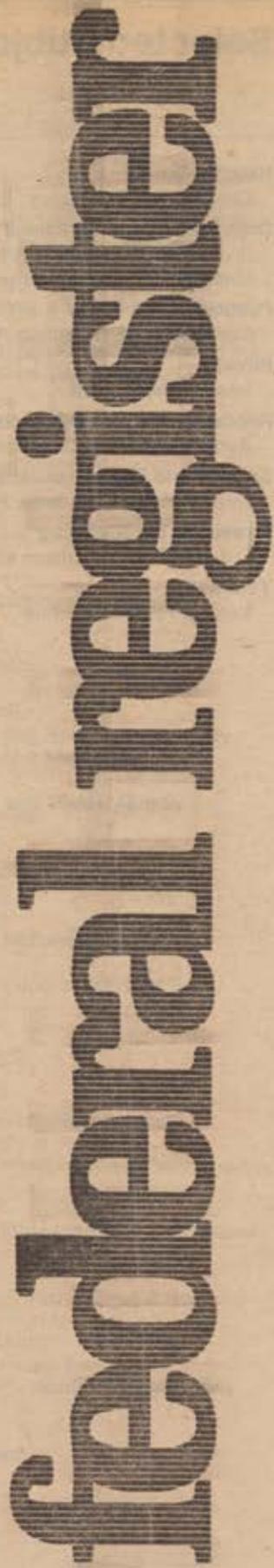

Thursday
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- Anchorage Grounds**
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- Aviation Safety**
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- Banks, Banking**
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- Bridges**
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- Claims**
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- Freedom of Information**
Defense Department
- Hazardous Materials**
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- Marine Safety**
Coast Guard
- Milk Marketing Orders**
Agricultural Marketing Service
- Minority Businesses**
Small Business Administration
- Mortgages**
Federal Reserve System

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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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The **Federal Register** will be furnished by mail to subscribers for \$300.00 per year, or \$150.00 for six months, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to 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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Immigration and Naturalization Service

Pesticides and Pests

Environmental Protection Agency

Privacy

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Reporting and Recordkeeping Requirements

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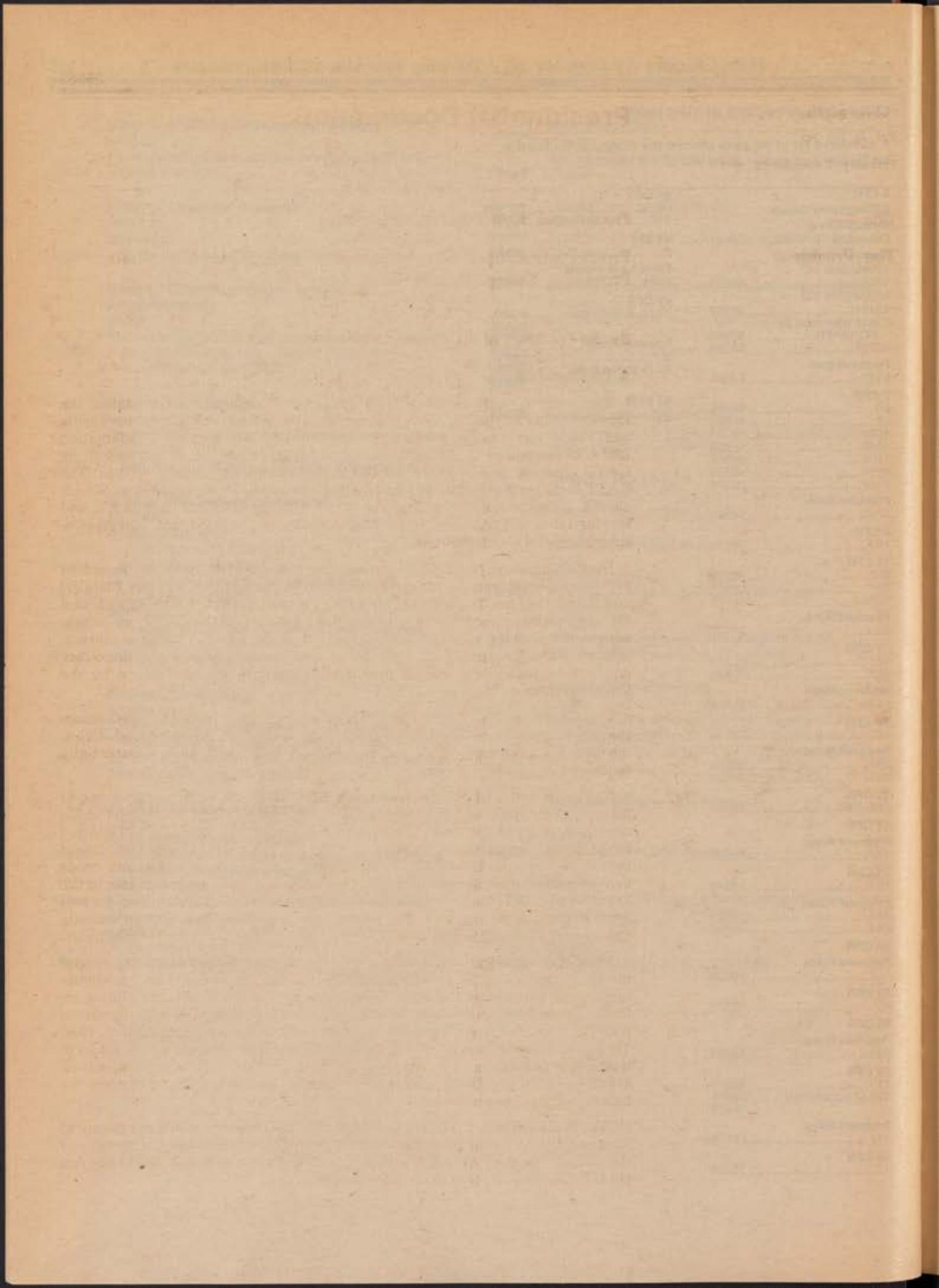
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Title 3—

Proclamation 5140 of December 19, 1983

The President

Proclamation of Trade Agreements With Japan and Spain Providing Compensatory Concessions

By the President of the United States of America

A Proclamation

1. Pursuant to section 350 of the Tariff Act of 1930 (19 U.S.C. 1351), the President, on October 30, 1947, entered into the General Agreement on Tariffs and Trade (hereinafter referred to as "the GATT"), and by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), made the obligations of the GATT effective provisionally for the United States on January 1, 1948. The GATT includes a schedule of United States concessions, designated as Schedule XX, annexed thereto (61 Stat. (pt. 5) A1157). The GATT, Schedule XX, and Proclamation 2761A have been supplemented by subsequent agreements, schedules, and proclamations.

2. By Proclamation No. 4713 of January 16, 1980 (45 F.R. 3561), the President proclaimed temporary increased rates of duty, pursuant to sections 203(a)(1) and 203(e)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2253(a)(1) and 2253(e)(1)) and in accordance with Articles I and XIX of the GATT, on certain nonelectric cooking ware of steel, enameled or glazed with vitreous glasses, effective through January 16, 1984. These rates were in addition to the duties and staged reductions thereof previously agreed to in concessions by the United States.

3. The Governments of Japan and Spain had benefited from the concessions previously granted by the United States. As a result of the increased duties, the benefits contemplated to accrue to Japan and Spain were substantially reduced.

4. The restoration of the contemplated benefits of the tariff concessions to Japan and to Spain would promote the trade of the United States and those countries. Pursuant to section 123(a) of the Trade Act (19 U.S.C. 2133(a)), I have determined that, as a result of the action taken pursuant to section 203 of the Trade Act (19 U.S.C. 2253), the United States should enter into trade agreements with Japan and Spain. Having complied with the provisions of the Trade Act, I have further determined that, in order to maintain the general level of reciprocal and mutually advantageous concessions, certain existing duties of the United States should be modified to carry out such agreements.

