5/26/83)	10.5	8.0

Counties

Allendale, Anderson, Barnwell, Calhoun, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Oconee, Orangeburg.

Additional Counties included by Amendment No. 1: Pickens, Saluda, Spartanburg, Sumter, York.

Additional Counties included by Amendment No. 2: Aiken, Cherokee, *Charleston.

State of Tennessee

SBA Disaster No. 3024

Incident: Drought and high temperature occurring May 1, 1983, and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-85 (10/11/83)	10.5	8.0

Counties

Anderson, Bedford, Benton, Bledsoe, Blount, Bradley, Cannon, Carroll, Cheatham, Chester, Claiborne, Clay, Crockett, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Fentress, Gibson, Giles, Grainger, Grundy, Hamilton, Hancock, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McNairy, Macon, Madison, Marion, Marshall, Maury, Meigs, Monroe, Montgomery, Morgan, Obion, Overton, Perry, Pickett, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Shelby, Smith, Stewart, Sullivan, Sumner, Tipton, Trousdale, Union, Warren, Wayne, Weakley, White, Williamson, Wilson.

Additional Counties included by Amendment No. 1: Hawkins, Johnson, Knox, McMinn, Moore, Sevier, Van Buren.

State of Virginia

SBA Disaster No. 3026

Incident: Drought beginning May 1, 1983. *Drought beginning May 1, 1983, and continuing through October 10, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-901 (9/30/83)	10.5	8.0

Counties

Accomack, Dinwiddie, Fauquier, Lancaster, Northumberland, Nottoway, Westmoreland, Amelia, Amherst, Bedford, Campbell, Caroline, Essex, Goochland, Greene, King William, Prince Edward, Prince George, Richmond, Southampton.

Additional Counties included by Amendment No. 1: *Brunswick, *Charles City, *Isle of Wight, *Northampton, *Pittsylvania, *Albermarle, *Charlotte, *Culpeper, *Cumberland, *King George, *King and Queen, *Louisa, *Lunenburg, *Middlesex, *Powhatan.

*Rappahannock, *Surry, *Sussex, *City of Suffolk (Former County of Nansemond).

State of West Virginia

SBA Disaster No. 3027

Incident: Drought beginning on June 1, 1983, and continuing through August 31, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-104 (11/10/83)	10.5	8.0

Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton.

State of Minnesota

SBA Disaster No. 3029

Incident: Excessive rain, hail and high winds on August 15, 1983 in Wabasha County; excessive rains and heat during the summer months of 1983 and wind damage on August 25, 1983 in Pennington and Red Lake Counties which delayed planting and harvesting of most crops.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-105 (11/18/83)	11.0	8.0

Counties

Pennington, Red Lake, Wabasha.

Dated: December 8, 1983.

James C. Sanders,
Administrator.

[FR Doc. 83-33383 Filed 12-14-83; 8:45 am]

BILLING CODE 9025-01-M

Declaration of Disaster Loan Areas

Pursuant to Pub. L. 98-166, in connection with disasters commencing January 1, 1983, through September 30, 1983, a determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 is deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises. With regard to duplication of benefits for disasters commencing January 1, 1983 through September 30, 1983, section 18(a) of the Small Business Act is applicable. As provided in Pub. L. 98-

302, only agricultural enterprises which are ineligible for disaster assistance from the Farmers Home Administration are eligible for disaster assistance at SBA under Pub. L. 98-166. This limited group includes applicants ineligible for FmHA disaster assistance because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms, etc.

Accordingly, this notice is for the purpose of providing opportunity for appropriate agricultural enterprises to apply for physical disaster loans for losses incurred due to physical disasters declared by the Secretary of Agriculture and communicated to SBA prior to November 28, 1983. Subsequent physical disaster declarations for agricultural enterprises will be published in the **Federal Register** as issued.

Pursuant to Pub. L. 98-166, the Counties of the States listed below constitute a physical disaster loan area for eligible agricultural enterprises only. Interest rates for eligible agricultural enterprises are listed below with each disaster area. Eligible agricultural enterprises may file applications for loans for physical damage until the close of business 60 days after publication of this notice in the **Federal Register** at: U.S. Small Business Administration, Area 3 Disaster Office, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051 (800) 527-7735 and in Texas (800) 442-7206.

or other locally announced locations.
(Catalog of Federal Domestic Assistance Program No. 59008)

State of Arkansas

SBA Disaster No. 3002

Incident: Drought beginning on May 1, 1983, and continuing through October 10, 1983. *Excessive rainfall, flooding and unusually cool weather beginning 3/14/83 and followed by drought beginning on May 1, 1983 and continuing through October 10, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-97 (10/14/83)	10.5	8.0

Counties

Arkansas, Ashley, Baxter, Boone, Bradley, Calhoun, Carroll, Chicott, Cleburne, Cleveland, Columbia, Conway, *Craighead, Crawford, Crittenden, Dallas, Desha, Faulkner,

Fulton, Garland, Grant, Greene, Izard, Jackson, Jefferson, *Lee, Lincoln, Little River, Lonoke, *Mississippi, Monroe, Montgomery, Ouachita, Phillips, Pike, Polk, Pope, Randolph, Saline, Scott, Sebastian, Sevier, Sharp, Stone, Van Buren, Washington, White, Woodruff.

Additional Counties included by Amendment No. 1: Benton, Clay, Cross, Johnson, Logan, Nevada, Newton, *St. Francis, Yell.

State of Iowa

SBA Disaster No. 3009

Incident: Drought and high temperatures and insect infestations from June 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-85 (9/9/83)	10.5	8.0

Counties

Adair, Appanoose, Clarke, Davis, Decatur, Des Moines, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Monroe, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne.

Additional Counties included by Amendment No. 1: Adams Benton, Cass, Dallas, Iowa, Jasper, Johnson Madison, Marion, Mahaska, Muscatine, Pottawattamie, Poweshiek.

Additional Counties included by Amendment No. 2: Clinton, Jackson, Jones, Linn, Page, Polk, Scott.

State of Kansas

SBA Disaster No. 3010

Incident: Drought beginning on June 15, 1983, and continuing through October 1, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-103 (11/10/83)	10.5	8.0

Counties

Allen, Anderson, Atchison, Bourbon, Brown, Chase, Chautaugua, Cherokee, Clay, Coffey, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson, Jefferson, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall,

Miami, Montgomery, Nemaha, Neosho, Osage, Pottawatomie, Riley, Shawnee, Wabaunsee, Woodson, Wyandotte.

State of Kansas

SBA Disaster No. 3011

Incident: Severe storm and a tornado on May 27, 1983, and a hailstorm on June 18, 1983.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-102 (11/8/83)	10.5	8.0

Counties

Coffey.

State of Nebraska

SBA Disaster No. 3015

Incident: Flooding, drought and high temperatures occurring June 1, 1983 and continuing. *Drought and high temperatures beginning June 1, 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-96 (10/13/83)	10.5	8.0

Counties

Cass, Johnson, Nemaha, Otoe, Pawnee, Richardson.

Additional Counties included by Amendment No. 1: *Gage, *Jefferson, *Lancaster, *Nuckolls, *Saline, *Thayer.

State of New Mexico

SBA Disaster No. 3016

Incident: Drought beginning on June 1, 1983, and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-98 (10/20/83)	10.5	8.0

Counties

Chaves, Curry, De Baca, Harding, Lincoln, Lea, Luna, Otero, Quay, Roosevelt, Torrance, Union.

State of Texas

SBA Disaster No. 3025

FmHA Disaster No. SO-82 (8/16/83)

Incident	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
Drought occurring Jan. 1, 1983 and continuing in the counties of Andrew, Brewster, Coke, Crane, Culberson, Ector, Howard, Jeff Davis, Martin, Mitchell, Nolan, Pecos, Presidio, Reagan, Sutton, Terrell, Upton, Ward, Winkler	11.0	8.0
Amendment No. 1—Drought, hail and windstorms occurring Nov. 1, 1982 through June 6, 1983 in the County of Jim Wells	11.0	8.0
Amendment No. 2—Drought occurring Jan. 1, 1983 and continuing in the Counties of Loving, Reeves, and Schleicher	11.0	8.0
Amendment No. 3—Drought occurring April 1, 1983 and continuing in the County of Dawson	10.5	8.0
Amendment No. 4(a)—Drought beginning Jan. 1, 1983 and continuing in the Counties of Crockett and Iron	11.0	8.0
Amendment No. 4(b)—Drought beginning March 1, 1983 and continuing, as well as high winds and hail occurring April 10, 1983 and June 6, 1983 in Glasscock County	10.5	8.0
Amendment No. 5—Drought occurring April 1, 1983, and continuing in the Counties of Callahan, Dimmit and Gaines	10.5	8.0
Amendment No. 6—Drought beginning on April 1, 1983 and continuing in the Counties of Borden, Cochran, Cottle, Garza, Hudspeth, Kimble, King, Oldham, Runnels, Sterling, Wheeler	10.5	8.0

1 Not eligible.

State of Missouri

SBA Disaster No. 3026

Incident: Drought and high temperatures beginning June 1, 1983, and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-86 (9/26/83)	10.5	8.0

Counties

Adair, Andrew, Atchison, Audrain, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Caldwell, Camden, Cape Girardeau, Carroll, Carter, Cass, Chariton, Christian, Clark, Clay, Clinton, Cole, Dade, Dallas, Daviess, De Kalb, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howell, Iron, Jackson, Jefferson,

Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Pemiscot, Perry, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, St. Louis, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

Additional Counties included in Amendment No. 1 (10/11/83): Barry, Butler, Callaway, Cedar, Cooper, Crawford, Dent, Douglas, Hickory, Howard, Jasper, Maries, Osage.

Dated: December 8, 1983.

James C. Sanders,
Administrator.

[FR Doc. 83-33400 Filed 12-14-83; 8:45 am]

BILLING CODE 8025-01-M

Declaration of Disaster Loan Areas

Pursuant to Pub. L. 98-166, in connection with disasters commencing January 1, 1983, through September 30, 1983, a determination of a natural disaster by the Secretary of Agriculture pursuant to 7 U.S.C. 1961 is deemed a disaster declaration by the Administrator of the Small Business Administration for purposes of determining eligibility for assistance under section 7(b)(1) of the Small Business Act for agricultural enterprises. With regard to duplication of benefits for disasters commencing January 1, 1983 through September 30, 1983, section 18(a) of the Small Business Act is applicable. As provided in Pub. L. 96-302, only agricultural enterprises which are ineligible for disaster assistance from the Farmers Home Administration are eligible for disaster assistance at SBA under Pub. L. 98-166. This limited group includes applicants ineligible for FmHA disaster assistance because of alien status; corporations, partnerships and cooperatives not being primarily engaged in farming; farm owners who do not operate their farms, etc.

Accordingly, this notice is for the purpose of providing opportunity for appropriate agricultural enterprises to apply for physical disaster loans for losses incurred due to physical disasters declared by the Secretary of Agriculture and communicated to SBA prior to

November 28, 1983. Subsequent physical disaster declarations for agricultural enterprises will be published in the Federal Register as issued.

Pursuant to Pub. L. 98-166, the Counties of the States listed below constitute a physical disaster loan area for eligible agricultural enterprises only. Interest rates for eligible agricultural enterprises are listed below with each disaster area. Eligible agricultural enterprises may file applications for loans for physical damage until the close of business 60 days after publication of this notice in the Federal Register at: U.S. Small Business Administration, Area 4 Disaster Office, 77 Cadillac Drive Suite 158, Sacramento, California 95825, (800) 468-1710 and in California (800) 468-1713.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program No. 59006)

State of Oregon

SBA Disaster No. 3020

Incident: Flooding beginning April 1983 and continuing.

FmHA No.	SBA interest rate	
	Credit available elsewhere (percent)	Credit not available elsewhere (percent)
SO-77 (6/28/83)	10.5%	8.0%

Counties

Harney.

Dated: December 8, 1983.

James C. Sanders,
Administrator.

[FR Doc. 83-33401 Filed 12-14-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Applications for Permits to Fish off the Coasts of the United States; Change in Publication

The Department of State and the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service concluded a Memorandum of Understanding between the two agencies, effective

November 29, 1983, which delegated the authority and responsibility to publish notices of foreign fishing permit applications under Section 204(b)(4) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1824(b)(4)) to the National Marine Fisheries Service. The agreement provides for earlier publication of applications received, speeding up the permit process.

Future notices of permit applications will be published on the behalf of the Secretary of State by NOAA, Department of Commerce, under the subject heading of "Foreign Fishing Permit Applications." Comments or questions on applications should be made to the Regional Fishery Management Councils which review the applications or to the Fees, Permits, and Regulations Division, F/M12, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235; Telephone: 202-634-7432.

Dated: December 9, 1983.

James A. Storer,

Director, Office of Fisheries Affairs,
Department of State.

Dated: December 6, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries
Resource Management, National Marine
Fisheries Service.

[FR Doc. 83-33374 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Oklahoma County, Oklahoma

AGENCY: Federal Highway
Administration (FHWA); DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Oklahoma County, Oklahoma.

FOR FURTHER INFORMATION CONTACT:
Mr. F. N. Cunningham, Assistant
Division Administrator, 200 N.W., 5th
Street, Room #454, Oklahoma City,
Oklahoma 73102, Telephone: (405) 231-
4725.

SUPPLEMENTARY INFORMATION: The
FHWA in cooperation with the
Oklahoma Department of
Transportation (ODOT) and the City of
Oklahoma City, Oklahoma, will prepare
an environmental impact statement
(EIS) on a proposal to upgrade a local
facility between N.W. 63rd Street to
N.W. 178th Street (Edmond Road), a
distance of approximately 8.0 miles. If
constructed, the improvement would be
designated as SH-74 and consist of a
multi-lane, controlled access freeway
with appropriate grade separation
structures.

The Proposed improvement is
intended to relieve existing traffic
congestion on a number of north-south
arterials as well as provide a vital link
in the overall Oklahoma City
transportation plan.

The alternates to be considered are
the no-build, improvement of existing
city streets, and/or construction of a
freeway. Three alternative freeway
alignments, On-shore, Off-shore and
East-of-Canal will be considered.

Scoping letters describing the
proposed action have been sent to
appropriate Federal, State and local
agencies and private citizens with a
known interest for their review and
comment.

To insure that the full range of issues
related to this proposed action are
addressed and all significant issues
identified, comments and suggestions
are invited from all interested parties.
Comments or questions concerning this
proposed action and the EIS should be
directed to the FHWA at the address
previously noted.

Issued: December 7, 1983.

Gordon E. Penney,

Division Administrator, Oklahoma City,
Oklahoma.

[FR Doc. 83-33323 Filed 12-14-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-264]

Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs

Notice is hereby given pursuant to the
provisions of section 151.43 of the
Customs Regulations (19 CFR 151.43)
that the application of Independent
Surveyors of Petroleum, Inc., P.O. Box
2175, Port Arthur, Texas 77640, to gauge
imported petroleum and petroleum
products in the Customs Districts of
Tampa, Mobile, New Orleans, Port
Arthur, Laredo and Houston-Galveston,
in accordance with the provisions of
section 151.43, Subpart C, of the
Customs Regulations is approved.

Donald W. Lewis,

Director, Entry Procedures and Penalties
Division.

[FR Doc. 83-33375 Filed 12-14-83; 8:45 am]

BILLING CODE 4620-02-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to
Section V, Review Procedure and
Hearing Rules, Station Committee on
Educational Allowances that on January
10, 1984, at 12:30 p.m., the Detroit Station
Committee on Educational Allowances
shall, at 477 Michigan Ave., Detroit,
Michigan 48226, 13th Floor Hearing
Room, conduct a hearing to determine
whether the approval of Nord's Bar
Review Course, Southfield, Michigan to
train veterans should be withdrawn as
provided in 38 CFR 21.4207 because
requirements of the law have not been
met. All interested persons shall be
permitted to attend, appear before, or
file statements with the committee at
that time and place.

Dated: December 6, 1983.

Gordon W. Clowney,

Director, VA Regional Office, 477 Michigan
Avenue, Detroit, MI 48226.

[FR Doc. 83-33376 Filed 12-14-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 242

Thursday, December 15, 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

AFRICAN DEVELOPMENT FOUNDATION

TIME AND DATE: 2:00 p.m., December 22, 1983.

PLACE: Department of State, 21st and C Streets, NW., Room 5951, Washington, D.C.

SUBJECT: To discuss and decide upon certain personnel rules and practices of the Foundation.

STATUS: This will be a closed meeting.

PERSON TO CONTACT: Douglas Robbins, ADF Liaison Office, (703) 235-1882.

Dated: December 9, 1983.

Douglas Robertson,

Acting General Counsel of the African Development Foundation.

[S-1744-83 Filed 12-13-83; 3:38 pm]

BILLING CODE 6116-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:50 p.m. on Friday, December 9, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Union Trust Company, San Juan, Puerto Rico, which was closed by the Puerto Rico Secretary of the Treasury on Friday, December 9, 1983; (2) accept the bid for the transaction submitted by Banco Popular de Puerto Rico, San Juan (Hato Rey), Puerto Rico, an insured State nonmember bank; (3) approve the application of Banco Popular de Puerto Rico, San Juan (Hato Rey), Puerto Rico,

for consent to purchase the assets of and to assume the liability to pay deposits made in Union Trust Company, San Juan, Puerto Rico, and for consent to establish the sole office of Union Trust Company as a branch of Banco Popular de Puerto Rico; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 9, 1983.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-1747-83 Filed 12-13-83; 3:40 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 19, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof.

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to establish a branch-detached facility:

Dallas Bank and Trust Company, Dallas, Texas, for consent to establish a branch-detached facility at 2100 Stemmons Freeway, Space 117, Dallas, Texas.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 — 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 12, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1748-83 Filed 12-13-83; 3:40 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 19, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

First Savings Company of Hastings, Inc., Hastings, Nebraska, an operating noninsured industrial bank located at 808 W. 2nd Street, Hastings, Nebraska.

Request for reconsideration of a previous denial of an application for consent to relocate the main office:

First Bank in Drake, Drake, North Dakota, for consent to relocate its main office from 9 Main Street to 108 Main Street, Drake, North Dakota.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Final amendments to Parts 304 and 349 of the Corporation's rules and regulations, entitled "Forms, Instructions, and Reports" and "Reports on Indebtedness of Executive Officers and Principal Shareholders to Correspondent Banks," respectively, to implement amendments to titles VIII and IX of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 contained in title IV of the Garn-St Germain Depository Institutions Act of 1982, which would: (1) Require FDIC-insured State-chartered nonmember institutions to disclose, upon request, the names of their executive officers and principal shareholders who (along with their related interests) have substantial borrowings from the bank or its

correspondent banks; and (2) restate the existing statutory requirement that insiders report to the board of directors of their bank any indebtedness to the correspondent banks of that bank.

Memorandum and resolution re: Proposed regulation which would implement section 905(a) of the International Lending Supervision Act of 1983, which authorizes the Federal bank regulatory agencies to require banks to establish and maintain special reserves against foreign loans when borrowers experience a protracted inability to make debt service payments.