5. Following consultations between the Government of the United States and the Governments of Japan and Spain, the United States concluded a Memorandum of Understanding with Respect to Action by the United States on Porcelain-on-Steel Cookware Pursuant to GATT Article XIX with Spain on July 29, 1983, and a similar Memorandum with Japan on September 6, 1983. These agreements, negotiated by my duly empowered representative, set forth temporary reductions in or suspensions of the duties applicable to specified articles which the United States has agreed to implement to restore the balance of tariff concessions.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and the statutes of the United States of America, including sections 123 and 604 of the Trade Act (19 U.S.C. 2133 and 2483), do hereby proclaim:

- (1) The Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in the Annex to this proclamation.
- (2) Part 1 of Schedule XX to the GATT is modified to take into account the modification set forth in the Annex to this proclamation.
- (3) This proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1984, and before the close of December 31, 1987, unless the period of its effectiveness is earlier expressly suspended, modified, or terminated.
- (4) The Commissioner of Customs shall take such action as the United States Trade Representative shall direct in the implementation and administration of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th 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.

Ronald Reagan

ANNEX

Subpart C, part 1 of the Appendix to the TSUS (19 U.S.C. 1202) is modified by inserting the following new heading and items:

"1. Any article described in the provisions of this subpart, if entered during the period specified, is subject to duty at the rate set forth herein in lieu of the rate provided therefor in schedules 1 to 8, inclusive, unless a lower rate of duty is provided for such article elsewhere in the Appendix or the Tariff Schedules.

ITEM	ARTICLES	RATES OF DUTY				2	
		1					
		Effective on or after January 1, --					
		1984	1985	1986	1987 ^{1/}		
947.00	Fish, salted or pickled (provided for in item 111.36, part 3B, schedule 1).....	0.42 ad val.	0.42 ad val.	0.42 ad val.	0.42 ad val.	No change	
947.01	Anchovies, prepared or preserved, not in oil, in airtight containers weighing with their contents over 15 pounds each (provided for in item 112.03, part 3C, schedule 1)...	0.42 ad val.	0.42 ad val.	0.42 ad val.	Free	No change	
947.02	Anchovies, prepared or preserved, in oil, in airtight containers (provided for in item 112.40, part 3C, schedule 1).....	4.22 ad val.	4.22 ad val.	4.72 ad val.	5.12 ad val.	No change	
947.03	Other fish, prepared or preserved, in oil, in airtight containers (provided for in item 112.94, part 3C, schedule 1).....	6.22 ad val.	5.62 ad val.	5.72 ad val.	5.52 ad val.	No change	
947.04	Rabbit skins, dressed, not dyed (provided for in item 124.30, part 3B, schedule 1).....	2.92 ad val.	2.62 ad val.	32 ad val.	3.12 ad val.	No change	
947.05	Other furskins, dressed, not dyed (provided for in item 124.40, part 3B, schedule 1).....	3.52 ad val.	3.52 ad val.	3.92 ad val.	4.32 ad val.	No change	
947.06	Other furskins, dressed, dyed (provided for in item 124.80, part 3B, schedule 1).....	2.72 ad val.	2.32 ad val.	2.22 ad val.	22 ad val.	No change	
947.07	Pignolia nuts, shelled, blanched, or otherwise prepared or preserved (provided for in item 145.52, part 9A, schedule 1).....	0.7c per lb.	0.7c per lb.	0.8c per lb.	0.9c per lb.	No change	
947.08	Carob flour (provided for in item 152.05, part 9C, schedule 1).....	10.52 ad val.	10.52 ad val.	11.62 ad val.	12.82 ad val.	No change	
947.09	Candied, crystallized, or glace' nuts (provided for in item 154.50, part 9D, schedule 1).....	4.92 ad val.	4.92 ad val.	5.42 ad val.	62 ad val.	No change	

^{1/} Effective period for reduced duties terminates at the close of December 31, 1987.

ITEM	ARTICLES	RATES OF DUTY				2	
		Effective on or after January 1, --					
		1984	1985	1986	1987 1/		
947.10	Capers (provided for in items 161.06 and 161.08, part 11B, schedule 1).....	11.2% ad val.	11.2% ad val.	11.4% ad val.	13.6% ad val.	No change	
947.11	Paprika, ground or not ground (provided for in item 161.71, part 11B, schedule 1).....	1.3c per lb.	1.9c per lb.	1.9c per lb.	1.7c per lb.	No change	
947.12	Natural and composition cork, not further advanced than cut or molded into blocks, rods, sheets, slabs, sticks, strips, and similar shapes (provided for in item 120.10, part 2A, schedule 1).....	2.1c per lb.	2c per lb.	2.1c per lb.	2.1c per lb.	No change	
947.13	Stoppers wholly of cork, tapered (provided for in item 220.36, part 2A, schedule 2).....	7c per lb.	6.7c per lb.	7c per lb.	7.2c per lb.	No change	
947.14	Stoppers wholly of cork of a thickness (or length) greater than the maximum diameter (provided for in item 220.47, part 2A, schedule 2).....	7c per lb.	7c per lb.	7.8c per lb.	8.3c per lb.	No change	
947.15	Other disks, wafers, washers, and stoppers, of cork (provided for in item 220.48, part 2A, schedule 2).....	5.7c per lb.	5.4c per lb.	5.7c per lb.	6c per lb.	No change	
947.16	Articles not specially provided for, of cork (provided for in item 220.50, part 2A, schedule 2).....	12.5% ad val.	12.5% ad val.	14% ad val.	15.3% ad val.	No change	
947.17	Willow prepared for basket makers' use (provided for in item 222.20, part 2B, schedule 2).....	6% ad val.	6% ad val.	6.6% ad val.	7.2% ad val.	No change	
947.18	Other willow (provided for in item 222.25, part 2B, schedule 2).....	1.8% ad val.	1.8% ad val.	1.9% ad val.	1.1% ad val.	No change	
947.19	Potassium chlorate (provided for in item 420.06, part 3C, schedule 4).....	1.6% ad val.	1.5% ad val.	1.6% ad val.	1.6% ad val.	No change	
947.20	Tartaric acid (provided for in item 425.34, part 2D, schedule 4).....	1.6% ad val.	1.6% ad val.	1.6% ad val.	1.7% ad val.	No change	

1/ Effective period for reduced duties terminates at the close of December 31, 1987.

ITEM	ARTICLES	RATES OF DUTY				2
		Effective on or after January 1,				
		1984	1985	1986	1987 1/	
947.21	Crème of tartar, containing 90 percent or more potassium bitartrate by weight (provided for in item 415.76, part 2D, schedule 4).....	3.9% ad val.	3.6% ad val.	3.8% ad val.	3.9% ad val.	No change
947.22	Sodium tartrate (Rochelle salts) (provided for in item 415.32, part 2D, schedule 4).....	3.3% ad val.	3.2% ad val.	3.3% ad val.	3.3% ad val.	No change
947.23	Terpin hydrate (provided for in item 437.70, part 3B, schedule 4).....	6.7% ad val.	6.2% ad val.	6.1% ad val.	6% ad val.	No change
947.24	Agar agar (provided for in item A35.02, part 5, schedule 4).....	3.3% ad val.	2.9% ad val.	2.8% ad val.	2.6% ad val.	No change
947.25	Amethol (provided for in item 460.15, part 7A, schedule 4).....	6% ad val.	5.5% ad val.	5.5% ad val.	5.4% ad val.	No change
947.26	Toilet soap valued over 10 cents per pound (provided for in item 466.15, part 5B, schedule 4).....	0.4c per lb. + 2.9% ad val.	0.4c per lb. + 2.8% ad val.	0.4c per lb. + 2.8% ad val.	0.4c per lb. + 3.1% ad val.	No change
947.27	Natural iron oxide and iron hydroxide pigments (provided for in item 473.40, part 9B, schedule 4).....	7% ad val.	7% ad val.	7.3% ad val.	8.5% ad val.	No change
947.28	Statues, statuettes, and bas-reliefs of plaster of Paris, with or without reinforcement (provided for in item 512.41, part 1B, schedule 3).....	3.5% ad val.	3.5% ad val.	3.9% ad val.	4.3% ad val.	No change
947.29	Statues, statuettes, and hand-made flowers, all the foregoing of ceramic ware (provided for in item 534.11, part 2C, schedule 3).....	2.4% ad val.	2.3% ad val.	2.3% ad val.	2.6% ad val.	No change
947.30	Unwrought mercury, and waste and scrap of unwrought mercury (provided for in item 632.34, part 2K, schedule 6).....	6.4c per lb.	6.2c per lb.	6.3c per lb.	8.4c per lb.	No change

1/ Effective period for reduced duties terminates at the close of December 31, 1987.