Memorandum re: Budget of Administrative Expenses for Budget Year 1984.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 12, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1749-83 Filed 12-13-83; 3:40 pm]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, page No. None at this time. Date Published—None at this time.

PLACE: Board Room, 5th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, December 15, 1983, at 10:00 a.m. has been cancelled.

No. 67, December 13, 1983.

[S-1743-83 Filed 12-13-83; 11:29 am]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No. None at this time. Date Published—None at this time.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The following item has been withdrawn from the Bank Board meeting scheduled for Thursday, December 15, 1983, and the meeting has been changed from open to closed. Please disregard notice that was previously sent.

Amendments to Net-Worth Requirements No. 68, December 13, 1983.

[S-1750-83 Filed 12-13-83; 3:41 pm]

BILLING CODE 6720-01-M

7

POSTAL RATE COMMISSION

TIME AND DATE: Periodic meetings scheduled on short notice during business days in the period December 15-21, 1983.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of matters in Docket No. R83-1. (Closed pursuant to 5 U.S.C. 552b(c)(10)).

CONTACT PERSON FOR MORE

INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-1745-83 Filed 12-13-83; 3:39 pm]

BILLING CODE 7715-01-M

8

POSTAL RATE COMMISSION

TIME AND DATE: Thursday, December 8, 1983, at 1:30 p.m.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

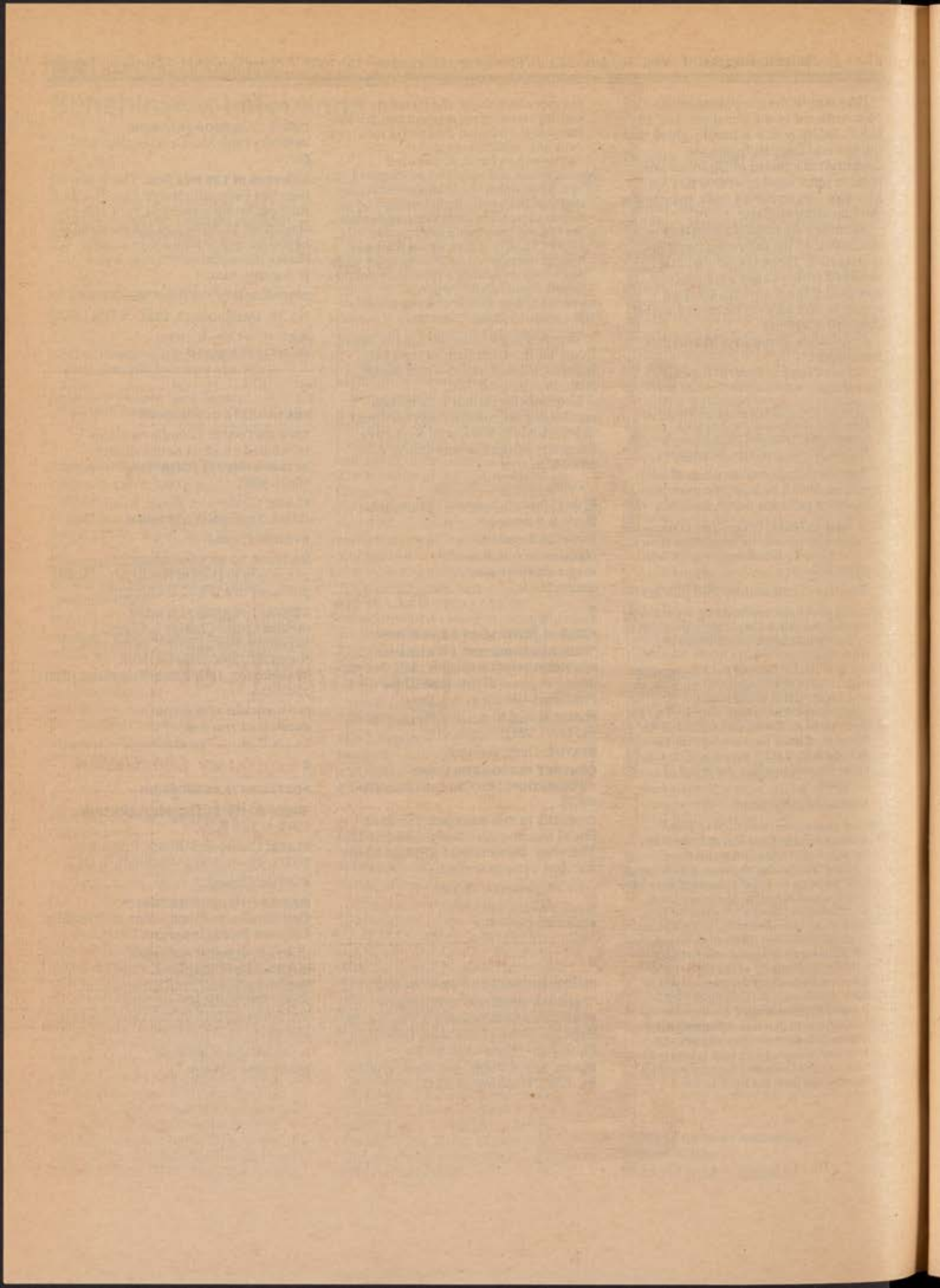
Certification to Commission of Presiding Officer's Ruling in Docket R83-1.

CONTACT PERSON FOR MORE

INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254-5614.

[S-1746-83 Filed 12-13-83; 3:39 pm]

BILLING CODE 7715-01-M



Register Federal

Thursday
December 15, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Natural Gas Policy Act; Determinations
by Jurisdictional Agencies

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Volume 1021]

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 application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section

- 102-1: New OSC 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-R: Recombination tight formation

Section 24108-SW 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

TEXAS RAILROAD COMMISSION								

-ADCO OIL & GAS CORPORATION			RECEIVED:	11/14/83	JA: TX			
8407364	F-08-073926	4231732724	103	KEY #2		SPRABERRY (TREND AREA	9.0	NORTHERN NATURAL
-AMOCO PRODUCTION CO			RECEIVED:	11/14/83	JA: TX			
8407400	F-8A-074344	4221933879	103	ELLWOOD "A" #149		SMYER	3.0	AMOCO PRODUCTION
8407404	F-08-074348	4200333471	103	FULLERTON SAN ANDRES UNIT #49		FULLERTON SAN ANDRES	12.0	AMOCO PRODUCTION
8407318	F-03-073571	4220131105	102-4	107-DP J W ULRICH GAS UNIT #1		TOMBALL SOUTH (WILCOX	547.0	AMOCO GAS CO
8407403	F-8A-074347	4221933898	103	LEVALLAND UNIT #814		LEVALLAND	104.0	AMOCO PRODUCTION
8407407	F-8A-074351	4221933899	103	LEVALLAND UNIT #815		LEVALLAND	0.0	AMOCO PRODUCTION
8407402	F-8A-074346	4221933897	103	LEVALLAND UNIT #816		LEVALLAND	61.0	AMOCO PRODUCTION
8407401	F-08-074345	4221933900	103	LEVALLAND UNIT #817		LEVALLAND	62.0	AMOCO PRODUCTION
8407406	F-08-074350	4200333505	103	MIDLAND FARMS AX #2		MIDLAND FARMS	282.0	AMOCO PRODUCTION
8407408	F-08-074352	4213534203	103	NORTH COWDEN UNIT #1137		COWDEN NORTH	15.0	AMOCO PRODUCTION
8407405	F-08-074349	4213534204	103	NORTH COWDEN UNIT #1138		COWDEN NORTH	14.0	AMOCO PRODUCTION
8407398	F-8A-074342	4244531125	103	M G FRAZIER #130		SLAUGHTER	35.0	AMOCO PRODUCTION
8407399	F-8A-074343	4221933877	103	M G FRAZIER UNIT #129		SLAUGHTER	41.0	AMOCO PRODUCTION
-APEX PETROLEUM INC			RECEIVED:	11/14/83	JA: TX			
8407470	F-7B-074528	4208333433	102-4	JOHN E WOLF #17 (19329)		WOLF (SERRATT LOWER)	3.0	EL PASO HYDROCARB
-ARCADIA REFINING CO			RECEIVED:	11/14/83	JA: TX			
8407289	F-06-072970	4240131348	103	MAHALIA BAGLEY #1 #10673		HENDERSON NE (TRAVIS	0.0	
-ARCO OIL AND GAS COMPANY			RECEIVED:	11/14/83	JA: TX			
8407271	F-04-072212	4213136133	102-4	HAZELWOOD MARSHALL ST G U #1		SEVEN SISTERS E (REAG	180.0	ARCO CHEMICAL CO
-AUGUSTA OIL & GAS INC			RECEIVED:	11/14/83	JA: TX			
8407358	F-7B-073824	4225303260	102-4	J H GRAYSON #3-A		LOS COLINAS (CANYON R	22.0	CONOCO INC
-BALLARD EXPLORATION CO INC			RECEIVED:	11/14/83	JA: TX			
8407376	F-03-074138	4224130392	103	ARCO FEE #4		CHAMPION (WILCOX #670	50.0	TENNECO POLYMERS
-BEN HOGAN			RECEIVED:	11/14/83	JA: TX			
8407344	F-7B-073761	4209331125	103	DAVIS UNIT #3		MITTIE (MARBLE FALLS)	110.0	SOUTHWESTERN GAS
-BEN J TAYLOR			RECEIVED:	11/14/83	JA: TX			
8407373	F-7B-074023	4236732512	102-4	SAVAGE L #2		MOBY DICK (MARBLE FAL	18.0	EMPIRE PIPELINE C
-BILL FORNEY INC			RECEIVED:	11/14/83	JA: TX			
8407286	F-03-072728	4248132465	102-4	AMIELA PITTS #1-C (RRC# N/A)		BONUS SE (DY)	48.0	VENTURE PIPELINE
8407329	F-02-073707	4229733289	102-4	HOUDSMANN GAS UNIT #2 RRC #106980		CHARLINE (FORNEY)	1500.0	TRANSCONTINENTAL
8407365	F-02-073777	4229733313	102-4	YBANEZ WELL #1 RRC#-N/A		CHARLINE (FORNEY)	2.0	TRANSCONTINENTAL
-BOURNE OIL CO			RECEIVED:	11/14/83	JA: TX			
8407367	F-04-073975	4213135435	103	TREE UNIT #2		LABBE	0.0	TENNESSEE GAS PIP
-BRAZOS RESOURCES INC			RECEIVED:	11/14/83	JA: TX			
8407474	F-03-074551	4222530450	103	CURREY #1 RRC ID # 16686		FT TRINIDAD E (EDWARD	126.0	SOUTH TEXAS GATHE
-BRIGHT & COMPANY			RECEIVED:	11/14/83	JA: TX			
8407313	F-04-073524	4221531355	102-4	107-TF HAMMAN "A"-6		MONTE CHRISTO (BICKSB	1000.0	TECO PIPELINE CO
-BRUNER OIL & GAS INC			RECEIVED:	11/14/83	JA: TX			
8407292	F-7B-073094	4213334344	102-4	HANSEN FLOOD J "A" #4		D R S SE (CONGL)	0.0	LONE STAR GAS CO
-BTA OIL PRODUCERS			RECEIVED:	11/14/83	JA: TX			
8407256	F-7C-071334	4238332525	103	JACKSON "A" #7		SPRABERRY (TREND AREA	24.0	EL PASO NATURAL G
8407352	F-7C-073723	4238332618	103	ROCKER "B" #24		SPRABERRY (TREND AREA	25.0	EL PASO NATURAL G
8407354	F-7C-073726	4238332626	103	ROCKER "B" #25		SPRABERRY (TREND AREA	26.0	EL PASO NATURAL G
8407353	F-7C-073725	4238332644	103	ROCKER "B" #26		SPRABERRY (TREND AREA	28.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407335	F-7C-073727	4238332608	103	ROCKER "B" #27	SPRABERRY (TREND AREA)	27.0	EL PASO NATURAL G
-BURNETT OIL CO INC			RECEIVED:	11/14/83 JA: TX			
8407328	F-01-073677	4231131861	102-4 103	C C SMITH #1	AMP (OLMOS)	292.0	HPI TRANSMISSION
-CARMICHAEL OIL CO INC			RECEIVED:	11/14/83 JA: TX			
8407214	F-7B-065197	4208330003	107-PE	M H HENDERSON #1 (046107)	BURKETT S W (DUFFER)	0.0	UNION TEXAS PETRO
-CARPENTER WALTER G			RECEIVED:	11/14/83 JA: TX			
8407363	F-7B-073391	4236333075	102-4	LANGFORD B-1 (107101)	LANGFORD (STRAIN LOWE)	120.0	TEXAS UTILITIES F
-CHAMPLIN EXPLORATION INC			RECEIVED:	11/14/83 JA: TX			
8407309	F-03-073444	4228731285	102-2	DELLA #1 (RRD ID 16158)	GIDDINGS (AUSTIN CHAL)	48.0	PHILLIPS PETROLEU
8407305	F-03-073424	4214938375	102-2	GUSSIE HART #2	GIDDINGS (AUSTIN CHAL)	15.0	PHILLIPS PETROLEU
8407306	F-03-073425	4214938943	102-2	LEHMANN UNIT #1	GIDDINGS (AUSTIN CHAL)	5.0	PHILLIPS PETROLEU
8407307	F-03-073427	4214938839	102-2	VACLAVIC UNIT #1	GIDDINGS (AUSTIN CHAL)	5.0	PHILLIPS PETROLEU
-CHESTER R UPHAM JR			RECEIVED:	11/14/83 JA: TX			
8407265	F-7B-071474	4236300000	102-4	CALABRIA/DORRIS VALLEY #1	CALABRIA (CONGL 3700)	0.0	SOUTHWESTERN GAS
-CINCO OIL & GAS INC			RECEIVED:	11/14/83 JA: TX			
8407320	F-01-073580	4217700000	102-3	BDD RANCH "A" 3	PEACH CREEK (AUSTIN C	313.9	TIPPERARY CORP
-CIRCLE SEVEN PRODUCTION CO			RECEIVED:	11/14/83 JA: TX			
8407510	F-09-074626	4223735384	102-4	M L EGGERS #2	PEARL MOSLEY (CONGL U	0.0	SOUTHWESTERN GAS
-COASTAL OIL & GAS CORP			RECEIVED:	11/14/83 JA: TX			
8407316	F-7B-073548	4209300000	107-PE	J B GRAY #1	MITTIE (MARBLE FALLS)	20.0	LONE STAR GAS CO
-CONOCO INC			RECEIVED:	11/14/83 JA: TX			
8407264	F-8A-071437	4216900000	102-4	HUNTLEY EAST SAN ANDRES #60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETRODC
8407263	F-8A-071427	4216900000	102-4	HUNTLEY EAST SAN ANDRES #1 60957	HUNTLEY EAST (SAN AND	3285.0	MID PLAINS PETRODC
8407257	F-8A-071421	4216900000	102-4	HUNTLEY EAST SAN ANDRES #14 60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETRODC
8407262	F-8A-071426	4216900000	102-4	HUNTLEY EAST SAN ANDRES #2 60957	HUNTLEY EAST (SAN AND	2555.0	MID PLAINS PETRODC
8407261	F-8A-071425	4216900000	102-4	HUNTLEY EAST SAN ANDRES #5 60957	HUNTLEY EAST (SAN AND	400.0	MID PLAINS PETRODC
8407260	F-8A-071424	4216900000	102-4	HUNTLEY EAST SAN ANDRES #6 60957	HUNTLEY EAST (SAN AND	1825.0	MID PLAINS PETRODC
8407259	F-8A-071423	4216900000	102-4	HUNTLEY EAST SAN ANDRES #7 60957	HUNTLEY EAST (SAN AND	927.1	MID PLAINS PETRODC
8407258	F-8A-071422	4216900000	102-4	HUNTLEY EAST SAN ANDRES #8 60957	HUNTLEY EAST (SAN AND	292.0	MID PLAINS PETRODC
8407281	F-04-072551	4247933583	102-4 107-TF	ROSA V BEHAVIDES A #20	CAPRICE (LOBO)	847.0	E I DUPOINT DE NEH
8407375	F-7B-074084	4215100000	108	ROUND TOP PALO PINTO #61 11416	ROUND TOP	0.1	LONE STAR GAS CO
-CRENS OIL CO			RECEIVED:	11/14/83 JA: TX			
8407479	F-08-074577	4222733048	102-4	CLAUDE MOONETT #1	STOLHAN (SPRABERRY)	26.0	GETTY OIL CO
-CROWN CENTRAL PETROLEUM CORP			RECEIVED:	11/14/83 JA: TX			
8407221	F-03-067434	4231300000	102-4	BERTHA HARPER #2-A	MARLAPP (DEXTER G)	140.0	PECOS PIPELINE CO
-DELTA OIL & GAS CO			RECEIVED:	11/14/83 JA: TX			
8407317	F-7B-073564	4242900000	103	CALDWELL-WRIGHT RRC 19825	STEPHENS COUNTY REGUL	0.0	WARREN PETROLEUM
-DIAMOND SHAMROCK CORPORATION			RECEIVED:	11/14/83 JA: TX			
8407462	F-10-074489	4235731396	103	A W HENRY "B" #2-51	ELLIS RANCH	0.0	
-DINERO OIL CO			RECEIVED:	11/14/83 JA: TX			
8407506	F-04-074614	4242731690	103	GUTIERREZ #2-C	SALINAS (2000)	66.0	VERMILION ENERGY
8407505	F-04-074613	4242731690	102-4	GUTIERREZ #2-T	SALINAS (2000)	73.0	ESPERANZA TRANSMI
8407504	F-04-074612	4242731689	103	GUTIERREZ #3-C	SALINAS (2000)	8.0	VERMILION ENERGY
8407507	F-04-074615	4242731689	103	GUTIERREZ #3-T	SALINAS (2000)	110.0	ESPERANZA TRANSMI
-DMC OIL & GAS PRODUCERS			RECEIVED:	11/14/83 JA: TX			
8407480	F-7B-074580	4236700000	103	MEB #1	POOLVILLE S W (CONGL	105.0	TEXAS UTILITIES F
-EDWARDS ENERGY CORP			RECEIVED:	11/14/83 JA: TX			
8407472	F-7C-074541	4243131338	103	JOHN C COPELAND JR ET AL "B" #1	JAMESON STRAWN	36.5	SUN EXPLORATION &
-EL PASO NATURAL GAS COMPANY			RECEIVED:	11/14/83 JA: TX			
8407436	F-10-074406	4217923742	108	PATTERSON #1	PANHANDLE-WEST	23.0	EL PASO NATURAL G
-ENER-GAS			RECEIVED:	11/14/83 JA: TX			
8407440	F-10-074465	4206531343	103	GINA #1 (IDR 05488)	PANHANDLE CARSON	60.0	GETTY OIL CO
-ENERGY RESERVES GROUP INC			RECEIVED:	11/14/83 JA: TX			
8407466	F-7C-074500	4208131100	103	J E CHAPPELL "A" #18	JAMESON (STRAWN)	9.3	UNION TEXAS PETRO
-ENERGY-AGRI PRODUCTS INC			RECEIVED:	11/14/83 JA: TX			
8407380	F-10-074231	4217931400	103	GOOPER #2 (ID 405476)	PANHANDLE GRAY	170.0	CABOT PIPELINE CO
-ENSERCH EXPLORATION INC			RECEIVED:	11/14/83 JA: TX			
8407323	F-7B-073604	4242933767	103	J W STOUARD #2-12	IVADELL	70.0	
8407326	F-7B-073670	4236732568	103	J W STURDIVANT #2	SPRINGTOWN	0.0	
-EXXON CORPORATION			RECEIVED:	11/14/83 JA: TX			
8407416	F-7B-074370	4235131673	102-4	A A MABERRY #1	DIXON-LAWLIS (CANYON)	6.0	
8407393	F-01-074337	4201300000	108	A K MCBRIDE 27 (03296)	CHARLOTTE (NAVARRO)	1.0	VALERO TRANSMISSION
8407412	F-03-074358	4232100000	108	C B GRANBRURY UNIT 1 RRC ID #036024	SUGAR VALLEY (FRIO 85	0.0	NATURAL GAS PIPEL
8407473	F-03-074545	4205132434	102-2	COOKS POINT UNIT 1 #2	GIDDINGS (AUSTIN CHAL	35.0	FERGUSON CROSSING
8407303	F-08-073301	4200333495	103	FULLERTON CLEARFORK UNIT #2017	FULLERTON	15.0	PHILLIPS PETROLEU
8407321	F-08-073392	4200333476	103	FULLERTON CLEARFORK UNIT #2019	FULLERTON	15.0	PHILLIPS PETROLEU
8407421	F-08-074381	4200300000	108	FULLERTON CLEARFORK UNIT #4018	FULLERTON	1.0	PHILLIPS PETROLEU
8407325	F-08-073659	4210333200	103	J B TUBB A/C 1 #200	SAND HILLS (JUDKINS)	35.0	EL PASO NATURAL G
8407397	F-04-074341	4226100000	108	JOHN G KENEY JR "E" 30-D (076018)	EL PAISTLE (J-28 S)	7.0	NATURAL GAS PIPEL
8407288	F-03-072900	4247330392	103	KATY GAS FIELD CONS UNIT #5305	KATY (V)	1460.0	UNITED TEXAS TRAN
8407464	F-04-074498	4227331219	103	KING RANCH CHILITPIN 58 (09019)	LOBO SE (F-70)	87.0	ARMCO STEEL CORP
8407417	F-7B-074371	4215131623	102-4	M C THOMPSON #1	DIXON-LAWLIS (CANYON)	25.0	
8407415	F-7B-074369	4215131657	102-4	M C THOMPSON B #1	DIXON-LAWLIS (CANYON)	8.0	
8407396	F-04-074340	4204700000	108	MARCOS JUAREZ 4-D (101370)	KELSEY SOUTH (17-B W)	6.0	TRUNKLINE GAS CO
8407395	F-04-074339	4204700000	108	MCGILL BROS 88-T (07438)	KELSEY DEEP (20-FAN M	5.0	TRUNKLINE GAS CO
8407423	F-08-074383	4200331541	108	MEANS/SAN ANDRES/UNIT #1264	MEANS	1.0	PHILLIPS PETROLEU
8407422	F-08-074382	4200331541	108	MEANS/SAN ANDRES/UNIT #1666	MEANS	0.3	PHILLIPS PETROLEU
8407394	F-04-074358	4224700000	108	MRS A M K BASS "B" 15-D (077741)	KELSEY DEEP (20-A SEG	5.0	TRUNKLINE GAS CO
8407463	F-04-074497	4226130235	103	M E RITA GAS UNIT 1 WELL 1 (106857)	RITA M E (H-68)	372.0	ARMCO STEEL CORP
8407418	F-8A-074377	4216500000	108	P G NORTHROP #1	ROBERTSON N (CLEAR FO	3.0	PHILLIPS PETROLEU
8407420	F-8A-074380	4216500000	108	ROBERTSON CLEARFORK UNIT #110	ROBERTSON N (CLEAR FO	1.1	PHILLIPS PETROLEU
8407419	F-8A-074378	4216531187	108	ROBERTSON CLEARFORK UNIT #9102	ROBERTSON N (CLEAR FO	1.1	PHILLIPS PETROLEU
8407302	F-8A-073299	4216532538	103	ROBERTSON CLEARFORK UNIT #9503	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8407414	F-7B-074368	4215131633	102-4	M L DUKE #3	DIXON-LAWLIS (CANYON)	5.0	
-FAGADAU ENERGY CORP			RECEIVED:	11/14/83 JA: TX			
8407366	F-09-073973	4207732951	102-4	LEDA GARRETT ROE #1 RRC #23560	TALLY (CONGL)	23.0	BLUEGROVE GASOLIN
-FLORIDA GAS EXPLORATION COMPANY			RECEIVED:	11/14/83 JA: TX			
8407232	F-06-069323	4200131401	103	C M HINZIE #1	BOIS D'ARC (RODESSA)	198.6	ESPERANZA PIPELIN
-FORGOSIUS JAMES M JR			RECEIVED:	11/14/83 JA: TX			
8407204	F-06-048720	4240100000	103 107-DP	C E WILLIAMSON HEIRS G U WELL #2	OAK HILL (COTTON VALL	360.0	HYDROCARBON LTD
-G S I INC			RECEIVED:	11/14/83 JA: TX			
8407312	F-03-073513	4204130967	102-2	A P WENMEYER #1 (16729)	KURTEN (BUDA) FIELD	250.0	FERGUSON CROSSING
8407311	F-03-073512	4204130922	102-2	FRANK RIBARDO #1 (16579)	KURTEN (BUDA) FIELD	245.0	FERGUSON CROSSING
-GETTY OIL COMPANY			RECEIVED:	11/14/83 JA: TX			
8407362	F-8A-073592	4216931846	103	KIRKPATRICK UNIT #3	ROCKER "A" S W (ELLEN	7.6	KOCH OIL CO
8407339	F-7C-073749	4271331322	103	L I WHITTEN #2	ELDORADO M (CANYON "A	751.0	ARCO OIL & GAS CO
8407341	F-7B-073751	4235331467	103	NORTH NENA LUCIA UNIT #113	NENA LUCIA (STRAWN RE	23.0	EL PASO NATURAL G
8407340	F-7B-07375	4243331625	103	ROY DAY #24	KATZ 4800'	7.3	CITIES SERVICE OI
8407425	F-8A-074386	4207900000	103	XIT UNIT WELL #71-X	LEVELLAND	2.0	CITIES OIL & GAS
-GRAMHAM ENERGY LTD			RECEIVED:	11/14/83 JA: TX			
8407381	F-08-074257	4235300000	103	FOSTER S PRICE ONE #3	JAMESON NORTH (STRAWN	0.0	SUN OIL CO
-GULF OIL CORPORATION			RECEIVED:	11/14/83 JA: TX			
8407247	F-10-070889	4239330935	103	BFA BYRUM ET AL A/A #3-27	RED DEER CREEK (GRAH	550.0	TRANSWESTERN PIPE
-H B ZACHRY CO			RECEIVED:	11/14/83 JA: TX			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407207	F-04-058307	4250531294	103		H B ZACHRY CO FEE #5	RANDADD RANCH	365.0	VALERO INTERSTATE
-HAWLEY PETROLEUM INC			RECEIVED:	11/14/83	JA: TX			
8407427	F-7C-074399	4210534136	103	107-TF	UNIVERSITY 30-34A #1	OZONA (CANYON)	164.3	INTRATEX GAS CO
-HARVEST OPERATING CO INC			RECEIVED:	11/14/83	JA: TX			
8407295	F-78-073224	4205900000	102-4		BALKUM-GINCO #1	ROCKY MOUNTAIN COMYN	30.0	EL PASO HYDROCARB
8407294	F-78-073225	4205900000	102-4		BALKUM-GINCO #1	ROCKY MOUNTAIN COMYN	7.0	EL PASO HYDROCARB
8407297	F-78-073226	4205900000	102-4		BALKUM-GINCO #1	ROCKY MOUNTAIN COMYN	6.0	EL PASO HYDROCARB
8407298	F-78-073227	4205900000	102-4		BALKUM-GINCO #1	ROCKY MOUNTAIN COMYN	10.0	EL PASO HYDROCARB
-HARWOOD EXPLORATION INC			RECEIVED:	11/14/83	JA: TX			
8407280	F-02-072535	4217531741	103		HARKINS #1	CIRCLE "A" (4880')	67.8	
-HENDERSON CLAY PRODUCTS INC			RECEIVED:	11/14/83	JA: TX			
8407273	F-06-072409	4240131670	102-2	107-TF	ALICE CHRISTIAN -A- WELL #2	HENDERSON N (COTTON V	675.0	B & A PIPE LINE C
-HENRY ENERGY CORP			RECEIVED:	11/14/83	JA: TX			
8407508	F-78-074623	4203670323	102-4		DOUGLASS #3	HERMANN (STRAWN)	80.0	SOUTHWESTERN GAS
-HENRY PETROLEUM CORP			RECEIVED:	11/14/83	JA: TX			
8407237	F-7C-069908	4246100000	103		COX "B" 82-1Y	SPRABERRY (TREND AREA	0.0	PHILLIPS PETROLEU
8407238	F-08-070252	4231700000	103		PARHAM 82-1Y	SPRABERRY (TREND AREA	0.0	
-HILL INTERNATIONAL PRODUCTION CO			RECEIVED:	11/14/83	JA: TX			
8407447	F-03-074436	4205132361	102-4		PETER ZBORIL #1	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
-HILL PRODUCTION CO-WISCONSIN			RECEIVED:	11/14/83	JA: TX			
8407290	F-03-073017	4204100000	102-2		TALISMAN #1-A	KURTEN (BUDA) FIELD	0.0	FERGUSON CROSSING
-NMH OPERATORS			RECEIVED:	11/14/83	JA: TX			
8407322	F-08-075599	4243113120	103		MARGARET #1	CONGER (PENN)	108.0	ESPERANZA PIPELIN
8407351	F-08-075814	4217531207	103		RATLIFF "6" #1	SPRABERRY (TREND AREA	59.0	PHILLIPS PETROLEU
8407352	F-08-075815	4217531361	103		RATLIFF 46 "A" #1	SPRABERRY (TREND AREA	49.0	EL PASO NATURAL G
-HORIZON OIL & GAS CO OF TEXAS			RECEIVED:	11/14/83	JA: TX			
8407304	F-10-073362	4235731178	107-TF		CONVERSE "A"	HORIZON (CLEVELAND)	4.8	TRANSWESTERN PIPE
-HOWELL DRILLING INC			RECEIVED:	11/14/83	JA: TX			
8407342	F-02-073756	4228531608	103	107-TF	LEON BARNES "B" GAS UNIT - WELL #1	WORD N	0.0	TEXAS EASTERN TRA
-HUBERTZ OIL CO			RECEIVED:	11/14/83	JA: TX			
8407481	F-78-07458	4208333526	102-4		R C DAVIS #7	HRUBETZ (ELLEN)	18.0	UNION TEXAS PETRO
-HUNT OIL COMPANY			RECEIVED:	11/14/83	JA: TX			
8407245	F-06-070589	4236551354	102-2	107-TF	J J SMITH #3	CARTHAGE (COTTON VALL	0.0	UNITED TEXAS TRAN
-INEXCO OIL COMPANY			RECEIVED:	11/14/83	JA: TX			
8407209	F-04-060284	4221551018	102-4		TREVINO & LONGORIA HEIRS #1	GUADALUPE (4500 SAND)	1460.0	VALERO INTERSTATE
-INTERNATIONAL OIL & GAS CORP			RECEIVED:	11/14/83	JA: TX			
8407242	F-7C-070485	4210534453	102-4		VERNON B COX "A" #8	DUDLEY EAST (DEVONIAN	0.0	DELHI GAS PIPELIN
-J C MCCABE			RECEIVED:	11/14/83	JA: TX			
8407471	F-04-074537	4250531536	102-4		HINNAT HEIRS "A"-1	HINNANT RANCH FIELD	36.0	HOUSTON PIPE LINE
-J M HUBER CORPORATION			RECEIVED:	11/14/83	JA: TX			
8407248	F-10-071009	4223331526	103		RILEY "B" #2A	WEST PANHANDLE	124.0	COLORADO INTERSTA
8407249	F-10-071010	4205531293	103		SANFORD "M" #1A	WEST PANHANDLE	44.0	COLORADO INTERSTA
8407250	F-10-071011	4223331514	103		WEATHERLY "C" #22A	WEST PANHANDLE	44.0	COLORADO INTERSTA
-JACK L KIRBY			RECEIVED:	11/14/83	JA: TX			
8407284	F-08-072661	4213534219	103		CONDEN "B" #1	CONDEN SOUTH (CANYON	0.0	EL PASO HYDROCARB
-L & B OIL CO INC			RECEIVED:	11/14/83	JA: TX			
8407451	F-03-074441	4218530335	102-4		COBB #1	IOLA SOUTH (SUB-CLARK	66.0	PRODUCERS GAS CO
8407450	F-03-074440	4218530337	102-4		COBB #2	IOLA SOUTH (SUB-CLARK	66.0	PRODUCERS GAS CO
8407449	F-03-074439	4218530338	102-4		COBB #3	IOLA SOUTH (SUB-CLARK	66.0	PRODUCERS GAS CO
-L R PEARSON JR INC			RECEIVED:	11/14/83	JA: TX			
8407379	F-78-074174	4213334237	102-4		WATSON #4 (18022)	REBECCA (MARBLE FALLS	16.0	LONE STAR GAS CO
-LANDMAK EXPLORATION INC			RECEIVED:	11/14/83	JA: TX			
8407274	F-03-072430	4204100000	102-2		LEWIS #1	KURTEN (BUDA)	547.5	FERGUSON CROSSING
-LEONARD BROTHERS OPERATING CO			RECEIVED:	11/14/83	JA: TX			
8407338	F-78-073748	4213334494	102-4		KINCAID "C" #1 (19458)	REBECCA (MARBLE FALLS	7.0	LONE STAR GAS CO
-LYN-SAN CO			RECEIVED:	11/14/83	JA: TX			
8407336	F-08-073731	4210300000	108		GULF TUBB #1	SAND HILLS (MCKNIGHT)	10.8	WARREN PETROLEUM
8407327	F-08-073671	4210300000	108		GULF TUBB #2	SAND HILLS (MCKNIGHT)	4.0	WARREN PETROLEUM
-MARK PRODUCING INC			RECEIVED:	11/14/83	JA: TX			
8407226	F-06-068421	4240131546	103		PINCHAM #1 (LEASE NO NOT ASSIGNED)	CALEDONIA (RODESSA)	55.7	
-MARLINE OIL CORP			RECEIVED:	11/14/83	JA: TX			
8407251	F-02-071023	4246931656	102-4	103	WELDER-CLIBURN 4-T	WELDER RANCH	985.5	FLORIDA GAS TRANS
-MARSHALL EXPLORATION INC			RECEIVED:	11/14/83	JA: TX			
8407229	F-06-068527	4240131652	102-4	103	ARMSTRONG #1	MINDEN (TRAVIS PEAK L	140.0	TEXAS UTILITIES F
-MCDANIEL PETROLEUM CO			RECEIVED:	11/14/83	JA: TX			
8407230	F-03-068821	4204100000	102-4		JULIA #1	BRYAN NORTH GEORGETOW	125.0	FERGUSON CROSSING
-MINERAL DEVELOPMENT INC			RECEIVED:	11/14/83	JA: TX			
8407459	F-08-074459	4237134122	103		SCHARFF #11	PECOS VALLEY (HIGH GR	2.5	INTRATEX GAS CO
8407458	F-08-074458	4237134186	103		SCHARFF #12	PECOS VALLEY (HIGH GR	1.2	INTRATEX GAS CO
8407457	F-08-074457	4237134198	103		SCHARFF #13	PECOS VALLEY (HIGH GR	5.2	INTRATEX GAS CO
8407456	F-08-074456	4237134237	103		SCHARFF #14	PECOS VALLEY (HIGH GR	2.2	INTRATEX GAS CO
8407455	F-08-074455	4237134254	103		SCHARFF #15	PECOS VALLEY (HIGH GR	14.6	INTRATEX GAS CO
8407454	F-08-074454	4237134386	103		SCHARFF #17	PECOS VALLEY (HIGH GR	5.5	INTRATEX GAS CO
8407453	F-08-074453	4237134293	103		SCHARFF #18	PECOS VALLEY (HIGH GR	5.2	INTRATEX GAS CO
-MITCHELL ENERGY CORPORATION			RECEIVED:	11/14/83	JA: TX			
8407365	F-09-073930	4249732585	103		BERTHA FLOWERS #2	BOONSVILLE (BEND CONG	151.5	NATURAL GAS PIPEL
8407199	F-09-005078	4249700000	108-ER		CHARLIE LAMBERT #1	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8407411	F-09-074355	4249732573	103		CHARLIE T MCMURRAY #3	BOONSVILLE (BEND CONG	327.7	NATURAL GAS PIPEL
8407254	F-09-071232	4249732358	103		DEAVER (CADDO CONGL) UNIT #5-12	ALVORD (CADDO CONGL)	5.1	NATURAL GAS PIPEL
8407203	F-09-047768	4223700000	108-ER		FERRELL RICHARDS #1	JACKSBORO 5 E	0.0	SOUTHWESTERN GAS
8407345	F-09-073760	4249732581	103		FRANCES B CONLEY #4-C	BOONSVILLE/BEND CONGL	9.9	NATURAL GAS PIPEL
8407206	F-09-057237	4249700000	108-ER		GERTRUDE WILSON #3	BOONSVILLE BEND CONGL	0.0	NATURAL GAS PIPEL
8407208	F-78-059637	4236700000	108-ER		J J YATES #1	LAKE MINERAL WELLS	0.0	NATURAL GAS PIPEL
8407220	F-09-067112	4223700000	108-ER		M E FERRELL #1	JACKSBORO SE	0.0	CORONADO TRANSMIS
8407202	F-09-038583	4249700000	108-ER		ROY ONEAL #1	BOONSVILLE	0.0	NATURAL GAS PIPEL
8407211	F-09-063806	4223700000	108-ER		VERA HENDERSON #1	HENDERSON RANCH	0.0	SOUTHWESTERN GAS
-MOBIL PRD TEXAS & NEW MEXICO INC			RECEIVED:	11/14/83	JA: TX			
8407496	F-08-074604	4210330770	108		U-TEX #8 #1	DUNE	0.5	PHILLIPS PETROLEU
8407497	F-08-074605	4210330769	108		U-TEX #8 #2	DUNE	0.5	PHILLIPS PETROLEU
8407498	F-08-074606	4210330848	108		U-TEX #8 #3	DUNE	0.5	PHILLIPS PETROLEU
8407499	F-08-074607	4210330861	108		U-TEX #8 #4	DUNE	0.7	PHILLIPS PETROLEU
8407500	F-08-074608	4210330882	108		U-TEX #8 #5	DUNE	0.8	PHILLIPS PETROLEU
8407502	F-08-074610	4210330880	108		U-TEX #8 #6	DUNE	0.8	PHILLIPS PETROLEU
8407501	F-08-074609	4210330884	108		U-TEX #8 #8	DUNE	0.7	PHILLIPS PETROLEU
8407503	F-08-074611	4210330767	108		U-TEX DD #1	DUNE	1.3	PHILLIPS PETROLEU
8407491	F-08-074597	4210330765	108		U-TEX DD #2	DUNE	1.1	PHILLIPS PETROLEU
8407485	F-08-074591	4210330802	108		U-TEX DD #4	DUNE	1.9	PHILLIPS PETROLEU
8407483	F-08-074589	4210330803	108		U-TEX DD #5	DUNE	2.2	PHILLIPS PETROLEU
8407482	F-08-074588	4210330804	108		U-TEX DD #6	DUNE	2.0	PHILLIPS PETROLEU
8407488	F-08-074594	4210330800	108		U-TEX DD #7	DUNE	2.4	PHILLIPS PETROLEU
8407489	F-08-074595	4210330799	108		U-TEX DD #8	DUNE	1.5	PHILLIPS PETROLEU
8407484	F-08-074590	4210330801	108		U-TEX EE #1	DUNE	1.6	PHILLIPS PETROLEU
8407487	F-08-074593	4210330809	108		U-TEX EE #2	DUNE	1.7	PHILLIPS PETROLEU
8407486	F-08-074592	4210330850	108		U-TEX EE #3	DUNE	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407492	F-08-074600	4210330851	108	U-TEX EE #4	DUNE	0.1	PHILLIPS PETROLEUM
8407495	F-08-074603	4210330855	108	U-TEX GG #4	DUNE	0.3	PHILLIPS PETROLEUM
-MONCRIEF C B			RECEIVED:	11/14/83 JA: TX	S W TEAGUE	0.0	DELHI GAS PIPELIN
8407285	F-05-072721	4229330672	103	107-TF JACKSON #1		0.0	DELHI GAS PIPELIN
-MONSANTO COMPANY			RECEIVED:	11/14/83 JA: TX	DIAMOND M (SAN ANDRES)	12.0	DIAMOND M-SHARON
8407324	F-84-073638	4241532675	103	GERTIE "A" #11			
-MOORE MCCORMACK OIL & GAS CORP			RECEIVED:	11/14/83 JA: TX	LIZ (8840)	15.0	TENNESSEE GAS PIP
8407410	F-04-074354	4247932091	108	HUBBERD "H" #1	LIZ EAST (9600)	0.0	TENNESSEE GAS PIP
8407409	F-04-074353	4247932644	108	HUBBERD "HH" #1			
-MORRELL & PARROTT			RECEIVED:	11/14/83 JA: TX	SHACKELFORD COUNTY RE	120.0	DAMSON GAS PROCES
8407299	F-78-073241	4241735054	103	EAST REAMES #25-2			
-MORROW RESOURCES INC			RECEIVED:	11/14/83 JA: TX	CELERY (STRAWN B)	0.0	SUN GAS CO
8407314	F-7C-073536	4232738542	102-2 103	MAULDIN #2			
-MMJ PRODUCING CO			RECEIVED:	11/14/83 JA: TX	CHRISTI (CANYON 6800)	6.0	FARMLAND INDUSTRI
8407355	F-7C-073816	4223532012	103	HERMAN #1	VAREL (SAN ANDRES)	0.0	
8407349	F-08-073811	4222732957	103	HUDDLESTON "A" #1	CHRISTI (CANYON 6800)	9.0	NORTHERN NATURAL
8407350	F-7C-073812	4223531948	103	JAY "A" #5	SPRABERRY (TREND AREA)	153.0	NORTHERN NATURAL
8407355	F-7C-073818	4223531992	103	SUGGS 71 #1	SPRABERRY (TREND AREA)	106.0	NORTHERN NATURAL
8407354	F-7C-073817	4223530000	103	SUGGS 73 #1	SPRABERRY (TREND AREA)	44.0	TEXACO INC
8407356	F-08-073819	4217331219	103	TXL 27 #2			
-M D STOVALL & SON			RECEIVED:	11/14/83 JA: TX	LANGSTON KLEINER	14.6	MID-STATE GAS COR
8407360	F-09-073869	4250337042	103	KING WILLIAMS #2 RRC #197787			
-M E OPERATING CO INC			RECEIVED:	11/14/83 JA: TX	STEPHENS COUNTY REGUL	9.2	BRECKENRIDGE GASO
8407308	F-78-073432	4242900000	108	BLACK BROTHERS #1			
-NATURAL GAS ANADARKO INC			RECEIVED:	11/14/83 JA: TX	LEDRIK RANCH (GRANIT	36.0	TRANSWESTERN PIPE
8407331	F-10-073721	4239330717	102-2	LEDRIK #1-7	LEDRIK RANCH (GRANIT	36.0	TRANSWESTERN PIPE
8407330	F-10-073719	4239330717	102-2	LEDRIK #3-7			
-NEWMALL RESOURCES			RECEIVED:	11/14/83 JA: TX	M J B (WOLFCAMP)	0.0	ADCOE GAS CO
8407278	F-7C-072508	4241331183	102-4 103	MERTZ "A" #1			
-NICHOLS M DALE			RECEIVED:	11/14/83 JA: TX	HOMANN (YATES)	32.8	WESTAR TRANSMISSI
8407319	F-84-073576	4216532505	103	ARCO RILEY #1			
-NORTHBRIDGE OIL CO			RECEIVED:	11/14/83 JA: TX	BARFIELD CONGL	9.0	TUFCO
8407413	F-09-074361	4223735543	103	COOPER #2 23385			
-NORTHWEST CENTRAL PIPELINE CORP			RECEIVED:	11/14/83 JA: TX	GLADENATER (MAYNESVIL	1493.0	DELHI GAS PIPELIN
8407275	F-06-072426	4245930557	102-2 107-TF	FENTON A #1			
-OGE DRILLING			RECEIVED:	11/14/83 JA: TX	SPRABERRY (TREND AREA)	54.0	PHILLIPS PETROLEUM
8407294	F-08-073219	4232931155	103	LINDSEY #1	BLACK OIL	700.0	HOUSTON PIPE LINE
-OIL PETROLEUM CO			RECEIVED:	11/14/83 JA: TX	PANHANDLE	0.0	GETTY OIL CO
8407357	F-03-073820	4248132522	102-4	G H HARFST JR GAS UNIT #1			
-PANHANDLE PRODUCING COMPANY			RECEIVED:	11/14/83 JA: TX	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM
8407509	F-10-074624	4206500000	103	WEBSTER #2-83	SPRABERRY (TREND AREA)	15.0	PHILLIPS PETROLEUM
-PARKER & PARLEY INC			RECEIVED:	11/14/83 JA: TX	CALVIN (DEAN)	25.0	EL PASO NATURAL G
8407301	F-08-073268	4232900000	103	EDWARDS WELL #1			
8407300	F-08-073257	4232900000	103	MATLINGTON #1	GILLEY M (ATOKA CONGL	24.8	TEXAS UTILITIES F
-PARMA PETROLEUM CORP			RECEIVED:	11/14/83 JA: TX	OUTLAW (MORRIS)	289.4	UNION TEXAS PETRO
8407210	F-7C-066638	4246100000	103	ELKINS 30A-1	LACAL E-10	365.0	
-PAUL DE CLEVA			RECEIVED:	11/14/83 JA: TX	LACAL E-12	365.0	
8407225	F-09-068280	4223735021	103	BLANTON "A" #1	CHILLICOTHE SW	0.0	
-PETROLERO EXPLORATIONS INC			RECEIVED:	11/14/83 JA: TX	FEHWEIL (ELLENBURGER)	2.0	EL PASO NATURAL G
8407241	F-78-07457	4208333416	102-4	SEALY FOUNDATION #1-19751	JO-MILL (SPRABERRY)	14.0	GETTY OIL CO
-PETROLEUM MANAGEMENT INC			RECEIVED:	11/14/83 JA: TX	TEXAS HUGGTON	0.0	MICHIGAN WISCONS
8407240	F-04-070298	4246893071	102-4	YTURRIA CATTLE CO WELL #12-C	WEST PANHANDLE	0.0	EL PASO NATURAL G
8407239	F-04-070297	4246893071	102-4	YTURRIA CATTLE CO WELL #12-T			
-PHILLIPS OIL CO			RECEIVED:	11/14/83 JA: TX	COLUMBUS (S-M WILCOX)	130.0	TENNESSEE GAS PIP
8407252	F-09-071064	4219730560	103	RAPP #1	MIFF (CONGL)	250.0	SOUTHWESTERN GAS
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	11/14/83 JA: TX	KUZELL (CONGLOMERATE)	200.0	EMPIRE PIPELINE C
8407469	F-08-074506	4213507236	108	(04866) MILLARD A #5	WILDCAT	1000.0	NORTHERN GAS PROD
8407468	F-84-074505	4203338896	103	(61062) WEST JO MILL UNIT #706	GAS FINDERS (CONGL)	73.0	DELHI GAS PIPELIN
8407219	F-10-066842	4242130290	103	BURFORD #2	HAWK-EYE (ADAMS BRAN	7.5	SOUTHWESTERN GAS
8407210	F-10-060450	4234130862	103	HONINGER A #1	SPRABERRY (TREND AREA)	29.2	NORTHERN GAS PROD
-QUINTANA PETROLEUM CORP			RECEIVED:	11/14/83 JA: TX	ADAMS (DUFFER LOWER)	14.0	LONE STAR GAS CO
8407277	F-03-072436	4208900000	103	H R CULLEN ET AL #7			
-R A M ENERGY CORP			RECEIVED:	11/14/83 JA: TX	F A BIRD #5	0.0	PHILLIPS PETROLEUM
8407272	F-78-07238	4236333129	102-4	TELCHIK #1	GIDDINGS (AUSTIN CHAL	135.0	PHILLIPS PETROLEUM
8407246	F-78-070708	4236732522	102-4	WARD #3	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
-R D CARAMAY			RECEIVED:	11/14/83 JA: TX	FARMER (SAN ANDRES)	1.4	NORTHERN NATURAL
8407310	F-78-073492	4213335114	102-4	WILLIAMS #1	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
-RICHEY EXPLORATION CO			RECEIVED:	11/14/83 JA: TX	FARMER (SAN ANDRES)	1.3	NORTHERN NATURAL
8407201	F-09-035772	4249700000	103	O T COOK #1	FARMER (SAN ANDRES)	0.7	NORTHERN NATURAL
-RIDGEMAY OIL EXPL & DEVELOPMENT INC			RECEIVED:	11/14/83 JA: TX	FARMER (SAN ANDRES)	1.3	NORTHERN NATURAL
8407465	F-78-074499	4213334465	102-4	TARVER "A" #17 (190613)	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
-RK PETROLEUM CORP			RECEIVED:	11/14/83 JA: TX	FARMER (SAN ANDRES)	1.1	NORTHERN NATURAL
8407424	F-08-074385	4231732722	103	SHORTES #2	FARMER (SAN ANDRES)	1.8	NORTHERN NATURAL
-ROBERT E DYRHE			RECEIVED:	11/14/83 JA: TX	LOA (4300)	0.0	HOUSTON PIPE LINE
8407426	F-78-074387	4213335144	102-4	DUFFER #2 (38663)	SAWYER (CANYON)	48.0	INTRATEX GAS CO
-SABINE PRODUCTION COMPANY			RECEIVED:	11/14/83 JA: TX	SUNSHINE (LOWER COTTO	0.0	DELHI GAS PIPELIN
8407236	F-7C-069905	4238300000	103	F A BIRD #5	PANDANGO (WILCOX UPPE	900.0	UNITED TEXAS TRAN
-SAGE ENERGY CO			RECEIVED:	11/14/83 JA: TX	BOLD FORBES (CARRIZO	1000.0	
8407265	F-03-071743	4247730506	102-2	FISCHER #1 RRC #16799	JORDAN	1.9	PHILLIPS PETROLEUM
8407434	F-7C-074397	4210534524	103	SUPERIOR STATE 14 #3 RRC #09923	JORDAN	3.5	PHILLIPS PETROLEUM
8407435	F-7C-074398	4210534523	103	SUPERIOR STATE 7 #3 RRC #09917	TXL (DEVONIAN)	3.9	SHELL OIL CO
8407431	F-7C-074394	4238332609	103	UNIVERSITY 16 #5 RRC #07556	PANHANDLE GRAY	18.2	PHILLIPS PETROLEUM
8407430	F-7C-074393	4238332610	103	UNIVERSITY 16 #9 RRC #07556	SPRAYBERRY	0.0	PHILLIPS PETROLEUM
8407429	F-7C-074392	4238332611	103	UNIVERSITY 19-G #6 RRC #09434	SPRAYBERRY	0.0	PHILLIPS PETROLEUM
8407428	F-7C-074391	4238332612	103	UNIVERSITY 19-G #7 RRC #09434			
8407433	F-7C-074396	4210534515	103	UNIVERSITY 7 #5 RRC #07555			
8407432	F-7C-074395	4210534516	103	UNIVERSITY 7 #9 RRC #07555			
-SENDERO OIL CO			RECEIVED:	11/14/83 JA: TX			
8407283	F-02-072626	4246932042	102-4	RAUL LOA #1			
-SENECA PRODUCTION INC			RECEIVED:	11/14/83 JA: TX			
8407233	F-7C-069816	4241331297	103	107-TF MEADOR #2			
-SESCO PRODUCTION CO			RECEIVED:	11/14/83 JA: TX			
8407200	F-06-031955	4240131026	103	V A HUGHES #1			
-SHELL OIL CO			RECEIVED:	11/14/83 JA: TX			
8407267	F-04-071725	4250531610	102-4	G F MUZZA #4			
8407291	F-04-073068	4211336211	102-4	J F WELDER HEIRS #1			
8407444	F-08-074430	4213500000	108	JORDAN UNIVERSITY UNIT #508			
8407445	F-08-074431	4213500000	108	JORDAN UNIVERSITY UNIT #646			
8407446	F-08-074432	4213500000	108	TXL-K TRACT 1 #4			
-SIDWELL OIL & GAS INC			RECEIVED:	11/14/83 JA: TX			
8407348	F-10-073804	4217931377	103	BOWERS #4			
-SIMPSON OIL CO			RECEIVED:	11/14/83 JA: TX			
8407243	F-7C-070552	4246100000	108	TXL - 27 WELL #4			
8407244	F-7C-070553	4246100000	108	TXL #27 WELL #1			