ITEM	ARTICLES	RATES OF DUTY				2	
		Effective on or after January 1, 1984					
		1984	1985	1986	1987 1/		
947.31	Pen knives, pocket knives, and other knives, all the foregoing which have folding or other than fixed blades or attachments and which are valued over \$6 per dozen (provided for in item 649.33, part 3E, schedule 6).....	3.5c each + 5.9% ad val.	2.8c each + 5.2% ad val.	2.7c each + 5% ad val.	2.6c each + 4.8% ad val.	No change	
947.32	Hammers and sledges, with or without their handles, with heads over 3.25 pounds each (provided for in item 651.23, part 3E, schedule 6).....	1.6% ad val.	1.5% ad val.	1.7% ad val.	1.8% ad val.	No change	
947.33	Illuminating articles and parts thereof, of brass, other than table, floor and other portable lamps for indoor illumination (provided for in item 653.37, part 3F, schedule 6).....	5% ad val.	4.7% ad val.	4.8% ad val.	4.8% ad val.	No change	
947.34	Articles of base metal, coated or plated with gold (provided for in item 656.25, part 3G, schedule 6).....	10.9% ad val.	9.7% ad val.	9.1% ad val.	8.5% ad val.	No change	
947.35	Articles of copper or nickel silver, coated or plated with silver (provided for in item 658.10, part 3G, schedule 6).....	7% ad val.	7% ad val.	7.8% ad val.	8.5% ad val.	No change	
947.36	Axle spindles and shock absorbers for motor vehicles (provided for in item 692.32, part 4B, schedule 6).....	2.4% ad val.	1.3% ad val.	1.5% ad val.	1.6% ad val.	No change	
947.37	Photographic motion-picture cameras, with or without sound recording systems, valued \$50 or more each (provided for in item 722.04, part 2F, schedule 7).....	3.6% ad val.	3.4% ad val.	3.6% ad val.	3.8% ad val.	No change	
947.38	Photographic papers other than silver halide papers, sensitized but not exposed (provided for in item 723.32, part 2F, schedule 7).....	2.4% ad val.	1.3% ad val.	1.5% ad val.	1.6% ad val.	No change	

1/ Effective period for reduced duties terminates at the close of December 31, 1987.

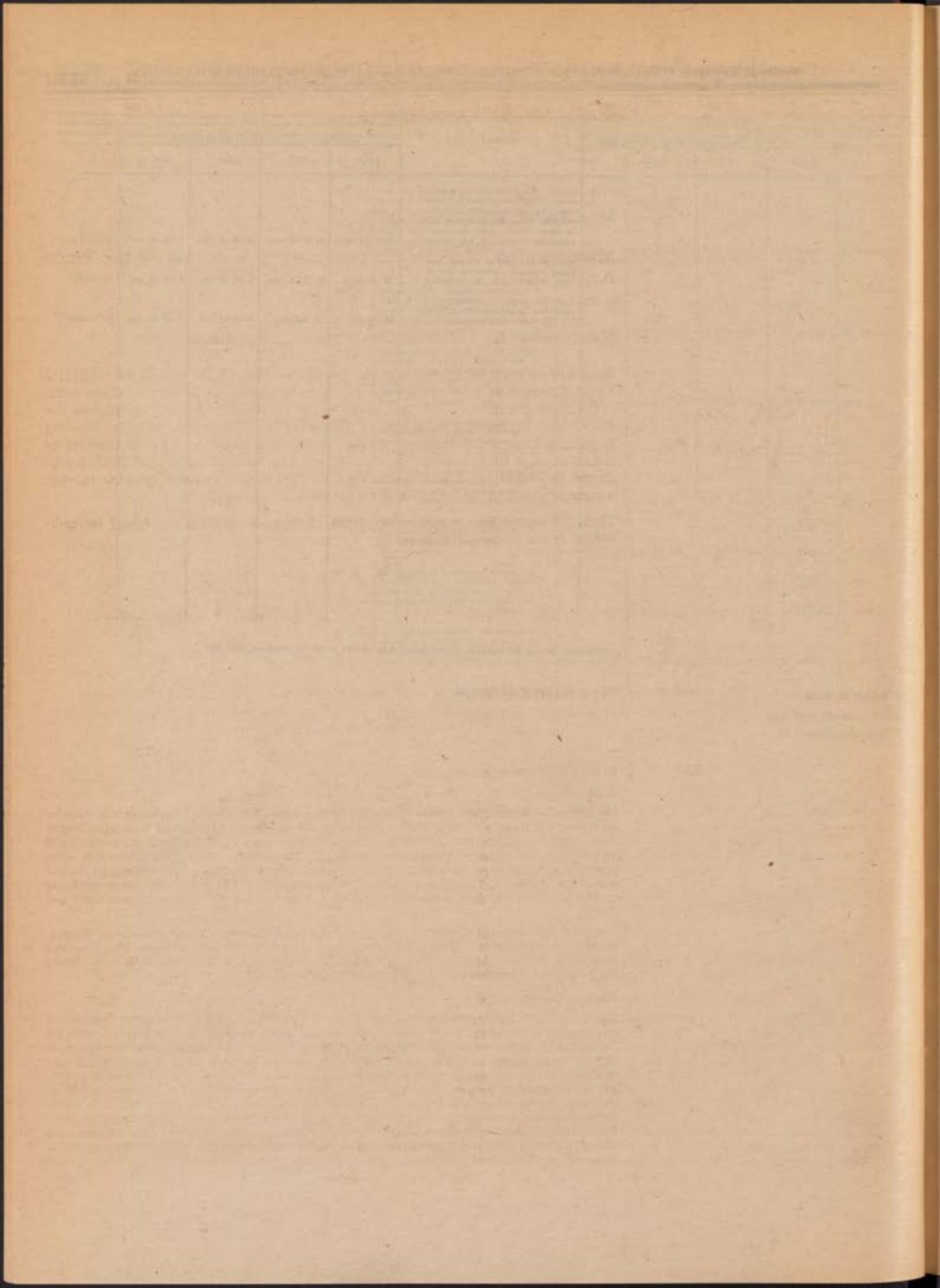
ITEM	ARTICLES	RATES OF DUTY				2	
		Effective on or after January 1, --					
		1984	1985	1986	1987 1/		
947.39	Swords, bayonets and other side arms (except fire-arms), parts thereof, and scabbards and sheaths therefor (provided for in item 730.05, part 5A, schedule 7).....	4.6% ad val.	4.3% ad val.	4.4% ad val.	4.5% ad val.	No change	
947.40	Buckles and buckle slides, and parts thereof (provided for in item 745.43, part 7A, schedule 7).....	3% ad val.	4.7% ad val.	4.8% ad val.	4.8% ad val.	No change	
947.41	Toys for pets, of rubber or plastics (provided for in item 773.05, part 12C, schedule 7).....	6% ad val.	6% ad val.	6.6% ad val.	7.2% ad val.	No change	

1/ Effective period for reduced duties terminates at the close of December 31, 1987.