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHEASTERN RESOURCES CORP			RECEIVED:	11/14/83 JA: TX			
8407374	F-7B-07404	4213335056	102-4	M K COURTNEY "C" #2	JMJ (MARBLE FALLS)	50.0	EL PASO HYDROCARB
-SPENCER PETROLEUM CO			RECEIVED:	11/14/83 JA: TX			
8407222	F-7B-067528	4208331538	103	BROWN ESTATE #1-A (15476)	COLEMAN COUNTY REGULA	3.0	UNION TEXAS PETRO
-SPG EXPLORATION CORP			RECEIVED:	11/14/83 JA: TX			
8407368	F-01-073978	4216300000	108	ED H ECKENROTH #1	WEST BIG FOOT/GAS	18.2	TRANSCONTINENTAL
8407370	F-01-073980	4216300000	108	GEORGE M WILLIAMS #2	WEST BIG FOOT/GAS	18.5	TRANSCONTINENTAL
8407369	F-01-073979	4216300000	108	GORDON TATE #1	WEST BIG FOOT/GAS	20.7	TRANSCONTINENTAL
8407371	F-01-073981	4216300000	108	R C WALDEN #2	WEST BIG FOOT/GAS	17.9	TRANSCONTINENTAL
-STRINGER OIL & GAS			RECEIVED:	11/14/83 JA: TX			
8407439	F-8A-074418	4211531785	103	BERNICE COLLETT #1	CHRISTINE (SPRABERRY)	980.0	GETTY OIL CO
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	11/14/83 JA: TX			
8407347	F-8A-073797	4258132216	103	BENNETT RANCH UNIT #340	WASSON	7.0	SHELL OIL CO
8407388	F-04-074531	4242700000	108	GARZA-RIVAS UNIT #2-2	RINCON NORTH	1.0	TRANSCONTINENTAL
8407476	F-04-074564	4242700000	108	GEORGE H COATES #8	RINCON NORTH (F-2)	3.0	TRANSCONTINENTAL
8407382	F-04-074290	4242731762	103	J W KINCAID #5	LA COPITA	16.0	FLORIDA GAS TRANS
8407440	F-02-074419	4246900000	108	NANCY SHELTON #6	PALEO ALTO	26.0	UNITED TEXAS TRAN
8407392	F-7B-074336	4213300000	108	NORTH CENTRAL RANGER UNIT #6-12	EASTLAND COUNTY REGUL	6.0	
8407384	F-7B-074327	4213300000	108	NORTHWEST RANGER UNIT #13-1	EASTLAND COUNTY REGUL	2.0	LONE STAR GAS CO
8407383	F-7B-074294	4213300000	108	R S HARRIS #5	EASTLAND COUNTY REGUL	2.0	LONE STAR GAS CO
8407391	F-7C-074353	4208100000	108	SAM B SAVAGE #1	JAMESON STRAWN	3.0	EL PASO NATURAL G
8407442	F-04-074421	4224900000	108	SEELIGSON UNIT #40-S1C	SEELIGSON	7.0	TENNESSEE GAS PIP
8407475	F-03-074563	4207100000	108	STATE TRACT 288 #8	RED FISH REEF SW	10.0	UNITED TEXAS TRAN
8407386	F-7B-074329	4213300000	108	T W CONNELLEY #12	EASTLAND COUNTY REGUL	1.0	LONE STAR GAS CO
8407385	F-7B-074328	4213300000	108	T W CONNELLEY #14	EASTLAND COUNTY REGUL	1.0	LONE STAR GAS CO
8407387	F-7B-074330	4213300000	108	T W CONNELLEY #9	EASTLAND COUNTY REGUL	1.0	LONE STAR GAS CO
8407389	F-7C-074332	4210500000	108	UNIVERSITY -A- #2	FARMER (SAN ANDRES)	1.0	J L DAVIS
8407390	F-7C-074334	4210500000	108	UNIVERSITY -C- #1	FARMER (SAN ANDRES)	0.7	J L DAVIS
8407441	F-7C-074420	4210500000	108	UNIVERSITY -C- #3	FARMER (SAN ANDRES)	0.5	J L DAVIS
-SUPERIOR OIL CO			RECEIVED:	11/14/83 JA: TX			
8407448	F-8A-074437	4211531816	103	ACKERLY (DEAN) FIELD UNIT #1804	ACKERLY (DEAN SAND)	12.0	GETTY OIL CO
8407268	F-03-071689	4205132422	102-2 103	F HATCEK #5	CALDWELL NE (GEORGETO	279.0	CLAJON GAS CO
8407270	F-04-071938	4221531337	102-4 103	HAMMAN UNIT #1	MONTE CHRISTO (VICKSB	0.0	
-TENNECO OIL & P			RECEIVED:	11/14/83 JA: TX			
8407282	F-02-072596	4212331280	102-4	H O ANGERSTEIN #2-L	COTTONWOOD CREEK SOUT	700.0	TENNECO POLYMERS
-TEXACO INC			RECEIVED:	11/14/83 JA: TX			
8407461	F-8A-074475	4203300000	108	A M CLAYTON B #19	GOOD NE (CANYON REEF)	0.3	GETTY OIL CO
8407212	F-08-064773	4210931636	102-4	CULBERSON "X" FEE #9	GERALDINE	6.2	EL PASO NATURAL G
8407213	F-08-06485	4213500000	108	ECTOR AR FEE #10	HARPER	0.2	SHELL OIL CO
8407378	F-08-074150	4243131228	107-TF	STERLING "K" FEE #5	CONGER (PENN)	245.3	VALERO TRANSMISSI
-THE STONE OIL CORPORATION			RECEIVED:	11/14/83 JA: TX			
8407205	F-02-050099	4212300000	103 107-TF	K HAMILL #1	YOAKUM	547.5	LONE STAR GAS CO
-THOMAS C CANAN			RECEIVED:	11/14/83 JA: TX			
8407337	F-7B-073735	4213334317	103	CISCO JR COLLEGE #1 RRC #106717	KLEIKER (LAKE)	0.0	EL PASO HYDROCARB
8407478	F-7B-074571	4242933731	102-4	HARRIS-LANGFORD #1	MUNNERLYN (MISS)	36.0	WARREN PETROLEUM
8407477	F-7B-074570	4242933697	102-4	RAGLIN "A" #1 - RRC #20093	MUNNERLYN (MISS)	36.0	WARREN PETROLEUM
-THOMPSON J CLEO & JAMES CLEO JR			RECEIVED:	11/14/83 JA: TX			
8407231	F-7C-069251	4210533595	103 107-TF	MEADOWS "B" #3	OZONA (CANYON SAND)	405.0	PHILLIPS PETROLEU
-TOKA INC			RECEIVED:	11/14/83 JA: TX			
8407216	F-7B-071896	4236332851	102-2 103	WALL STREET #1	PALO PINTO CO (REGULA	0.0	INTRASTATE GATHER
-TOM BROWN INC			RECEIVED:	11/14/83 JA: TX			
8407359	F-08-073842	4231732713	103	AMOCO HOLT #5	BREEDLOVE SOUTH (SPRA	32.0	NORTHERN GAS PROD
8407361	F-7C-073884	4243532863	103 107-TF	HILL-RIP WARD "C"	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TRACE EXPLORATION INC			RECEIVED:	11/14/83 JA: TX			
8407372	F-02-073984	4202531947	103	FOX #1	BLANCONITA FIELD	21.9	UNITED GAS PIPE L
-TXO PRODUCTION CORP			RECEIVED:	11/14/83 JA: TX			
8407224	F-03-067754	4206900000	103	ANDERSON H-1	CHESTERVILLE N (COCKF	0.0	DELHI GAS PIPELIN
8407235	F-02-069902	4217551723	102-4	BEHRENS G U 1-4	BRANDT	0.0	REATA INDUSTRIAL
8407234	F-02-069901	4228531711	102-4	HANCOCK I-2	PROVIDENT CITY	0.0	TEXAS EASTERN TRA
8407253	F-02-071229	4225931849	102-4	HOLLINGSWORTH C-1	MORALES	0.0	DELHI GAS PIPELIN
8407255	F-03-071287	4224531640	102-4	SMITH "55" #1	HILDEBRANDT BAYOU SE	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM			RECEIVED:	11/14/83 JA: TX			
8407215	F-08-065555	4238931322	102-4	CHAPARRAL "A" #3	ROJO CABALLOS NW (DEL	79.0	VALERO TRANSMISSI
8407217	F-02-065842	4212331249	102-4	HILDA DAGG #2L	DRY HOLLOW (WILCOX DA	1825.0	HOUSTON PIPELINE
-VENUS OIL COMPANY			RECEIVED:	11/14/83 JA: TX			
8407346	F-03-073788	4248100000	102-4	KAVSH	EL CAMPO WEST	0.0	HOUSTON PIPELINE
8407315	F-03-073539	4248100000	102-4	MOLLAR	HUTCHINS SOUTHWEST	0.0	DOW CHEMICAL CO
-VORIT EXPLORATION CO INC			RECEIVED:	11/14/83 JA: TX			
8407216	F-7B-065755	4236332979	102-4	KATE WELL #1	MINERAL WELLS SOUTH C	0.0	SOUTHWESTERN GAS
8407227	F-7B-068523	4236300000	102-4	L JENKINS UNIT WELL #1	MINERAL WELLS 5 (STRA	0.0	SOUTHWESTERN GAS
8407228	F-7B-068524	4236300000	102-4	VARNELL-SEAY UNIT WELL #1	MINERAL WELLS 5 (STRA	0.0	SOUTHWESTERN GAS
-W B D OIL & GAS CO			RECEIVED:	11/14/83 JA: TX			
8407438	F-10-074416	4234131011	103	DEBI #1 (ID# 05485)	PANHANDLE MOORE	95.0	DIAMOND SHAMROCK
8407437	F-10-074415	4234131013	103	DEBI #4 (ID# 05485)	PANHANDLE MOORE	87.0	DIAMOND SHAMROCK
8407287	F-10-072851	4223331508	103	ROSS #2 (ID# 05269)	PANHANDLE HUTCHINSON	50.0	DIAMOND SHAMROCK
-W M LAUGHLIN			RECEIVED:	11/14/83 JA: TX			
8407279	F-04-072527	4224900000	103	LAUGHLIN - SUAREZ UNIT #1	PREMONT (SINGER)	110.1	VALLEY GAS TRANS
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	11/14/83 JA: TX			
8407452	F-08-074452	4210333143	103	M B MCKNIGHT #142	SAND HILLS (MCKNIGHT)	90.6	EL PASO NATURAL G
-WAYMAR OIL & GAS CO			RECEIVED:	11/14/83 JA: TX			
8407377	F-09-074142	4249700000	103	MOSLEY - SPAIN #1	ALVORD SOUTH (ATOKA)	154.0	TEXAS UTILITIES F
-WAYNE HARPER			RECEIVED:	11/14/83 JA: TX			
8407443	F-09-074427	4209732251	103	WM HOWELL "B" WELL #12	SIVELLS BEND FIELD	29.0	SIVELLS GAS LTD
-WESTERN CHIEF OIL & GAS CO			RECEIVED:	11/14/83 JA: TX			
8407223	F-09-067631	4223700000	102-4	DUNLAP #1	TJM STRAWN	0.0	SOUTHWESTERN GAS
8407274	F-7B-072418	4236732616	102-4 103	HOBSON #6	BRA STRAWN	0.0	SOUTHWESTERN GAS
8407293	F-09-073126	4223735360	102-4 103	ROBB MARLEY #1	PEARL MOSLEY (CONGL U	0.0	SOUTHWESTERN GAS

[FR Doc. 83-33265 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1022]

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: 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
LOUISIANA OFFICE OF CONSERVATION									
-	GOLDKING PRODUCTION COMPANY	RECEIVED: 11/17/83	JA: LA						
8407511	82-3121	1703320116	102-4			GOLDKING PROPERTIES FEE #1	SIEGEN	32.0	UNITED GAS PIPE L
8407520	82-3119	1703320123	102-4			GOLDKING PROPERTIES FEE #2	SIEGEN	65.0	UNITED GAS PIPE L
-	GOLDKING PRODUCTION COMPANY	RECEIVED: 11/18/83	JA: LA						
8407564	83-249	1703320170	102-4			TERRACE LAND CO #2	SIEGEN	35.0	UNITED GAS PIPE L
-	INEXCO OIL COMPANY	RECEIVED: 11/17/83	JA: LA						
8407512	80-4026	1703920211	102-4			CROWELL LAND & MINERAL CORP #7	PINE PRAIRIE	543.0	LOUISIANA INTRAST
-	LOUISIANA LAND & EXPLORATION CO	RECEIVED: 11/17/83	JA: LA						
8407517	82-3236	1702321775	102-4			ESTATE OF M O MILLER M D #4	S GRAND CHIENIERE	565.0	UNITED GAS PIPE L
8407519	83-2807	1702321800	102-4			ESTATE OF M O MILLER 5	S GRAND CHIENIER	700.0	UNITED GAS PIPE L
8407513	82-2800	1702321800	102-4			ESTATE OF M O MILLER 5-D	S GRAND CHIENIER	400.0	UNITED GAS PIPE L
-	PETRO-LEWIS FUNDS INC	RECEIVED: 11/17/83	JA: LA						
8407514	80-3490	1700120873	102-4			A C KERR #7 MT 1 RC SUA	ELLIS	894.3	COLUMBIA GAS TRAN
-	SHELL OFFSHORE INC	RECEIVED: 11/17/83	JA: LA						
8407515	82-3143	1707502785	102-4			SP 24 5L 1009 #22	SOUTH PASS BLOCK 24 F	390.0	TENNESSEE GAS PIP
-	SUPERIOR OIL CO	RECEIVED: 11/17/83	JA: LA						
8407518	83-0007	1702321753	102-4			S L 6209 #2 13150 RB	DEEP LAKE	1095.0	
-	TXO PRODUCTION CORP	RECEIVED: 11/17/83	JA: LA						
8407516	82-3222	1706120321	102-4			AMBROSE #1-D	RUSTON	985.5	DELHI GAS PIPELIN
-	UNION OIL COMPANY OF CALIF	RECEIVED: 11/17/83	JA: LA						
8407521	81-428	1702321152	102-4			YOUNT LEE OIL COMPANY #67	SWEET LAKE	185.0	COLUMBIA GAS TRAN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-	GULF OIL CORPORATION	RECEIVED: 11/17/83	JA: MT						
8407522	6-83-86	2502121088	102-2			RAISL 1-4-3C	UNDESIGNATED (INTERLA	15.0	
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-	AMOCO PRODUCTION CO	RECEIVED: 11/18/83	JA: NM						
8407674	3004507821	108-PB				ABRAMS GAS COM A #1	AZTEC	0.0	EL PASO NATURAL G
8407667	3004521147	108-PB				CANDELARIA GAS COM #1	AZTEC	0.0	EL PASO NATURAL G
8407665	3004507951	108-PB				GALLEGOS CANYON UNIT #150	BAZIN DAKOTA	0.0	EL PASO NATURAL G
8407669	3004511650	108-PB				GALLEGOS CANYON UNIT #212	BAZIN	0.0	EL PASO NATURAL G
8407673	3004507996	108-PB				GARCIA GAS COM B #1	BAZIN	0.0	EL PASO NATURAL G
8407666	3004508552	108-PB				HEATH GAS COM F #1	BLANCO	0.0	EL PASO NATURAL G
8407675	3004508963	108-PB				LIKENS GAS COM A #2	BLANCO	0.0	EL PASO NATURAL G
8407672	3004507786	108-PB				MADDOX GAS COM A #1	AZTEC	0.0	EL PASO NATURAL G
8407671	3004521079	108-PB				NYE GAS COM C #1	BLANCO	0.0	EL PASO NATURAL G
8407670	3004509476	108-PB				STATE GAS COM BE #1	BAZIN	0.0	EL PASO NATURAL G
8407668	3004510008	108-PB				STATE GAS COM BJ #1	BAZIN	0.0	EL PASO NATURAL G
-	C & E OPERATORS INC	RECEIVED: 11/18/83	JA: NM						
8407642	3004525543	103				FEE #44	BLANCO-MESAVERDE	150.0	EL PASO NATURAL G
-	DINERO OPERATING CO	RECEIVED: 11/18/83	JA: NM						
8407644	3001522791	102-3				BIG CHIEF COMM #3	DUBLIN RANCH ATOKA	1.0	EL PASO NATURAL G
8407646	3001522791	102-2				BIG CHIEF COMM #3	DUBLIN RANCH ATOKA	1.0	EL PASO NATURAL G

BILLING CODE 8717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8407648		3001523840	102-3		BIG CHIEF COMM #5	DUBLIN RANCH (MORROW)	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED:	11/18/83	JA: NM			
8407653		3004506150	108-PB		BROOKHAVEN COM D #5	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8407657		3003906168	108-PB		CANYON LARGO UNIT #101	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8407658		3004511784	108-PB		FLANINGAM #1	AZTEC PC	0.0	EL PASO NATURAL G
8407663		3003905573	108-PB		LINDRITH UNIT #49	BLANCO SOUTH PC	0.0	EL PASO NATURAL G
8407662		3003907054	108-PB		RINCOM UNIT #103	BLANCO SOUTH PC	0.0	EL PASO NATURAL G
8407661		3003907063	108-PB		RINCOM UNIT #104	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8407659		3003906978	108-PB		RINCOM UNIT #53	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8407656		3003907069	108-PB		SAN JUAN 28-7 UNIT #50	SOUTH BLANCO PC	0.0	EL PASO NATURAL G
8407655		3003907983	108-PB		SAN JUAN 32-5 UNIT #10	BLANCO MV	0.0	EL PASO NATURAL G
8407662		3004508707	108-PB		SCHULTZ COM C #7	AZTEC PC	0.0	EL PASO NATURAL G
8407654		3004508388	108-PB		SCHULTZ COM D #8	AZTEC PC	0.0	EL PASO NATURAL G
8407660		3004505853	108-PB		THREE STATES A COM #1	BALLARD PC	0.0	EL PASO NATURAL G
8407664		3004505611	108-PB		WILSON A #2	BALLARD PC	0.0	EL PASO NATURAL G
-EXXON CORPORATION			RECEIVED:	11/18/83	JA: NM			
8407626		3001524401	103		NEW MEXICO DC STATE #2	WILDCAT	2.0	CONOCO INC
-FRED POOL OPERATING CO			RECEIVED:	11/18/83	JA: NM			
8407647		3000560917	102-2	107-TF	RED BLUFF #1	PECOS SLOPE AND GAS	0.0	TRANSWESTERN PIPE
-HOLLY ENERGY INC			RECEIVED:	11/18/83	JA: NM			
8407624		3002500000	103		AZTEC DOS STATE #1	YOUNG BONE SPRINGS NO	10.5	
-J M HUBER CORPORATION			RECEIVED:	11/18/83	JA: NM			
8407638		3002527983	103		JAMES ONEILL STATE COM #2	MORTON WOLF CAMP	22.0	WARREN PETROLEUM
-MERRION OIL & GAS CORP			RECEIVED:	11/18/83	JA: NM			
8407635		3003923057	103		CANADA MESA COM #4-E	DEVILS FORK GALLUP	338.4	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION			RECEIVED:	11/18/83	JA: NM			
8407618		3004521484	108-PB		MOLT #4	BLANCO PICTURED CLIFF	0.0	NORTHWEST PIPELIN
8407621		3003906081	108-PB		ROSA UNIT 26	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407620		3003906081	108-PB		ROSA 26	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407619		3003907472	108-PB		SAN JUAN 29-5 #38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407614		3003907472	108-PB		SAN JUAN 29-5 UNIT 38	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407616		3003922678	108-PB		SAN JUAN 30-5 UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407617		3003921277	108-PB		SAN JUAN 30-5 UNIT 58	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8407615		3004522165	108-PB		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	11/18/83	JA: NM			
8407643		3002528142	103		SIMS #9	WANTZ GRANITE WASH	174.0	EL PASO NATURAL G
-READ & STEVENS INC			RECEIVED:	11/18/83	JA: NM			
8407640		3001524061	103		CASS DRAW #1	UND NORTH LOVING MORR	179.0	TRANSWESTERN PIPE
8407641		3001524206	103		OGDEN #1	NORTH LOVING MORROW	175.0	TRANSWESTERN PIPE
-SANTA FE ENERGY PRODUCTS CO			RECEIVED:	11/18/83	JA: NM			
8407627		3001524447	103		WALKER #1	UNDESIGNATED SOUTH CA	100.0	LLANO INC
-SOUTHLAND ROYALTY CO			RECEIVED:	11/18/83	JA: NM			
8407676		3004500000	108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8407677		3004500000	108-PB		CULPEPPER MARTIN #2	BLANCO	0.0	SOUTHERN UNION GA
8407623		3004507831	108		MANGUM #5	BASIN	11.0	SOUTHERN UNION GA
8407678		3004500000	108-PB		WEST SADIE #1	BLANCO MESAVERDE	0.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY			RECEIVED:	11/18/83	JA: NM			
8407625		3004525624	103		CASE A 1E	BASIN DAKOTA	149.0	EL PASO NATURAL G
-UNION OIL COMPANY OF CALIF			RECEIVED:	11/18/83	JA: NM			
8407645		3002527705	102-4		SMITH #1	(EAST GEM MORROW)	180.0	PHILLIPS PETROLEU
-UNION TEXAS PETROLEUM			RECEIVED:	11/18/83	JA: NM			
8407636		3000520004	108		CROSSBY #5	CATO (SAN ANDRES)	19.0	CITIES SERVICES O
8407651		3000510502	108		CROSSBY #7	CATO (SAN ANDRES)	13.0	CITIES SERVICES O
8407637		3000510502	108		J E CATO #2	CATO (SAN ANDRES)	4.0	CITIES SERVICES O
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	11/18/83	JA: NM			
8407639		3002528165	103		LEA "AQ" STATE #1	UNDES SAN ANDRES	0.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION			RECEIVED:	11/18/83	JA: NM			
8407628		3001523531	103		J LAZY J #14	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407649		3001523532	103		J LAZY J #15	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407630		3001502533	103		J LAZY J #16	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407650		3000524571	103		J LAZY J #18	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407634		3001523534	103		J-LAZY J #17	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407622		3001524541	103		JACKSON "AT" #18	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407631		3001523599	103		JACKSON ESTATE "BY" #13	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407633		3001523634	103		JACKSON ESTATE "BY" #14	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407632		3001523635	103		JACKSON ESTATE "BY" #15	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE
8407629		3001523598	103		JACKSON ESTATES "BY" #12	EAGLE CREEK SAN ANDRE	0.0	TRANSWESTERN PIPE

NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION								

-DORAN & ASSOCIATES INC			RECEIVED:	11/18/83	JA: NY			
8407578	5372	3101317866	102-2	107-TF	IDA EDWARDS #1 KV-47	JARMONY	25.0	COLUMBIA GAS TRAN
-ENVIROGAS INC			RECEIVED:	11/18/83	JA: NY			
8407577		3101318157	107-TF		R BRUCE #1	ELLINGTON - MEDINA	18.0	
-NRM PETROLEUM CORPORATION			RECEIVED:	11/18/83	JA: NY			
8407584	5469	3100918276	102-2	107-TF	CUMMINGS UNIT #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407565	5456	3100918169	102-2	107-TF	FRINK #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407585	5462	3100917014	102-2	107-TF	G BARTON UNIT #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407586	5460	3100918280	102-2	107-TF	G BARTON UNIT #2	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407583	5466	3100918295	102-2	107-TF	M MIGHILLS UNIT #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407566	5454	3100918277	102-2	107-TF	R BROWN UNIT #2	RANDOLPH	0.0	COLUMBIA GAS TRAN
8407587	5458	3100918627	102-2	107-TF	SHAVER #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC			RECEIVED:	11/18/83	JA: NY			
8407568	5446	3101318241	102-2		ABBEY #1 #31-013-18241	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407567	5444	3101318216	102-2		ABBEY #2 #31-013-18216	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407582	5091	3101318177	102-2	107-TF	ARRANCE #1 #31-013-18177	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407573	5495	3101318391	102-2		CARPENTER #1 #31-013-18391	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407572	5493	3101318378	102-2		CARPENTER #4 #31-013-18378	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407575	5202	3101318010	102-2		GILBERT #3 #31-013-18010	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407574	5497	3101318384	102-2		HAYES #1 #31-013-18384	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407576	5196	3101318009	102-2		HOTCHKISS #1 #31-013-18009	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407581	5116	3101318175	102-2	107-TF	P ANDERSON #1 #31-013-18175	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407571	5491	3101318427	102-2		SHELDON NY #3 #31-013-18427	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8407570	5449	3101318319	102-2		STEWART #1 #31-013-18319	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407569	5448	3101318357	102-2		WEHRENBURG #5 #31-013-18357	ELLINGTON	36.0	COLUMBIA GAS TRAN
8407579	5197	3101317992	102-2	107-TF	WILLOVER #2 #31-013-17992	ELLINGTON	36.0	COLUMBIA GAS TRAN
-UNION DRILLING INC			RECEIVED:	11/18/83	JA: NY			
8407580	5376	3101318337	102-2	107-TF	WARREN C MEE #1 NY-8024	POLAND TOWN	0.0	COLUMBIA GAS TRAN

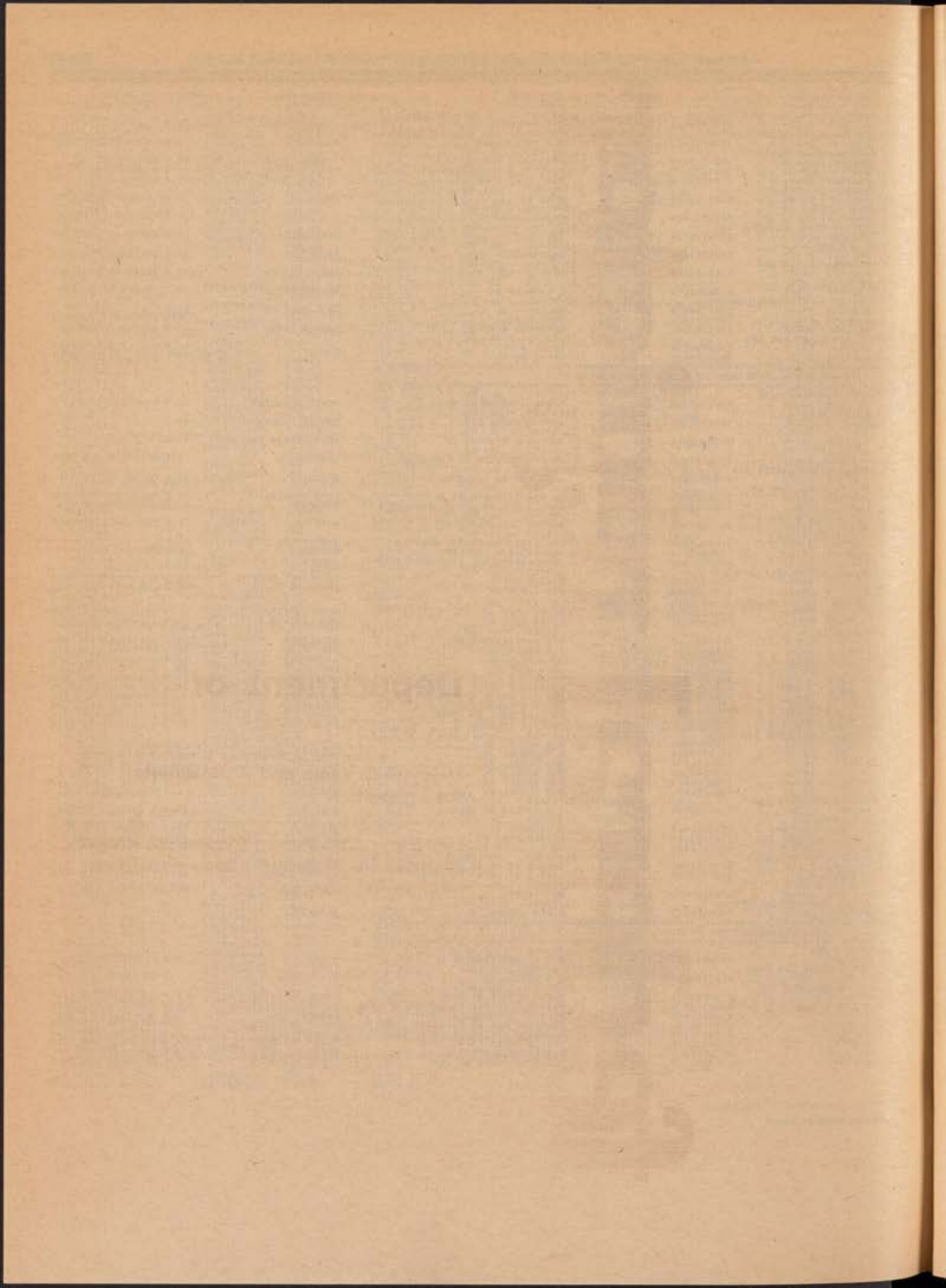
OKLAHOMA CORPORATION COMMISSION								

-AN-SON CORPORATION			RECEIVED:	11/17/83	JA: OK			
8407606	22521	3503920676	102-2		LARUE #1-17	S STAFFORD	313.9	
8407605	22520	3514920225	102-2		ROGER #1-2	S CHEROKEE	162.4	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ARCO OIL AND GAS COMPANY			RECEIVED:	11/17/83	JA: OK			
8407602	21584	3507920465	102-4		R D MITCHELL #1	RED OAK-NORRIS	73.0	
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	11/17/83	JA: OK			
8407596	24557	3504721113	108		M C YOUNGER #3	WAUKOMIS	14.0	UNION TEXAS PETRO
-CLARK RESOURCES INC			RECEIVED:	11/17/83	JA: OK			
8407600	20412	3507323679	102-4		POST 22-1 (HUNTON)	SOONER TREND	40.0	CONOCO INC
8407601	20413	3507323679	102-4		POST 22-1 (MISSISSIPPI)	SOONER TREND	40.0	CONOCO INC
8407609	23444	3507323679	102-4		POST 22-1 (PRUE)	SOONER TREND	195.0	CONOCO INC
-DAVIS OIL COMPANY			RECEIVED:	11/17/83	JA: OK			
8407607	22529	3501121707	102-2		BIRD #1	HYDRO II	0.0	TRANSOK PIPE LINE
-DAMN ENERGY CO			RECEIVED:	11/17/83	JA: OK			
8407613	24574	3513921734	105		MCDONALD #5-22	H E RICE	100.0	PHILLIPS PETROLEU
-ENERGY RESERVES GROUP INC			RECEIVED:	11/17/83	JA: OK			
8407610	24217	3502920170	108		BEY #1-7	CENTRAHOMA	20.5	ARKANSAS LOUISIAN
-F C O OIL CORP			RECEIVED:	11/17/83	JA: OK			
8407611	24572	3505310050	105		BAUMGARDNER 1-32	SE LAHONT	63.5	FARMLAND INDUSTRI
-HARPER OIL COMPANY			RECEIVED:	11/17/83	JA: OK			
8407612	24573	3504723309	105		MAGGIE SHORT #2	SOUTH LAHOMA	205.0	ARKANSAS LOUISIAN
-MOBIL OIL CORP			RECEIVED:	11/17/83	JA: OK			
8407598	17817	3504900000	108-FB		C LAMBERT #3	GOLDEN TREND	13.7	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	11/17/83	JA: OK			
8407599	20144	3501700000	108-ER		BILLER A #1	WEST OKARCHE	12.6	
8407597	09877	3501721035	108-ER		MACH C #1		0.0	PAHHANDLE EASTERN
8407608	23118	3504721541	108-ER		MCKNIGHT A #1-07	SOONER TREND	7.5	TRANSOK PIPELINE
-STATEX PETROLEUM INC			RECEIVED:	11/17/83	JA: OK			
8407604	22577	3510920618	102-4		GROSS #1-17		10.3	PHILLIPS PETROLEU
8407603	22576	3510920634	102-4		GROSS #2-17		29.3	PHILLIPS PETROLEU
***** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES *****								
-ALCOVE INVESTMENTS			RECEIVED:	11/17/83	JA: PA			
8407536	21075	3706327499	105		LOUIS J BILAN JR #4	NORTH MAHONING	20.0	APOLLO GAS CO
-BEARER MARTIN L			RECEIVED:	11/17/83	JA: PA			
8407541	21279	3706327482	102-4		JOHN A BONYA #1A	CENTER TOWNSHIP	36.5	
-CNG DEVELOPMENT CO			RECEIVED:	11/17/83	JA: PA			
8407537	21059	3702140213	105		ANDREW J STAHURA #1	SUSQUEHANNA TOWNSHIP	42.0	
-DELTA DRILLING CO			RECEIVED:	11/17/83	JA: PA			
8407538	21237	3706327422	102-4		JOSEPH CERNICK #1 IND-27442	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC			RECEIVED:	11/17/83	JA: PA			
8407540	21272	3706321646	102-2		JOHN FRY #2 (LEAMER) KA-181	BURNSIDE	30.0	CONSOLIDATED GAS
-FAIRMAN DRILLING CO			RECEIVED:	11/17/83	JA: PA			
8407562	21521	3706327512	105		GEORGE STIFFLER #3 F-3754	CUSH CUSHION	23.0	COLUMBIA GAS TRAN
8407553	21359	3706522830	103		PAUL J & CLARENCE J CRAFT #D-4	BIG RUN	25.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC			RECEIVED:	11/17/83	JA: PA			
8407544	21348	3706321647	102-2		ROBERT HARKLEWOOD #1	BURNSIDE	0.0	EASTERN SHORE NAT
-J C ENTERPRISES			RECEIVED:	11/17/83	JA: PA			
8407560	21442	3706323893	105		IND-23893 WM RUMMEL #084-2	SMICKSBURG	41.6	
8407530	20322	3706324240	105		IND-24240 R PHILLIPS #076-2	MARCHANO	36.0	
8407531	20325	3706521484	105		JEF-21484 FRANK EISENHART #079-1	TIMBLIN	17.9	
-MERIDIAN EXPLORATION CORP			RECEIVED:	11/17/83	JA: PA			
8407535	20643	3704922881	102-2		WIATER 702-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8407534	20640	3704922881	107-TF		702-1 WIATER	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL HEARD HOPKINS & BEAVERS			RECEIVED:	11/17/83	JA: PA			
8407542	21338	3704923087	107-TF		WAYNE HULL #2	DRUMLIN FIELD	54.8	COLUMBIA GAS TRAN
8407543	21339	3704923087	102-2		WAYNE HULL #2	DRUMLIN FIELD	54.8	COLUMBIA GAS TRAN
-NEA CROSS CO			RECEIVED:	11/17/83	JA: PA			
8407549	21355	3704923066	107-TF		A E HAKKARAINEN #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407550	21354	3704923066	102-2		A E HAKKARAINEN #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407547	21351	3704922692	107-TF		JOHN HOOD #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407548	21352	3704922692	102-2		JOHN HOOD #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407545	21349	3704922915	107-TF		KENNETH & JOYCE BRUNNER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407546	21350	3704922915	102-2		KENNETH & JOYCE BRUNNER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407551	21355	3704922687	102-2		LEO T & DORIS A OLIVER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407552	21356	3704922687	107-TF		LEO T & DORIS A OLIVER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407552	20463	3704922841	102-2		PAULINE HULL #1	WATERFORD	10.0	NATIONAL FUEL GAS
8407533	20464	3704922841	107-TF		PAULINE HULL #1	WATERFORD	10.0	COLUMBIA GAS TRAN
-RUSSJACK DRILLING PARTNERS			RECEIVED:	11/17/83	JA: PA			
8407528	18753	3700500000	108		D H SCHALL #1	WHITESBURG	1.1	APOLLO GAS CO
8407527	18752	3700500000	108		D H SCHALL #2	WHITESBURG	1.1	APOLLO GAS CO
8407526	18751	3700500000	108		D H SCHALL #3	WHITESBURG	1.1	APOLLO GAS CO
8407525	18750	3700500000	108		D H SCHALL #4	WHITESBURG	1.1	APOLLO GAS CO
8407524	18749	3700500000	108		D H SCHALL #5	WHITESBURG	1.1	APOLLO GAS CO
8407529	18754	3700500000	108		D H SCHALL #6	WHITESBURG	1.1	APOLLO GAS CO
-SNYDER BROTHERS INC			RECEIVED:	11/17/83	JA: PA			
8407539	21264	3706522799	105		T M TAYLOR #1-18AC	BELL TWP	10.0	T M PHILLIPS GAS
-W J LYDIC INC			RECEIVED:	11/17/83	JA: PA			
8407556	21382	3712521461	105		A JOHNSON #1	HOPEWELL	18.0	PEOPLES NATURAL G
8407555	21384	3712521460	105		HAROLD WARD #1	HOPEWELL	18.0	PEOPLES NATURAL G
8407557	21383	3712521383	105		JOHN HUNTER #1	HOPEWELL	18.0	PEOPLES NATURAL G
-WAINCO OIL & GAS CO			RECEIVED:	11/17/83	JA: PA			
8407554	21376	3705921989	102-2		JAKE D BYLER #1 (W-217A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8407555	21377	3705921989	107-TF		JAKE D BYLER #1 (W-217A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
-WILLIAM B WOOD			RECEIVED:	11/17/83	JA: PA			
8407561	21443	3700500486	108		GUY TRUBY	MONTGOMERY	0.0	PEOPLE NATURAL GA
-ZENITH EXPLORATION COMPANY			RECEIVED:	11/17/83	JA: PA			
8407559	21404	3705120243	105		ELMER HENCKEL #1	WHARTON	3.0	
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-DUFF E ROY			RECEIVED:	11/16/83	JA: WV			
8407523		4708504527	108		HURLEY ROBINSON #1	BEREA	0.0	CARNEGIE NATURAL
-RAMCO OIL & GAS CORP			RECEIVED:	11/17/83	JA: WV			
8407563		4702103613	108		C B SNYDER #1	C B SNYDER	7.3	COLUMBIA GAS TRAN
-UNION DRILLING INC			RECEIVED:	11/17/83	JA: WV			
8407590		4709702123	107-DV		FLODA DINER #1 1603	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8407594		4709702128	107-DV		FRANCH W & LOIS ARMSTRONG #1 1605	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407595		4700101402	107-DV		HENRY C WOODYARD #1 1590	ELY DISTRICT	0.0	CONSOLIDATED GAS
8407588		4709702138	107-DV		MADLINE ALKIRE CRAIG #1 1598	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407591		4709702139	107-DV		MADLINE ALKIRE CRAIG #2 1599	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8407593		4709702172	107-DV		MELTIE PHILLIPS #1 1610	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8407589		4709702064	107-DV		R R COLERIDER ESTATE #2 1568	MEADE DISTRICT	0.0	EQUITABLE GAS CO
8407592		4709702140	107-DV		R S SMALLRIDGE #1 1604	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN

[FR Doc. 83-33266 Filed 12-14-83; 8:45 am]

BILLING CODE 6717-01-C



Register

Federal

Thursday
December 15, 1983

Part III

Department of Commerce

**National Oceanic and Atmospheric
Administration**

**Fisheries Loan Fund Procedures; Notice
of Available Fisheries Loans and Open
Season for Applications**

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Fisheries Loan Fund Procedures;
Available Fisheries Loans and Open
Season for Applications

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Available Fisheries Loans and Open Season for Applications.

SUMMARY: NOAA issues this notice that emergency loans from the Fisheries Loan Fund are available in fiscal year 1984 (October 1, 1983, to September 30, 1984) to qualified fishing vessel owners. Fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program may apply at any time before June 1, 1984. Fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program may apply, however, only during an open season from January 15 through March 31, 1984. This notice will provide potential applicants with specific eligibility criteria and application instructions.

ADDRESSES: Application instructions and information can be obtained from the nearest Regional Financial Services Branch of the National Marine Fisheries Service office listed below:

Residents of New England, Mid-Atlantic, and Great Lakes areas contact: National Marine Fisheries Service, Northeast Region, Financial Services Branch, 14 Elm Street, Federal Building Gloucester, Massachusetts 01930; (617) 281-3600.

Residents of Gulf of Mexico, South Atlantic, and Caribbean areas contact: National Marine Fisheries Service, Southeast Region, Financial Services Branch, 9450 Koger Boulevard, St. Petersburg, Florida 33702; (813) 893-3148.

Residents of California, Hawaii, American Samoa, and Guam contact: National Marine Fisheries Service, Southwest Region, Financial Services Branch, 300 South Ferry Street, Terminal Island, California 90731; (213) 548-2478.

Residents of Washington, Oregon, and Alaska contact: National Marine Fisheries Service, Northwest Region, Financial Services Branch, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115; (206) 527-6122.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, (202) 634-7496.

SUPPLEMENTARY INFORMATION: The Fisheries Loan Fund was created by Section 4 of the Fish and Wildlife Act of 1956, as amended by the American Fisheries Promotion Act. The purpose of the Fund is to assist owners or operators of commercial fishing vessels to avoid default on vessel mortgages which financed the construction, reconstruction, or reconditioning of their fishing vessels. Three million dollars are available for emergency loans from the Fisheries Loans Fund in fiscal year 1984.

One million dollars are reserved for fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program. These fishermen may apply at any time before June 1, 1984. Their applications should, however, be submitted as soon as possible. If funds for this category exceed applications for this category on June 1, 1984, those excess funds will be made available to applicants whose vessels are not financed under the Fisheries Obligation Guarantee Program. Fishermen whose vessels are financed under the Fisheries Obligation Guarantee Program should call the nearest Regional Financial Services Branch of the National Marine Fisheries Service to get application advice.

Two million dollars are reserved for fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program. *These fishermen may apply only during the application open season from January 15 through March 31, 1984. The rest of this notice establishes application instructions and qualification criteria only for those fishermen whose vessels are not financed under the Fisheries Obligation Guarantee Program.*

Information collection requirements contained in this Notice have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act and have been assigned OMB Control # 0648-0133.

What is Available

(1) The three million dollars in emergency loan funds is available without regard to applicants' location.

(2) Interest rate is 3 percent.

(3) Repayment maturity is up to 10 years.

(4) *Maximum* loan amount is one year's worth of mortgage payments.

To Whom Loans Available

- (1) You must be a U.S. citizen.
- (2) You must own a commercial fishing vessel of at least 5 net tons.
- (3) You must be in jeopardy of defaulting on a mortgage which financed

the above vessel's construction, reconstruction, or reconditioning.

(4) You must have at least 3 years successful experience as a fishing vessel owner.

(5) You cannot be in bankruptcy.

(6) Your mortgage cannot already be in process of foreclosure.

(7) You cannot have other assets capable of generating the funds for which this loan is sought (assets reasonably necessary for other purposes, like the operation of another business for example, are excluded).