[FR Doc. 83-34051

Filed 12-20-83; 10:57 am]

Billing code 3195-01-C



Presidential Documents

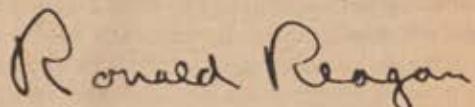
Memorandum of December 19, 1983

Memorandum of Determination under Section 301 of the Trade Act of 1974

Memorandum for the United States Trade Representative

Pursuant to section 301(a)(2) of the Trade Act of 1974 (19 U.S.C. 2411(a)(2)), I have determined that there are no unreasonable or discriminatory acts, policies or practices as alleged in Investigation 301-38. To help eliminate the difficulties United States footwear producers have experienced in attempting to gain access to the footwear market in Taiwan, however, I direct that offers received regarding marketing assistance for exporters of United States produced footwear, and of other measures that might provide greater market access for United States footwear exporters, be pursued.

This determination, together with the Statement of Reasons, shall be published in the **Federal Register**.



THE WHITE HOUSE,
Washington, December 19, 1983.

STATEMENT OF REASONS

Background

On December 9, 1982, the United States Trade Representative initiated an investigation under section 302(b)(2) of the Trade Act of 1974 based upon a petition filed by the Footwear Industries of America, the Amalgamated Clothing and Textile Workers Union, AFL-CIO, and the United Food and Commercial Workers International, AFL-CIO. The petition alleged that trade restricting practices of Brazil, Japan, Korea and Taiwan denied market access to United States exports of non-rubber footwear. The investigations of the practices of Brazil, Japan and Korea are being conducted under the dispute settlement procedures of the General Agreement on Tariffs and Trade.

The investigation of Taiwanese practices centered on the import licensing procedure that allegedly restricted imports of non-rubber footwear and on tariff and customs charges. The American Institute in Taiwan (AIT) and the Coordinating Council for North American Affairs (CCNAA) consulted regarding these matters on January 17 and September 21 of this year.

Basis for Determination

Section 301(a)(2) authorizes the President to take all appropriate and feasible action in response to any act, policy or practice of a foreign country or instrumentality that is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or that is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce. The investigation revealed that imports of non-rubber footwear into Taiwan have been exempt from import licensing requirements, or have been subject to automatic approval by foreign exchange banks, since 1973. Evidence, therefore, does not indicate that import licensing procedures constitute a barrier to United States exports of non-rubber footwear. Beginning in September of 1982, a series of temporary tariff reductions on non-rubber footwear were implemented. These temporary tariff reductions have been extended administratively until mid-1984. Legislative approval for permanent tariff reductions for these items is being sought.

The tariff reductions are as follows:

Item No. and description	Old rate (per- cent)	New rate (per- cent)
6400 Footwear with outer soles of leather or composition leather. Footwear (other than footwear falling within heading #6401) with outer soles of rubber or artificial plastic material.		
.01 With leather uppers	65	50
.02 With vegetable uppers	60	45
.03 With synthetic or regenerated or glass fiber uppers	60	45
.04 With animal fiber or furskin uppers	85	60
.05 Safety shoes with steel toe protection for laborers' use	25	20
.06 Other	60	50

No further tariff reductions for footwear are planned in the immediate future. The CCNAA indicated that, in principle, requests for further tariff reductions in specific footwear products might be received sympathetically if there were some evidence that United States suppliers would benefit significantly. The United States has maintained that the existence of high tariffs dissuades United States exporters from exploring the Taiwan market.

The CCNAA has advised AIT of the willingness of the Taiwan Footwear Manufacturers Association (TFMA) to assist the United States footwear industry in marketing and promoting United States produced footwear products in Taiwan. The AIT has offered to include non-rubber footwear in AIT's Market Research Program on Taiwan during fiscal years 1984 and 1985.

The information gathered during the investigation of this case does not indicate that any restrictive trade practices are acting as a barrier to United States exports of non-rubber footwear. In light of the offer of marketing assistance and indications that proposals regarding specific tariff reductions would be received sympathetically, discussions directed toward assisting exporters of United States manufactured footwear to enter the Taiwan market should be continued.

[FR Doc. 83-34046

Filed 12-20-83; 1:13 pm]

Billing code 3195-01-M

Presidential Documents

Executive Order 12451 of December 20, 1983

Continuation of Export Control Regulations

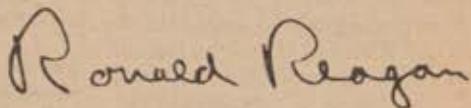
By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

Section 1. In view of the extension by Public Law 98-207 (December 5, 1983), of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

Sec. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980.

Sec. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

Sec. 4. This Order shall take effect immediately.



THE WHITE HOUSE,
December 20, 1983.

Rules and Regulations

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 Parts 56, 70, and 1250

Office of Management and Budget Information Collection Control Numbers Assigned to Voluntary Egg and Poultry Regulations, and Egg Research and Promotion Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule adds new §§ 56.9, 70.6, and 1250.501 to Parts 56, 70, and 1250, respectively. These sections identify the information collection requirements each part contains and the respective control numbers assigned by the Office of Management and Budget (OMB). In accordance with 5 CFR Part 1320, these changes are made in order to make the information more convenient to locate.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: D. M. Holbrook, Chief, Standardization Branch, Poultry Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 3944, South Building, Washington, D.C. 20250 (202-447-3506).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this amendment is merely administrative, involving only the identification of information collection requirements and display of OMB control numbers pursuant to 5 CFR Part 1320 and is not subject to the requirements of Executive Order 12291.

Administrative Procedure Act

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and

other public procedure with respect to this final rule are impracticable and contrary to the public interest because these amendments are nonsubstantive, impose no new requirements, and merely provide a convenient listing of information collection requirements and OMB control numbers. Thus, good cause also is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Regulatory Flexibility Act

Since this rulemaking is exempt from the notice and comment provisions of the **Administrative Procedure Act**, a regulatory flexibility analysis under the **Regulatory Flexibility Act** is not required.

Paperwork Reduction Act

This rulemaking does not require an additional collection of information from the public under the **Paperwork Reduction Act** of 1980.

Background

The **Paperwork Reduction Act** of 1980 was designed both "to minimize the Federal paperwork burden for individuals, small businesses, State and local governments, and other persons" and "to maximize the usefulness of information collected by the Federal government." On March 31, 1983, OMB issued a final rule implementing the provisions of the **Paperwork Reduction Act** of 1980. Among other provisions, the rule requires the display of OMB control numbers on collection of information requirements contained in agency rules adopted after public notice and comment. The control numbers provide a simple and effective way for the public to tell whether a paperwork burden an agency seeks to impose has been cleared as the Act requires. The Director of OMB, as the accountable individual in the Government, has assured that the information is needed, is not duplicative of information already collected, and is collected efficiently.

Therefore, new §§ 56.9, 70.6 and 1250.501 are added to Parts 56, 70, and 1250, respectively. These sections identify information collection requirements contained in each part and the respective control numbers assigned by OMB. The Agency has determined that this amendment is not substantive. It merely provides a convenient listing of the current information collection

Federal Register

Vol. 48, No. 247

Thursday, December 22, 1983

requirements and OMB control numbers in accordance with 5 CFR Part 1320.

List of Subjects

7 CFR Part 56

Shell eggs, Voluntary grading service.

7 CFR Part 70

Poultry, Poultry products, Rabbit products, Voluntary grading service.

7 CFR Part 1250

Egg Research and Promotion, Rules and Regulations.