(8) Your vessel must have a sufficient debt-to-equity ratio and insurable value to reasonably secure the loan amount requested (maximum loan amount is one year's mortgage debt service, but all loans will be kept as small as possible).

(9) Your situation must be such that the requested loan, if approved, will result in a reasonable assurance of continued operation and repayment of the loan.

(10) Applications which are not materially complete at the time of our receipt will not be accepted.

(11) Do not apply unless you meet all the above requirements.

How Loan Will Be Made Available

(1) Applications submitted before or after the open season will not be accepted.

(2) Applications will be considered in the order of receipt by us.

(3) Applications will be given extra consideration if mortgage holders or trade creditors are willing to make concessions which will complement a fisheries loan. If, for example, you apply for a \$25,000 fisheries loan to make mortgage payments, your application will be given extra consideration if the mortgage holder to whom the proceeds of the fisheries loan will be paid is willing to make a concession on an equal amount of mortgage payments. Such a concession might be to make that equal amount of mortgage payments payable under the same terms and conditions as the fisheries loan itself.

(4) Qualified applications will be approved in the order of their receipt until available funds are exhausted.

What Must Be Included in Applications

Since no application form is available, send the following information in the order indicated.

- (1) *Personal.*
 - (a) Name.
 - (b) Address.
 - (c) Telephone number.
 - (d) Marital status.
 - (e) Social security number.
 - (f) IRS taxpayer number.

(g) Biography. Include age, place of birth (proof of naturalization if naturalized), health, experience, references, operating history, accomplishments, etc. Be specific about what fishing vessels you owned, what they fished for, and when you owned them, etc.

(h) Balance sheet for yourself (current within 60 days of application). All personal debts must be disclosed, with the amount and frequency of repayment requirements. List acquisition cost and market value for all non-cash assets. All items must be described thoroughly enough to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes money to you.¹

(i) Federal income tax returns for yourself for the last 3 years.¹

(2) *Loan purpose.*

(a) Amount of loan requested (maximum is one year's debt service on mortgaged vessel).

(b) What loan will be used for (who it will be paid to and for what).

(c) Why a lesser amount would not be enough.

(d) Why the amount requested will assure your ability to continue in operation and repay the loan (be specific).

¹ If you own the vessel as a sole proprietor, you need send only your personal balance sheet and tax returns. If you own the vessel through a corporation or partnership, you must send both your personal balance sheet and tax returns and those for the corporation or partnership.

(e) Letters from two banks declining to loan the money you are requesting from the Fisheries Loan Fund Program.

(3) *Financial information.*

(a) Balance sheet for your vessel's business (this must be current within 60 days of application and must be for the vessel whose mortgage is in jeopardy of default). All vessel debts must be disclosed, with the amount and frequency of repayments. List acquisition cost and market value for all non-cash assets. All items must be described thoroughly enough to permit our verification. Give names, addresses, and telephone numbers of each person you owe money to and each person who owes you money.¹

(b) Profit and loss statement for your vessel during last 12 months (this must be current within 60 days of application and must be for the vessel whose mortgage is in jeopardy of default). Please be specific about all items of profit and loss.

(c) Federal income tax returns for your vessel business for the last 3 years.¹

(d) Trip settlement sheets for the past 90 days (for the vessel whose mortgage is in jeopardy of default).

(e) Balance sheet for any other business you own.

(f) Name, address, and telephone number of your bookkeeper and your attorney.

(g) Name, address, and telephone number of the principal people who buy your vessel's catch and the principal people who sell supplies and services to your vessel.

(4) *Vessel information* (for the vessel whose mortgage is in jeopardy of default).

(a) Copy of all vessel mortgage (include names, addresses, and phone numbers of mortgagees and present outstanding balance of each mortgage).

(b) Current U.S. Coast Guard form 1330 (certificate of ownership).

(c) Recent photograph of vessel (if available).

(d) Inventory of vessel equipment and description of vessel's rigging.

(e) Survey report for vessel (no older than 1 year).

(f) Copy of vessel's insurance policy (plus name, address, and telephone number of agent).

(g) Number of engine hours and date of last engine overhaul.

(h) Date of last vessel dry dock.

(i) Vessel acquisition cost and present market value.

(j) Complete disclosure of all lienable vessel debt.

(5) *Concessions.* Describe whatever concessions your vessel's mortgage holder or trade creditors are willing to make if your Fisheries Loan Fund application is approved. Include a letter from them stating their willingness to make the concession.

(16 U.S.C. 742a-742k)

Dated: December 12, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-33407 Filed 12-14-83; 8:45 am]

BILLING CODE 3510-22-M

Federal Register

Thursday
December 15, 1983

Part IV

Department of Health and Human Services

Office of Human Development Services

Native American Programs; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1336

Native American Programs

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Final rule.

SUMMARY: The Office of Human Development Services is revising its regulations for the Native American Programs. These changes revise and simplify the appeals process and propose new management and administrative procedures which will reduce reporting and paperwork requirements. They also remove unnecessary provisions and revise the language of the current regulations for clarity.

EFFECTIVE DATE: January 16, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Martin Koenig, Director, Planning, Management and Policy Control Staff, Administration for Native Americans, Room 5300, HHS (North) Building, 330 Independence Avenue, SW., Washington, D.C. 20201; Telephone: (202) 245-7714.

SUPPLEMENTARY INFORMATION: Current regulations for the Administration for Native Americans (ANA) are codified at 45 CFR Part 1336. The last time the regulations were substantially modified was January 19, 1977. The current regulations, published April 24, 1979 (44 FR 24073), made technical and editorial changes to conform ANA regulations to the Departmental rules on Administration of Grants, 45 CFR Part 74.

We are making a number of administrative changes which we believe will improve the management and administration of the program and reduce unnecessary reporting and paperwork burdens. These changes include: an improved appeals process which will utilize the Departmental Grant Appeals Board and provide for a simpler, less expensive, and more objective appeals review procedure; a multi-year planning cycle for some projects thus reducing the volume of paperwork required for annual continuation applications; and a revision of the policy related to waiving the non-Federal matching share. We are also implementing specific criteria for waiving the maintenance of effort requirement and removing unnecessary provisions. We are revising the organization of the regulations for

clarity and deleting provisions that merely repeat the law. The views of the Native American community on these issues were solicited in public meetings and are reflected in these final regulations.

The Department published a Notice of Proposed Rulemaking (NPRM) on August 26, 1982 (47 FR 37852) to notify the public of the proposed revisions and to solicit comments.

DISCUSSION OF COMMENTS AND CHANGES

The Department received 42 comments from 17 organizations in response to the NPRM. Below we have provided a summary of the comments, our response to those comments, and a discussion of the changes we have made in the regulations.

Subpart A—Definitions

Section 1336.10 Definitions.

Definition of Alaskan Native Village

The NPRM proposed to delete the term "Alaskan Native Village" because it is defined in Section 813 of the Act.

Comment. One commenter objected to the proposed deletion of the term "Alaskan Native Village" because he feared that tribes organized under the Indian Reorganization Act and regional non-profit corporations would thereby become ineligible for funding by ANA.

Response. There is no need to duplicate the language of Section 813(2) of the Act by repeating the definition of Alaskan Native Village in the regulations. It is not our intent to limit the eligibility of Alaskan Native applicants; or to give priority in funding to organizations established under the Alaskan Native Claims Settlement Act, as opposed to those established under the Indian Reorganization Act, or some other authority.

Definition of American Indian or Indian

The NPRM proposed to change the last sentence in the definition of "American Indian or Indian" to read: "This includes any individual who claims to be an Indian and who is regarded as such * * *"

Comment. Some commenters are concerned that deletion of the word "community" from the definition of American Indian would tend to exclude off-reservation groups and non-Federally recognized tribes from participating in ANA-supported projects.

Response. We proposed using the words "tribe, group or band" instead of "Indian community" to be more consistent with law and practice. It was not our intention to limit eligibility of

applicants for ANA projects by this proposed revision, and we do not believe it has this effect. We agree, however, that the change would not take into account the off-reservation groups and have added the word "community" to the definition of American Indian.

Comment. Because the definition of American Indian does not specifically refer to Indian Pueblos as tribes, one commenter requested that Indian Pueblos be specifically referred to as tribes.

Response. We have changed the definition of American Indian to include reference to a member of a Pueblo.

Definition of Budget Period

The phrase "but it may also coincide with the project period" is deleted because it incorrectly implies that single awards may be made for multiple years.

Definition of Native Hawaiian

The NPRM proposed to keep the same definition of Native Hawaiian as the current regulations and the legislation.

Comment. One commenter requested that the definition of Native Hawaiian be revised to include descendants of those persons indigenous to the islands prior to 1778 as attested by *Kama'aina* witnesses.

Response. Because Section 813(3) of the Native American Programs Act defines Native Hawaiian, there is no need to repeat it, and the definition cannot be changed by regulation.

Definition of Recipient

The phrase "public or nonprofit private" is deleted from the definition of recipient, because ANA recipients can be either for-profit or nonprofit organizations; except for recipients of Section 803 funds, which are legislatively restricted to nonprofit organizations.

Definitions of "Indian organization" and "Urban Indian Center"

The NPRM proposed to delete the definitions of "Indian organization" and "Urban Indian Center" because the terms are not used in the proposed regulations.

Comment. Two commenters pointed out that removing those definitions would also have the effect of eliminating the requirement that a majority of the governing board and membership of an Urban Indian Center be Indian. They fear that removing this requirement would permit ANA to provide financial assistance to non-Indian organizations and self-proclaimed Indian organizations which do not meet the current requirements.

Response. We believe the current regulation is overly prescriptive in this case and that the composition of the governing board and membership requirements of Indian and Urban Indian organizations are the responsibility of the local community. Therefore, we have not retained these requirements. However, our general policy is to provide financial assistance to Indian controlled organizations for projects that will promote social and economic self-sufficiency for Indians.

Subpart C—Native American Projects

Section 1336.30 Eligibility.

This section in the NPRM proposed which organizations would be eligible for ANA financial assistance as allowed in Section 803 and listed examples of several types of eligible organizations. The phrase "Alaskan Native tribes on Federal and State reservations" was a typographical error and has been deleted.

The Act limits eligibility for financial assistance under Section 803 to public and private nonprofit agencies. However, grants for projects authorized by Sections 804 or 805 may be made to "for-profit" organizations, in accordance with revised regulations published November 24, 1982 (47 FR 53014). We have revised § 1336.30 to clarify this point.

Comment. Three commenters objected to the phrase "established by the Alaska Native Claims Settlement Act" which modifies regional corporations in the listing of the kinds of Alaskan Native entities eligible to apply for ANA assistance. They fear this gives priority to those corporations, as opposed to other Alaskan Native organizations established under other legislation.

Response. We agree that the phrase could be read to be limiting and since that does not comport with the definition in the law and was not our intention, we have added the phrase "and other Acts" to that clause.

Comment. One commenter objected to the inclusion of Hawaiian Natives because they are not included in other Federal programs for Native Americans.

Response. The Native American Programs Act specifically includes Hawaiian Natives in this program and we do not have the discretion to change the statute.

Section 1336.31 Project approval procedures.

This section of the NPRM proposed a reduction in the paperwork for applying for grants by providing for a multi-year work plan. The phrase "and that is consistent with the provisions of the

OMB Circular A-102" was deleted because that Circular applies to applications, not to work plans. It should not have appeared in the NPRM.

Comment. Three commenters supported the multi-year work plan because it would encourage longer range planning and reduce paperwork. One commenter recommended that funding level be based on population.

Response. The funding levels for Native American projects are based on the requirements of each project, in accordance with criteria published in program announcements.

Subpart D—Evaluation

Section 1336.40 General.

This section of the NPRM explained that progress reports and continuation applications must contain sufficient information for ANA to determine whether the recipient meets ANA project evaluation standards.

Subpart E—Financial Assistance Provisions

Section 1336.50 Financial and administrative requirements.

Audits—§ 1336.50(a)

The NPRM proposes to require recipients to comply with the Departmental requirement (45 CFR 74.62) for an institutional (organization-wide) audit every two years. ANA grantees currently are required to submit a project audit every year.

Comment. Several commenters opposed the proposed institutional audit. Some objected because they believe it will cost more than a project audit. One suggested that Federal funding agencies mutually agree on audit requirements, and opposed institutional audits because not all funding agencies may accept them. Finally, one commenter stated that a tribe may have up to forty Federal grants with varying budget periods, which would be too complex for a single audit. They said an institutional audit would be too general, providing insufficient detail about individual projects. In addition, they said there would be a lack of accountability to the funding source because a deficiency in a project funded by another agency may adversely affect an ANA funded project.

Response. We do not believe that a single institutional audit will cost more than individual audits of several grants to the same organization. We believe that all Federal agencies will accept an institutional audit because it is a Federal requirement established by OMB in OMB Circulars A-102 and A-110. Institutional audits are intended to

test the adequacy of the recipient organization's financial management system, rather than to provide detail on individual projects. It will not matter if an organization has multiple grants with different budget periods, because an institutional audit tests the system rather than reporting how much was spent under each grant.

Comment. One commenter requested clarification of the period of time to be covered by the audit and the due date of audit submission.

Response. Guidance on these administrative questions will be provided later in an audit guide or other policy issuance.

Non-Federal Share—§ 1336.50(b)

The Native American Programs Act requires that Federal assistance under the Act not exceed 80% of the cost of the project, unless assistance in excess of that amount is approved in accordance with regulations establishing objective criteria. The NPRM proposed criteria in § 1336.50(b).

Comment. One commenter requested that the matching share not be required. Another said the requirement for documenting the non-Federal share is not consistent with our goal of reducing paperwork. Others suggested that ANA accept a signed statement or a resolution from the tribe or grantee indicating that the matching funds cannot be provided.

Response. The matching share is a legislative requirement which we do not have the authority to change. We believe the provisions proposed request the minimum paperwork necessary to meet the legislative requirement for granting a waiver of the non-Federal matching share. We also think that documentation of an applicant's inability to provide the matching share is consistent with the intent of Congress that grantees provide a matching share.

Maintenance of Effort—§ 1336.50(c)

Section 1336.50(c) of the NPRM sets forth criteria for waiving the maintenance of effort requirement, established in Section 803(c) of the Native American Programs Act. The purpose of the requirement is to assure that grantees do not substitute Federal funds for local funds to carry out a project.

Comment. One commenter requested that the maintenance of effort requirement should automatically be waived.

Response. Maintenance of effort is a legislative requirement which may not be waived except in accordance with objective criteria in the regulations.

Real Property—§ 1336.50(e)

Section 1336.50(e) of the NPRM proposed to prohibit the use of ANA funds to purchase real property.

Comment. One respondent believed that the purchase of real property with ANA grant funds should be permitted.

Response. We cannot accept this suggestion. Purchase of real property is not authorized by the Native American Programs Act.

Office of Chief Executive—§ 1336.50(f)

In § 1336.50(f) of the NPRM, we proposed to permit payment of project-related salaries and expenses of the Office of Chief Executive of a federally recognized Indian tribal government.

Comment. One respondent concurred with the proposed regulation. Another asked if the Office of Chief Executive includes all members of a Tribal Council.

Response. The Office of the Chief Executive applies only to the Office of Chairman or Chief Executive of the tribe. Requests for further clarification should be made on an individual basis, if necessary.

Section 1336.52 Appeals.

This section of the NPRM proposed what types of actions may be appealed by a grantee, and the procedures for doing so.

Comment. One respondent requested that ongoing grantees who are unsuccessful in applying for renewal of their grant be permitted to appeal.

Response. We believe that adequate appeal rights were proposed in the NPRM. Careful consideration is given to each application, not only by a panel which reviews the application against published criteria, but by ANA program specialists and senior staff. Therefore we have made no changes in this provision.

Other Comments

Comment. One respondent stated that the certification of no significant economic impact on a substantial number of small entities required by the Regulatory Flexibility Act (5 U.S.C. 605(b)) appears to reflect the concept that only adverse impact need be considered.

Response. We believe that the changes to the regulation will have a positive but not significant impact on the well-being of ANA recipients. The Secretary's certification rests on the magnitude rather than the direction of impact.

REGULATORY IMPACT ANALYSIS

This rule simplifies and clarifies the current rule and clarifies somewhat the

reporting paperwork requirement for grantees. The rule will not have an annual impact on the economy of \$100 million or more or meet any of the criteria for a major rule under Executive Order 12291. Further, the Secretary certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the regulation will not have a significant economic impact on a substantial number of small entities.

REGULATORY FLEXIBILITY ACT

The Regulatory Flexibility Act of 1980, Pub. L. 96-354, requires the Federal government to reduce the impact of rules and paperwork requirements on small businesses and other small entities.

The Secretary certifies, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these final regulations have no significant economic impact on a substantial number of small businesses and other small entities.

RECORDKEEPING AND REPORTING REQUIREMENTS

Under the Paperwork Reduction Act of 1980, the Department is required to submit to the Office of Management and Budget for approval any recordkeeping and/or reporting requirements imposed on the public.

The Administration for Native Americans is revising specific reporting requirements related to the following sections of this regulation:

Subpart	Reporting requirements	Annual burden hours	OMB approval
Subpart C—Native American Projects.	1a. Application for financial assistance Part IV of Standard Form 424 implementing the OMB Circular A-102 process (includes 1 to 3 year work plan for financial assistance).	9,000	Approved Feb. 23, 1983 through Feb. 28, 1985 OMB No. 0980-0016.
	1b. Continuation (renewal) applications (budget request and project progress report; item 3 below).	1,350	
Subpart D—Evaluation	2. Objective Evaluation Report	945	Approved June 19, 1983 through Aug. 31, 1984 OMB No. 0980-0144.
1336.40 General	3. Objective Progress Report	2,430	Approved May 12, 1983 through Aug. 31, 1984 OMB No. 0980-0155.

These requirements total 13,725 hours for all ANA recipients. This compares with 15,750 hours currently estimated under standard Departmental grant application and reporting requirements. This reduction is expected to occur as a result of the simplified continuation application process for multi-year projects, and simplified project progress reporting and evaluation requirements.

Description of New Reporting Requirements

A new comprehensive ANA program information evaluation system is under development. This new system will employ simplified forms which we believe can be prepared by the applicant with minimum time and effort. Data collected at the point of application will be the basis for subsequent evaluation of the projects funded. Abbreviated narrative project progress reports will be an integral part of this carefully integrated reporting system. Only data for which there is a specific, well-justified need will be collected. Data essential to meeting ANA's legislative mandate to evaluate its program will be determined and collected via user-oriented instruments. The instruments are briefly described below:

Application Instrument will consist mainly of instructions and step-by-step guidance to enable the applicant organization to develop a successful work plan which will allow a prompt, soundly based ANA funding decision. The focus of the new application instrument is the objectives, together with the activities required to achieve them and specified criteria which delineate achievement of the objectives. Complementing the application instrument is a narrative section which allows the applicant to describe the broader context of the proposed project and to discuss relevant needs and long range goals.