Accordingly, under authority contained in the **Agricultural Marketing Act of 1946**, as amended (7 U.S.C. 1621-1627), and the **Egg Research and Consumer Information Act**, as amended (7 U.S.C. 2701-2718), the U.S. Department of Agriculture hereby amends the **Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs** (7 CFR Part 56); the **Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and United States Classes, Standards, and Grades** (7 CFR Part 70); and the **Egg Research and Promotion, Rules and Regulations** (7 CFR Part 1250) as set forth below:

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

1. In Part 56, a new § 56.9 is added to read as follows:

§ 56.9 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) **Purpose.** This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR Part 56 pursuant to the **Paperwork Reduction Act** of 1980, Pub. L. 96-511.

(b) **Display.**

7 CFR section where identified and described	Current OMB control number
Sec.:	
56.4	0581-0128
56.10(a)	0581-0128
56.11	0581-0128
56.12	0581-0128
56.18	0581-0128
56.21(a)	0581-0128
56.21(b)	0581-0128
56.24	0581-0128
56.26	0581-0128

7 CFR section where identified and described	Current OMB control number
56.35(b)	0581-0128
56.37	0581-0128
56.52(b)	0581-0128
56.52(b)(3)(i)	0581-0128
56.54(b)	0581-0128
56.54(b)(3)(ii)	0581-0128
56.56	0581-0128
56.58	0581-0128
56.60	0581-0128
56.62	0581-0128
56.76(e)(6)	0581-0128

OMB Control Numbers Assigned Pursuant to the Paperwork Reduction Act

§ 1250.501 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements by the Office of Management and Budget contained in 7 CFR Part 1250 pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511.

(b) *Display.*

7 CFR section where identified and described	Current OMB control number
Sec.	
1250.523	0581-0098
1250.528	0581-0098
1250.529	0581-0098
1250.530	0581-0098
1250.535	0581-0098

(Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) and Egg Research and Consumer Information Act, as amended (7 U.S.C. 2701-2718))

Done at Washington, D.C., on December 18, 1983.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[PR Doc. 63-33904 Filed 12-21-83; 6:45 am]

BILLING CODE 3410-02-M

7 CFR section where identified and described	Current OMB control number
Sec.	
70.10	0581-0127
70.18	0581-0127
70.20(a)	0581-0127
70.20(c)	0581-0127
70.21	0581-0127
70.22	0581-0127
70.31(a)	0581-0127
70.31(b)	0581-0127
70.33	0581-0127
70.34	0581-0127
70.35	0581-0127
70.36	0581-0127
70.38(c)	0581-0127
70.38(d)	0581-0127
70.50	0581-0127
70.61	0581-0127
70.73	0581-0127
70.76(b)(1)	0581-0127
70.76(b)(3)(i)	0581-0127
70.77(a)(1)	0581-0127
70.77(b)(1)	0581-0127
70.77(b)(3)(i)	0581-0127
70.91(a)	0581-0127
70.91(c)	0581-0127
70.92	0581-0127
70.100	0581-0127
70.102	0581-0127
70.210(e)	0581-0127
70.310(e)	0581-0127

7 CFR Part 1030

Milk in Chicago Regional Marketing Area; Temporary Revisions of Shipping Requirements and Diversion Allowances

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revisions of rules.

SUMMARY: This action temporarily lowers the shipping requirements for pool supply plants under the Chicago Regional milk order and relaxes the diversion allowances by a corresponding amount for the months of December 1983 and January through March 1984. These revisions will help prevent uneconomic shipments of milk to the market and help maintain the pool status of producers who regularly supply the market.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Diary Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4829.

PART 1250—EGG RESEARCH AND PROMOTION, RULES AND REGULATIONS

3. In Part 1250 a new center heading and § 1250.501 are added to read as follows:

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Temporary Revisions of Shipping Percentages and Diversion Allowances: Issued November 28, 1983; published November 30, 1983 (48 FR 54038).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants and that milk not needed for fluid uses could be disposed of to surplus outlets in an efficient manner.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago Regional order.

Notice of proposed rulemaking was published in the *Federal Register* (48 FR 54038) concerning a proposal that the supply plant shipping percentages and diversion allowances be temporarily revised for each of the months of December 1983 and January through March 1984. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by December 6, 1983. Eight comments were received in response to the above invitation. Seven comments favored a temporary revision and one opposed any reduction.

Statement of Consideration

After consideration of all relevant material, data, views and arguments filed and other available information, it is hereby found and determined that, for the months of December 1983 through March 1984, the supply plant shipping percentages and the diversion allowances should be as follows:

Month and year	Temporary percentages	
	Shipping requirement (percent)	Diversion allowance (percent)
December 1983	15	85
January 1984	15	85
February 1984	15	85
March 1984	12	88

Pursuant to the provisions of § 1030.7(b)(5), the supply plant shipping

percentages set forth in § 1030.7(b) and the diversion allowances set forth in § 1030.13(d)(3) may be increased or decreased by up to 15 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to prevent uneconomic shipments.

The Central Milk Sales Agency (CMSA), whose six cooperative associations' members provide the majority of producer milk associated with the market, submitted the proposal for a temporary reduction in the shipping percentages for December 1983 through March 1984, along with corresponding increases in the diversion allowances. CMSA's proposal was based on its projection of continued high levels of producer milk receipts, and the total sales to fluid milk handlers by member cooperatives of CMSA and by proprietary supply plant operations qualifying with CMSA. CMSA said that supply plant shipments to fluid bottling handlers are expected to be fewer during these months compared to a year earlier. It said that some handlers have replaced milk from supply plants with milk received directly from farms. CMSA also said that two Wisconsin fluid handlers have changed their operations so that one no longer qualifies with a distributing plant unit and the other handler continues to build a supply of direct-shipped milk. In an additional comment, the agency cited the closing of a Joliet, Illinois, bottling plant at the end of November. According to CMSA, some 4.5 million pounds of milk sales from this plant have been shifted to a plant regulated under the Southern Michigan order. CMSA had supplied 5 to 6 million pounds of milk monthly to the Joliet plant and will not supply the new plant. Because of the unsettled nature of the market in the months ahead, CMSA recommended a performance margin of approximately 3 or 4 percentage points below anticipated shipments to insure the pooling of all producer milk associated with CMSA.

The Farmers Union Milk Marketing Cooperative (FUMMC) recommended a reduction of 15 percentage points in the supply plant shipping percentage for each of the months of December 1983 through March 1984, and that the diversion allowance should be increased to 95 percent for each of those months. The spokesman for FUMMC stated that greater reductions in the shipping requirements than were proposed by CMSA were needed to prevent the uneconomic movement of milk solely for the purpose of qualification. FUMMC noted its testimony in support to eliminating all

shipping requirements for supply plants at a hearing held in May 1983. FUMMC's comments did not include any additional information concerning its specific request for a greater reduction.

Two proprietary supply plant operators, Beatrice Cheese and Certified Grocers of Illinois, Inc., said that the supply plant shipping percentages should be reduced to prevent uneconomic movements of milk. They urged that the shipping requirements be reduced by 5 percentage points for December and by 10 percentage points for January through March, with corresponding increases in diversion allowances. They cited difficulty in meeting the current shipping standards due to the recent closing of a bottling plant operated by Beatrice Foods Company in Joliet, Illinois.

The Trade Association of Proprietary Plants, Inc., and Kraft, Inc., also a proprietary supply plant operator, supported the temporary revisions as proposed by CMSA. Kraft's comment stated that shipments needed from supply plants had declined in recent months due to increased volumes of direct-shipped milk to bottling plants. Kraft also cited the closing of the bottling plant at Joliet, Illinois, which had been receiving milk shipments from three Kraft supply plants.

Lakeshore Federated Dairy Cooperative (Lakeshore), whose members are Mid-West Dairymen's Cooperative, Milwaukee Milk Producers Cooperative, and Manitowoc Co-op Milk Producers, supported CMSA's proposed reduction. However, Lakeshore requested that the supply plant shipping requirement for December 1983 be reduced from 20 percent to 15 percent, rather than the reduction to 18 percent proposed by CMSA. Lakeshore cited an estimated 5 percent reduction in Class I sales in December due to school closings for the holidays as the reason why the reduction to 15 percent was needed.

Borden, Inc., which operates a distributing (bottling) plant and supply plants regulated by the order, said that it opposed any reduction in the supply plant shipping percentages or relaxation in the diversion allowance for the months of December 1983 through March 1984. The spokesmen said his plant would need more than 20 loads of milk each week during this period. He was concerned about the potential effects of the recent unfavorable weather conditions on available milk supplies this winter. He also expressed the view that the milk available for fluid bottlers would be tighter due to the expected effect the recent national

legislation would have on the overall milk supply.

The supply plant shipping requirements previously were reduced for the months of September, October, and November 1983, based on the Director's analysis of market data submitted in response to a request for data and views. In that action, it was pointed out that milk supplies were increasing substantially more than Class I sales. That situation has continued. During September through November, producer milk receipts increased over year earlier levels by more than four percent. For the same period, the pounds of pooled milk assigned to Class I uses have decreased by more than one percent compared to the same period last year. These data show that the excess supply of milk relative to Class I needs continues. Moreover, the closing of a bottling plant prior to December, and the continuing trend toward greater use of direct-shipped milk at bottling plants indicate that uneconomic shipments of milk will occur during December through March unless the shipping requirements are reduced temporarily. In order to facilitate the economic hauling and handling of the increasing supplies of milk that must find outlets for nonfluid uses, the diversion allowances should be increased by the appropriate corresponding percentages.

Support for a temporary revision in the supply plant shipping standards was widespread in the comments received. The cooperatives indicating support represent more than 85 percent of all producers supplying the market, and these cooperatives collectively ship the largest proportion of supply plant milk moved to bottling plants. Accordingly, their views on the scope of the temporary revision must carry considerable weight. With one exception, the cooperatives requested reductions in shipping standards that varied by only three percentage points with respect to the December requirement. In view of available information, it is concluded that the greater reduction for December is appropriate. Accordingly, the shipping requirements for supply plants and the diversion allowances are hereby revised as indicated in tabular form at the beginning of this statement. These temporary revisions are necessary to avoid uneconomic shipments of milk.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) These temporary revisions are necessary to reflect current marketing

conditions and to maintain orderly marketing conditions in the marketing area for the months of December 1983 and January through March 1984;

(b) These temporary revisions do not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revisions was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning the temporary revisions.

Therefore, good cause exists for making these temporary revisions effective upon publication of this notice in the *Federal Register*.

List of Subjects in 7 CFR Part 1030

Milk marketing orders, Milk, Dairy products.

PART 1030—[AMENDED]

It is therefore ordered, that the aforesaid provisions of § 1030.7(b) and § 1030.13(d)(3) of the Chicago Regional order are hereby revised for the months of December 1983, and January through March 1984.

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

Effective date: December 22, 1983.

Signed at Washington, D.C., on: December 16, 1983.

Edward T. Coughlin,
Director, Dairy Division.

[FR Doc. 83-33905 Filed 12-21-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1040

Milk in Southern Michigan Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This suspension action relaxes for the months of December 1983 through March 1984 the requirement in the Southern Michigan Federal milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. A cooperative association that represents producers supplying milk to the fluid market requested this action to avoid inefficient handling of milk and to insure that dairy farmers historically associated with the Southern Michigan

market would continue to share in the market's fluid milk sales.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued November 29, 1983; published December 1, 1983 (48 FR 54242).

William T. Manley, Deputy

Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the *Federal Register* (48 FR 54242) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. The proponent cooperative submitted additional information in support of the proposed suspension. One proprietary handler submitted comments in which he stated no objection to the proposed suspension action. A comment in opposition to the suspension was received from a dairy farmer.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of December 1983 through March 1984, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), paragraphs (i) and (ii).

Statement of Consideration

The action makes inoperative for the months of December 1983 through

March 1984 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants.

Michigan Milk Producers Association, which represents a majority of the producers supplying the market, requested the suspension.

This action is needed because deliveries of producer milk have continued to increase in the Southern Michigan market more than the in-area Class I sales have increased. October 1983, the most recent month for which all data are available, was the 54th consecutive month of increasing milk production when compared to the same month of the previous year. During September and October 1983, producer receipts were nearly five percent more than compared to the same months in 1982, while the in-area Class I sales have increased approximately three percent during the same period. The increase in milk production has resulted from larger cow numbers and increased production per cow.

The suspension is needed also to accommodate petitioner's recent loss of fluid sales to other cooperative associations supplying the market.

If the provisions are not suspended for the months of December 1983 through March 1984, Michigan Milk Producers Association would encounter considerable difficulty in pooling certain supply plants and the milk of producers who historically have been associated with the Southern Michigan fluid market. This would disrupt the orderly marketing of milk in the Southern Michigan marketing area.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies. This action will eliminate the possibility that producers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order.

An individual producer opposed the proposed suspension. His comments were directed against the operations of the proponent cooperative rather than to an evaluation of the current marketing conditions for the Southern Michigan market. The comments do not provide an adequate basis for denying the proposed suspension.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who have regularly supplied this market otherwise could be excluded from the marketwide pool;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. One comment was filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1040.7 of the Southern Michigan order are hereby suspended for December 1983 through March 1984.

Effective Date: December 22, 1983.

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

Signed at Washington, D.C., on: December 16, 1983.

Karen Darling,

Deputy Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 83-33974 Filed 12-21-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1106

[Milk Order No. 106]

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain shipping standards for pooling supply plants under the Southwest Plains milk order for the month of December, 1983. This action would allow supply plants to maintain pool plant status by making one milk shipment to a distributing plant. The action was requested by the operator of a pool supply plant because of increasing production and a decline in demand for milk in fluid uses. Also, fluid sales traditionally are low during December because of school closings during the holiday period. Without the suspension, unneeded and uneconomic

shipments of supply plant milk would likely be made solely for the purpose of pooling milk of dairy farmers who have historically furnished the fluid milk needs of the market.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2089.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension; issued November 21, 1983, published November 28, 1983 (48 FR 53568).

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southwest Plains marketing area.

Notice of proposed rulemaking was published in the **Federal Register** concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. A cooperative association which represents producers associated with the market filed comments supporting the proposed suspension. No views in opposition to the suspension were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that during December, 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act: In § 1106.7(b), the words "not" "40 percent of".

Statement of Consideration

The suspension reduces the amount of milk that supply plants must ship to pool distributing plants to attain pool plant status under the order. Under the suspension, a supply plant would need to make but one shipment to a pool distributing plant to qualify as a pool plant.

The order provides for pooling supply plants that ship not less than 50 percent of their receipts to pool distributing plants during each of the months of September through January. However, the shipping standard was reduced to 40 percent of a supply plant's receipts during the months of September 1983 through January 1984 on the basis of a temporary rule revision issued on September 7, 1983 (48 FR 41015). This action would eliminate the 40 percent shipping standard applicable to supply plants during December 1983.

The action was requested by a handler who operates a supply plant that is currently pooled under the order. The handler contends that the suspension is necessary because of a general increase in production without a corresponding increase in the demand for milk in fluid use. Also, the proponent states that December is traditionally a month of reduced fluid sales because of school closings during the holiday period. The handler does not anticipate that any shipments from its supply plant will be needed to furnish the fluid milk needs of distributing plants during the last two weeks of December.