Objective Progress Reports must be prepared three times a year through August, 1984 by the grantee. The frequency and format of the report after August, 1984 will depend on an evaluation of the usefulness of the report. These reports will be in a new format which focuses on achievement of the activities specified in the grantee's work plan for the objective funded by ANA for the year.

Objective Evaluation Reports will be designed to guide the grantee through a process of self-evaluation of accomplishments of its objectives against quantitative criteria specified in

the application. The report will be prepared after the end of the project period.

OMB approval has been obtained for all three reports.

List of Subjects in 45 CFR Part 1336

Administrative practice and procedure, Grant programs—Indians.

(Catalog of Federal Domestic Assistance Program No. 13.612, Native American Programs—Financial Assistance Grants; 13.661, Native American Programs—Research, Demonstration, and Evaluation; 13.662, Native American Programs—Training and Technical Assistance)

Dated: September 2, 1983.

Jaime L. Manzano,

Acting Assistant Secretary for Human Development Services.

Approved: November 23, 1983.

Margaret M. Heckler,

Secretary for Health and Human Services.

For the reasons set forth in the preamble, Part 1336 of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 1336—NATIVE AMERICAN PROGRAMS

Subpart A—Definitions

Sec.

1336.10 Definitions.

Subpart B—Purpose of the Native American Program

1336.20 Program purpose.

Subpart C—Native American Projects

1336.30 Eligibility.

1336.31 Project approval procedures.

1336.32 Grants.

Subpart D—Evaluation

1336.40 General.

Subpart E—Financial Assistance Provisions

1336.50 Financial and administrative requirements.

1336.51 Project period.

1336.52 Appeals.

Authority: 88 Stat. 2324 (42 U.S.C. 2991, et seq.).

Subpart A—Definitions

§ 1336.10 Definitions.

For the purposes of this Part, unless the context otherwise requires:

Act means the Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.).

Alaskan Native means a person who is an Alaskan Indian, Eskimo, or Aleut, or any combination thereof. The term also includes any person who is regarded as an Alaskan Native by the Alaskan Native Village or group of which he or she claims to be a member and whose father or mother is (or, if

deceased, was) regarded as an Alaskan Native by an Alaskan Native Village or group. The term includes any Alaskan Native as so defined, either or both of whose adoptive parents are not Alaskan Natives.

American Indian or Indian means any individual who is a member or a descendant of a member of a North American tribe, band, Pueblo or other organized group of native people who are indigenous to the Continental United States, or who otherwise have a special relationship with the United States or a State through treaty, agreement, or some other form of recognition. This includes any individual who claims to be an Indian and who is regarded as such by the Indian tribe, group, band, or community of which he or she claims to be a member.

ANA means the Administration for Native Americans within the Office of Human Development Services.

Applicant means an organization which has applied for financial assistance from ANA.

Budget period means the interval of time into which a project period is divided for budgetary and funding purposes, and for which a grant is made. A budget period usually lasts one year in a multi-year project period.

Economic and social self-sufficiency means the ability of Native Americans to define and achieve their own economic and social goals.

Indian tribe means a distinct political community of Indians which exercises powers of self-government.

Native American means American Indian, Indian, Native Hawaiian, and Alaskan Native, as defined in the Act, or in this section.

Project period means, for discretionary grants and cooperative agreements, the total time for which the recipient's project or program is approved for support, including any extension, subject to the availability of funds, satisfactory progress, and a determination by HHS that continued funding is in the best interest of the Government.

Recipient means an organization which has applied for financial assistance, and to which financial assistance is awarded under this Act. The term includes grantees and recipients of cooperative agreements.

Subpart B—Purpose of the Native American Programs

§ 1336.20 Program purpose.

The purpose of the Native American Programs authorized by the Native American Programs Act of 1974 is to

promote the goal of economic and social self-sufficiency for Native Americans.

Subpart C—Native American Projects

§ 1336.30 Eligibility.

(a) Financial assistance under Section 803 may be made to public and private nonprofit agencies, including, but not limited to, governing bodies of Indian tribes on Federal and State reservations; Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act and other Acts; public and nonprofit private agencies serving Native Hawaiians; and Indian organizations in urban or rural nonreservation areas.

(b) Financial assistance under Sections 804 and 805 may be made to public or private agencies including "for-profit" organizations.

§ 1336.31 Project approval procedures.

(a) Each applicant for financial assistance under Section 803 of the Act must submit a work plan that falls within the statutory requirements of the Act and meets the criteria of program announcements published by ANA in the Federal Register. If the proposed project extends beyond one year, a work plan must be submitted for the period of time specified by the Commissioner in the Program Announcement. ANA will determine whether to approve all, part, or none of the requested work plan. Proposed changes to the approved work plan must receive the written approval of ANA prior to implementation by the recipient.

(b) ANA will negotiate the approved project goals, objectives, work plan, and the funding level for each budget period with each recipient.

(c) The evaluation for the purpose of making an approval decision on each proposed work plan will take into account the proposal's conformance with ANA program purposes and the recipient's past performance and accomplishments.

(d) Financial assistance awarded under Section 803 may be renewed by ANA to grantees based on acceptable work plans and past performance.

(Approved by the Office of Management and Budget under control number 0980-0018)

§ 1336.32 Grants.

Generally, financial assistance will be made available for a one-year budget period and subsequent non-competing continuation awards with the same project period will also be for one year. A recipient must submit a separate application to have financial assistance continued for each subsequent year.

with the same project period, but the continuation application need only contain budget and a summary progress report.

Subpart D—Evaluation

§ 1336.40 General.

Progress reports and continuation applications must contain sufficient information for ANA to determine the extent to which the recipient meets ANA project evaluation standards. Sufficient information means information adequate to enable ANA to compare the recipient's accomplishments with the goals and activities of the approved work plan and with ANA project evaluation criteria.

(Approved by the Office of Management and Budget under control numbers 0980-0155 and 0980-0144)

Subpart E—Financial Assistance

§ 1336.50 Financial and administrative requirements

(a) *General.* The following HHS regulations apply to all grants awarded under this Part:

- 45 CFR Part 16 Department grant appeals process.
- 45 CFR Part 46 Protection of human subjects.
- 45 CFR Part 74 Administration of grants.
- 45 CFR Part 75 Informal grant appeals procedures (indirect cost rates and other cost allocations).
- 45 CFR Part 80 Nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services—Effectuation of Title VI of the Civil Rights Act of 1964.
- 45 CFR Part 81 Practice and procedure for hearing under Part 80.
- 45 CFR Part 84 Nondiscrimination on the basis of handicap in federally assisted programs.
- 45 CFR Part 86 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance.
- 45 CFR Part 91 Nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance from HHS.

(b) *Cost sharing or matching.*—(1) *Policy.* Recipients of financial assistance under Sections 803, 804, and 805 of the Act are required to provide a matching share of 20 percent of the approved cost of the assisted project. This requirement may be waived in accordance with the criteria in § 1336.50(b)(3). The matching share requirement may be met using either cash or in-kind contributions.

(2) *Application.* If an applicant wishes to request a waiver of the requirement for a 20 percent non-Federal matching share, it must include with its application for funding a written justification that clearly explains why the applicant cannot provide the matching share and how it meets the criteria.

(3) *Criteria.* Both of the following criteria must be met for an applicant to be eligible for a waiver of the non-Federal matching requirement:

(i) Applicant lacks the available resources to meet part or all of the non-Federal matching requirement. This must be documented by an institutional audit if available, or a full disclosure of applicant's total assets and liabilities.

(ii) Applicant can document that reasonable efforts to obtain cash or in-kind contributions for the purposes of the project from third parties have been unsuccessful. Evidence of such efforts can include letters from possible sources of funding indicating that the requested resources are not available for that project. The requests must be appropriate to the source in terms of project purpose, applicant eligibility, and reasonableness of the request.

(4) *Approval.* For a waiver to be approved, ANA must determine that it will not prevent the award of other grants at levels it believes are desirable for the purposes of the program. Waiver of all or part of the non-Federal share shall apply only to the budget period for which application was made.

(c) *Maintenance of effort.* (1) Applications for financial assistance under this Part must include either a statement of compliance with the maintenance of effort requirement contained in Section 803(c) of the Act, or a request for a waiver, in accordance with criteria established in this paragraph.

(2) To be eligible for a waiver of the maintenance of effort requirement, the applicant must demonstrate to ANA that the organization whose funds previously supported the project discontinued its support:

- (i) As a result of funding limitations; and
 - (ii) Not as a result of an adverse evaluation of the project's purpose or the manner in which it was conducted; and
 - (iii) Not because it was anticipated that Federal funds would replace the original source of project funding.
- (3) In addition, the applicant must demonstrate in the request for a waiver that the maintenance of effort requirement would result in insurmountable hardship for the recipient or would otherwise be

inconsistent with the purposes of this Part.

(d) *Delegation of project operations.*

(1) Each subgrant awarded to a delegate agency must have specific prior approval by ANA. Such delegation must be formalized by written agreement.

(2) The agreement must specify the activities to be performed by the delegate agency, the time schedule, the policies and procedures to be followed, the dollar limitations, and the costs allowed. The applicant must submit a budget for each delegate agency as part of its application.

(e) *Unallowable costs.* ANA funds may not be used by recipients to purchase real property.

(f) *Office of the Chief Executive.* The costs of salaries and expenses of the Office of Chief Executive of a federally recognized Indian tribal government (as defined in § 74.3 of this title) are allowable, provided that such costs exclude any portion of salaries and expenses of the Office of Chief Executive that are a cost of general government and provided they are related to a project assisted under this Part.

§ 1336.51 Project period.

The Notice of Financial Assistance Awarded will specify the period for which support is intended, although the Department makes funding commitments only for one budget period at a time. Financial assistance under Section 803 of the Act may be ongoing, subject to policy decisions and funding limitations.

§ 1336.52 Appeals.

(a) *Right to appeal.* Recipients whose financial assistance has been suspended or terminated, or whose non-competing continuation applications for refunding have been denied, may appeal such decisions using the procedures described in this section. Denial of an application for refunding means the refusal to fund a non-competing continuation application for a budget period within a previously approved project period.

(b) *Suspension, termination, and denial of funding.* Procedures for and definitions of suspension and termination of financial assistance are published in 45 CFR 74.110-74.116. Appeals from a denial of refunding will be treated the same procedurally as appeals to termination of financial assistance. The term "denial of refunding" does not include policy decisions to eliminate one or more activities of an approved project. A decision not to fund an application at

the end of the recipients's project period is not a "denial of refunding" and is not subject to appeal.

(c) *Hearings.* (1) A recipient shall be given an initial written notice at least thirty (30) days prior to the suspension or termination of financial assistance except in emergency situations, which occur when Federal property is in imminent danger of dissipation, or when life, health, or safety is endangered.

During this period of time, the recipient has the opportunity to show cause to ANA why such action should not be taken.

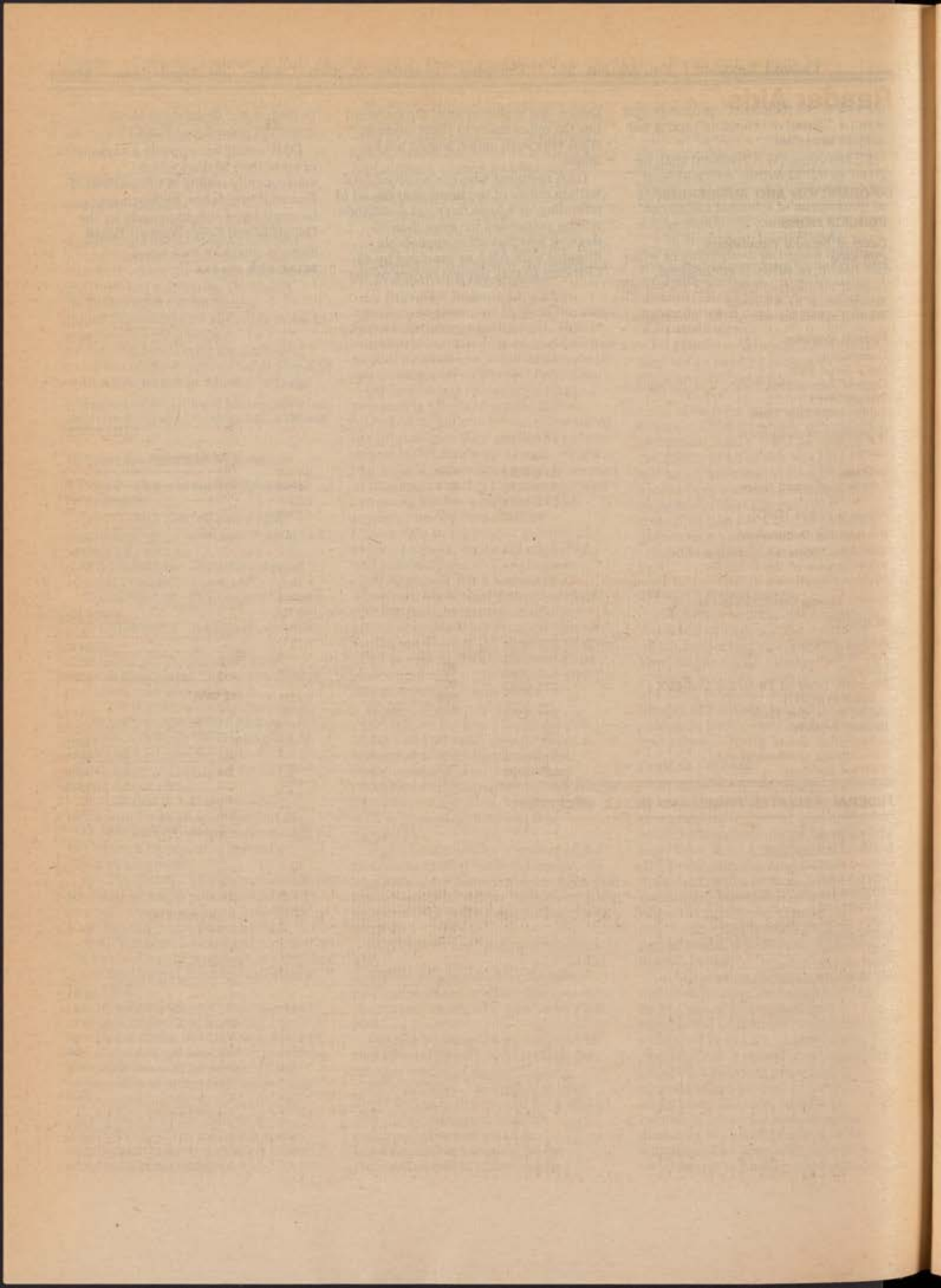
(2) A recipient who has received final written notice of termination or denial of refunding, or whose financial assistance will be suspended for more than 30 days, or who has other appealable disputes with ANA as provided by 45 CFR Part 16 may request review by the

Departmental Grant Appeals Board under the provisions of 45 CFR Part 16.

(3) If a recipient appeals a suspension of more than 30 days which subsequently results in termination of financial assistance, both actions may be considered simultaneously by the Departmental Grant Appeals Board.

[FR Doc. 83-33335 Filed 12-14-83; 8:45 am]

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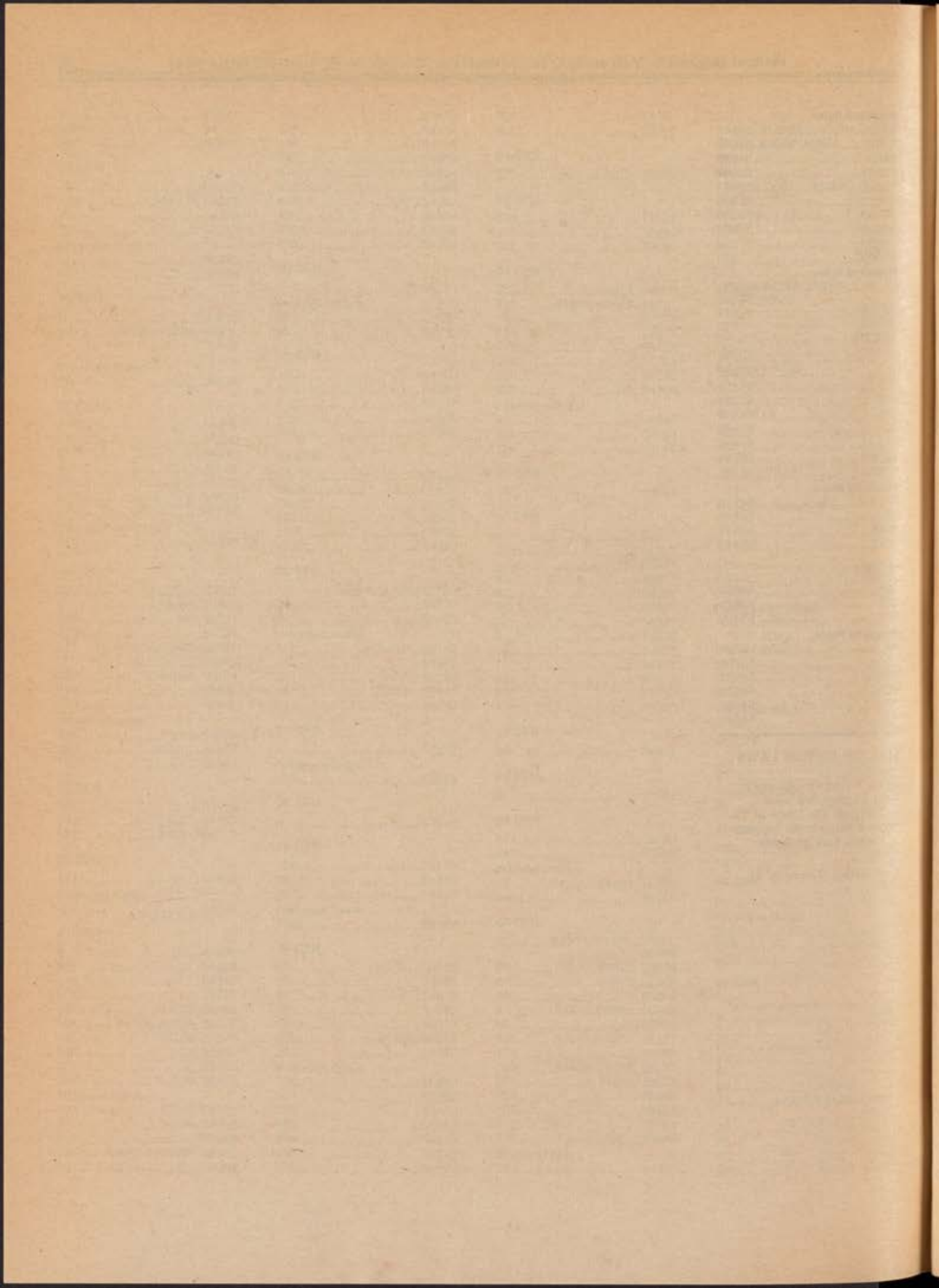
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Last Listing December 14, 1983.



The image shows two books from the 'Code of Federal Regulations' series. The top book is titled 'Agriculture' and the bottom book is titled '7'. Both books have a dark cover with the title 'code of federal regulations' in white. The top book also has a white label with the word 'Agriculture' in black. The bottom book has a white label with the number '7' in black.

Revised as of July 1, 1983

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