In view of the market's current supply-demand relationship and lower fluid milk sales during the Christmas holidays, the suspension is necessary to facilitate the efficient disposition of an increasing supply of milk in excess of fluid milk needs. Without the suspension, unneeded and uneconomic shipments of milk would likely be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension. A cooperative association that represents producers who supply the market supported the proposed action to facilitate the efficient disposition of an increasing supply of milk in excess of fluid milk needs. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without the suspension unneeded and uneconomic shipments of milk from supply plants would likely be made solely for the purpose of pooling the milk of dairy farmers who have

historically supplied the fluid milk needs of the market.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the *Federal Register*.

List of Subjects in 7 CFR Part 1106

Milk marketing orders. Milk, Dairy products.

It is therefore ordered. That the aforesaid provisions of the order are hereby suspended for December 1983.

Effective date: December 22, 1983.

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

Signed at Washington, D.C., on December 19, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-33973 Filed 12-21-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1446

General Regulations Governing 1982 Through 1985 Crops Peanut Warehouse Storage Loans and Handler Operations (Amendment 1)

Correction

In FR Doc. 83-32508 beginning on page 54807 in the issue of Wednesday, December 7, 1983, make the following correction:

On page 54809, first column, § 1446.54, paragraph (a), fourth line, "by additional peanuts" should have read "buy additional peanuts".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Statement of Organization

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the Code of Federal Regulations for an amendment to § 100.4 Field

Service, originally published at page 34937 in the *Federal Register* of Wednesday, August 18, 1976, (41 FR 34937). This action is necessary to correct a codification error.

EFFECTIVE DATE: December 22, 1983.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 100.4 is published to correct an error. Effective September 1, 1976, the San Diego sub-office became a district office. At that time, international airports (which are designated as ports of entry for aliens arriving by aircraft) formerly under the jurisdiction of District 16—Los Angeles, California were transferred to District No. 39—San Diego. Through a codification error that was only recently discovered, these airports are still listed in Title 8, Code of Federal Regulations under District No. 16. District No. 39 is incorrectly listed under § 100.4(d), Border Patrol Sectors, with the applicable airports.

Compliance with 5 U.S.C. 553 is not required because the amendment relates solely to agency organization and management.

This order is not a rule within the meaning of either Executive Order 12291, or 5 U.S.C. 552.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Aliens, Authority delegation, Harbors, Organization and functions (government agencies), Port of entry (both aircraft and vessels), Reporting and recordkeeping requirements.

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

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

In § 100.4 Field Service, paragraph (c)(3) is amended by:

1. Removing "DISTRICT NO. 16—LOS ANGELES, CALIF., Calexico, Calif., Calexico International Airport, San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)".

2. Adding in numerical sequence, "DISTRICT NO. 39—SAN DIEGO, CALIF., Calexico, Calif., Calexico International Airport, San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)".

In § 100.4 Field Service, paragraph (d) is amended by:

1. Removing "DISTRICT NO. 39—SAN DIEGO, CALIF., Calexico, Calif., Calexico International Airport, San Diego, Calif., San Diego Municipal Airport (Lindbergh Field)".

(Sec. 103, Immigration and Nationality Act, as amended; 8 U.S.C. 1103)

Dated: December 16, 1983.

Andrew J. Carmichael, Jr.

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-33913 Filed 12-21-83; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Reg. C; Docket No. R-0493]

Home Mortgage Disclosure; Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendments.

SUMMARY: The Board is making technical amendments to Regulation C to implement changes in terminology related to the definition of metropolitan areas, recently adopted by the U.S. Office of Management and Budget. Regulation C and the Home Mortgage Disclosure Act require certain depository institutions with offices in metropolitan areas to disclose data about their home mortgage and home improvement loans each year. The changes do not affect the manner in which loan data is disclosed.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION:

Explanation of amendments. Regulation C implements the Home Mortgage Disclosure Act (HMDA), 12 U.S.C. 2801 *et seq.*, and requires depository institutions that have over \$10 million in assets and have offices in metropolitan areas to make annual disclosure of their mortgage lending activity, compiled by census tract within each metropolitan area in which they have offices.

Earlier this year, the U.S. Office of Management and Budget (OMB) made certain changes concerning "standard metropolitan statistical areas" (SMSAs). These areas will now be called "metropolitan statistical areas" (MSAs), except for areas that are recognized as part of a larger metropolitan area, which will be termed "primary metropolitan statistical areas" (PMSAs). The Home Mortgage Disclosure Act has been amended to incorporate the change in terminology.

The Board is amending Regulation C by defining the term SMSA to mean either a PMSA or an MSA, as appropriate. No revision is required to HMDA-1 (the form that institutions use to report mortgage and home improvement loan data). Technical amendments are also being made to other sections of the regulation to delete references to the U.S. Department of Commerce as the agency responsible for defining SMSAs, inasmuch as that responsibility has now been moved to OMB.

These amendments will take effect on January 1, 1984. Because the amendments are technical, the Board finds that the notice, public procedure, and deferral of effective date provisions of 5 U.S.C. 553 (b) and (d) are not required.

Other changes announced by OMB concerned the boundaries of MSAs and PMSAs. The compilation of home mortgage data for Regulation C purposes is unaffected by the changes for calendar year 1983. Regulation C specifies that, for purposes of geographic itemization, institutions shall use the boundaries in effect on the first day of the calendar year for which the data are compiled. The new terminology and boundary changes took effect June 30, 1983. Thus, the first year for which data compilation will be affected by these changes will be calendar year 1984.

List of Subjects in 12 CFR Part 203

Banks, banking, Consumer protection, Federal Reserve System, Home mortgage disclosure, Mortgages, Reporting and recordkeeping requirements.

PART 203—[AMENDED]

Pursuant to the authority granted in 12 U.S.C. 2804(a), the Board hereby amends §§ 203.2, 203.3, and 203.4 of Regulation C (12 CFR Part 203), as follows:

1. New paragraph (h) is added to § 203.2 to read as follows:

§ 203.2 Definitions.

(h) *Standard metropolitan statistical area or SMSA* means a metropolitan statistical area (MSA) or primary metropolitan statistical area (PMSA), as defined by the U.S. Office of Management and Budget.

2. Paragraph (a)(2) of § 203.3 is revised to read as follows:

§ 203.3 Exemptions.

(a) *Asset size and location.*

(2) If it has neither a home office nor a branch office in a standard metropolitan statistical area (SMSA).

3. Paragraph (d)(1) of § 203.4 is revised to read as follows:

§ 203.4 Compilation of loan data.

(d) *SMSAs and census tracts.* For purposes of geographic itemization—

(1) A depository institution shall use the SMSA boundaries defined by the U.S. Office of Management and Budget as of the first day of the calendar year for which the data are compiled.

By order of the Secretary, acting for the Board of Governors pursuant to delegated authority, December 15, 1983.

William W. Wiles,
Secretary of the Board.

[FPR Doc. 83-33728 Filed 12-21-83; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 224

[Docket No. R-0487]

Borrowers of Securities Credit; Complete Revision and Simplification of Regulation X

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has revised, in its entirety, Regulation X, which governs borrowers who obtain credit for the purpose of purchasing or carrying securities. The newly revised Regulation X is written in simplified language, organized in a logical fashion and reduced in regulatory burden.

EFFECTIVE DATE: January 23, 1984.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Robert Lord, Attorney, Division of Banking Supervision and Regulation (202) 452-2781.

SUPPLEMENTARY INFORMATION: On October 25, 1983, the Board issued for public comment a proposal to completely revise and simplify Regulation X, which governs borrowers who obtain credit to purchase securities (48 FR 49295). With the exception of one substantive modification, Regulation X is being adopted in substantially the same form as proposed. The revision follows the format of the recently revised Regulations G, T, and U in that it has been reorganized in a logical fashion, its language has been simplified and obsolete provisions have been removed.

As proposed, the major substantive change in Regulation X was the

exclusion from regulation of all purely domestic borrowings because credit involved in such transactions is already regulated by margin rules applicable to lenders. In response to comments received, however, the proposed blanket exclusion of purely domestic borrowing transactions has been modified to make clear that borrowers who willfully cause credit to be extended in contravention of the margin regulations will not be excluded from the scope of the regulation or from section 7(f) of the Securities Exchange Act of 1934.

The revised Regulation X increases the exemption for purpose credit obtained by U.S. persons residing abroad from \$5,000 to \$100,000.

The section providing for an exemption for borrowings made in connection with clearing, market-making, or arbitrage transactions in certain offshore debt securities, the purchase of which gave rise to federal tax liability, has been removed in its entirety. This exemption is no longer necessary in light of its very limited application and the repeal of the Interest Equalization Tax (see Pub. L. 94-455) which created the aforementioned tax liability.

Although credit extended to a U.S. person by a foreign branch of a U.S. broker-dealer will still be subject to Regulation T, the provision that applied the same treatment to credit extended by a subsidiary of a broker-dealer (even when that subsidiary is a merchant bank) has been removed. This will parallel the structure in Regulation U concerning bank lending abroad where a U.S. borrower is subject to Regulation U only if the person borrows from a branch of a U.S. bank. Hence purpose credit extended to United States persons by a foreign subsidiary of a broker-dealer will be subject to the credit limitations of Regulation G.

The "aiding and abetting" clause of Regulation X (12 CFR 224.6(b)) has been deleted because such liability is already implied in the general body of securities law.

Finally, under the new regulation, the Form X-1 will no longer be required. Experience has not demonstrated that a requirement to use the form is necessary to effect compliance with the Regulation. In any event, the information required to be maintained on the form could be obtained through legal process.

Final Regulatory Flexibility Analysis

The changes adopted pursuant to this action are part of a program to simplify all of the Board's regulations and to reduce specific administrative and

regulatory burdens. The Board certifies for purposes of 5 U.S.C. 605(b), therefore, that the simplification of Regulation X will not have any adverse impact on a substantial number of small businesses.

List of Subjects in 12 CFR Part 224

Banks, Banking, Borrowers, Brokers, Credit, Federal Reserve System, Margin, Margin requirements.

Accordingly, pursuant to sections 3, 7, 8, 17 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78q, and 78w), the Board amends Part 224 (Regulation X) in its entirety to read as follows:

PART 224—BORROWERS OF SECURITIES CREDIT

Sec.

224.1 Authority, purpose and scope.

224.2 Definitions.

224.3 Margin regulations to be applied by nonexempted borrowers.

Authority: Sec. 7(f), as amended (15 U.S.C. 78a-ii).

§ 224.1 Authority, purpose, and scope.

(a) *Authority and purpose.* Regulation X (this part) is issued by the Board of Governors of the Federal Reserve System (the Board) under the Securities Exchange Act of 1934, as amended (the Act) (15 U.S.C. 78a et seq.). This part implements section 7(f) of the Act (15 U.S.C. 78g(f)), the purpose of which is to require that credit obtained within or outside the United States complies with the limitations of the Board's Margin Regulations G, T, and U (12 CFR Parts 207, 220, and 221, respectively).

(b) *Scope and exemptions.* The Act and this part apply the Board's margin regulations to United States persons and foreign persons controlled by or acting on behalf of or in conjunction with United States persons (hereinafter borrowers), who obtain credit outside the United States to purchase or carry United States securities, or within the United States to purchase or carry any securities (both types of credit are hereinafter referred to as purpose credit). The following borrowers are exempt from the Act and this part:

(1) Any borrower who obtains purpose credit within the United States, unless the borrower willfully causes the credit to be extended in contravention of Regulations G, T, or U.

(2) Any borrower whose permanent residence is outside the United States and who does not obtain or have outstanding, during any calendar year, a total of more than \$100,000 in purpose credit obtained outside the United States; and

(3) Any borrower who is exempt by Order upon terms and conditions set by the Board.

§ 224.2 Definitions.

The terms used in this part have the meanings given to them in sections 3(a) and 7(f) of the Act, and in Regulations G, T, and U. Section 7(f) of the Act contains the following definitions:

(a) "United States person" includes a person which is organized or exists under the laws of any State or, in the case of a natural person, a citizen or resident of the United States; a domestic estate; or a trust in which one or more of the foregoing persons has a cumulative direct or indirect beneficial interest in excess of 50 per centum of the value of the trust.

(b) "United States security" means a security (other than an exempted security) issued by a person incorporated under the laws of any State, or whose principal place of business is within a State.

(c) "Foreign person controlled by a United States person" includes any noncorporate entity in which United States persons directly or indirectly have more than a 50 per centum beneficial interest, and any corporation in which one or more United States persons, directly or indirectly, own stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock.

§ 224.3 Margin regulations to be applied by nonexempted borrowers.

(a) *Credit transactions outside the United States.* No borrower shall obtain purpose credit from outside the United States unless it conforms to the following margin regulations:

(1) Regulation T (12 CFR Part 220) if the credit is obtained from a foreign branch of a broker-dealer;

(2) Regulation U (12 CFR Part 221) if the credit is obtained from a foreign branch of a bank, except for the requirement of a purpose statement (12 CFR 221.3 (b) and (c)); and

(3) Regulation G (12 CFR Part 207) if the credit is obtained from any other lender outside the United States, except for the requirement of a purpose statement (12 CFR 207.3 (e) and (f)).

(b) *Credit transactions within the United States.* Any borrower who willfully causes credit to be extended in contravention of Regulations G, T, or U, and who, therefore, is not exempted by § 224.1(b)(1) of this part, must conform the credit to the margin regulation that applies to the lender.

(c) *Inadvertent noncompliance.* No borrower who inadvertently violates this part and who acts to remedy the violation as soon as practicable shall be deemed in violation of this part.

By order of the Board of Governors of the Federal Reserve System, December 18, 1983.
William W. Wiles,
Secretary of the Board.

[FR Doc. 83-33934 Filed 12-21-83; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563c

[No. 83-718]

Accounting for Gains and Losses on the Sale or Other Disposition of Certain Assets

December 15, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: Section 563c.14(a) of the Board's Accounting Regulations for institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation (12 CFR 563c.14(a)) allows insured institutions to defer and amortize gains and losses on the sale or other disposition of mortgage-related loans and certain securities. The regulation required the institution's board of directors to make its election or revoke prior elections regarding such deferral or amortization at the board's first meeting of the fiscal year. In order to provide greater flexibility and to more effectively carry out the intended purpose of the regulatory authorization, which is to assist institutions in the orderly restructuring of their asset portfolios, the Board has amended the regulation to allow elections and revocations of prior elections at other times during the fiscal year.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: Edward Taubert, Deputy Director, Policy and Regulations Division, Office of Examinations and Supervision, Federal Home Loan Bank Board, (202-377-6484), 1700 G Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Board for good cause finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.11 and the delay of effective date prescribed by 5 U.S.C. 553(d) and 12 CFR 508.12, 13

unnecessary because the amendment relieves a restriction.

List of Subjects in 12 CFR Part 563c

Accounting, Savings and loan associations, Securities.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563c, Subchapter D, Chapter V of Title 12 of the *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563c—ACCOUNTING REQUIREMENTS

Amend the first sentence of § 563c.14(a) as follows:

§ 563c.14 Accounting for gains and losses on the sale or other disposition of mortgage loans, redeemable ground-rent leases, and certain securities; matching the amortization of discounts and losses.

(a) *General.* An institution, by resolution of its board of directors, may elect to defer and amortize all gains and losses (net of related income taxes computed in accordance with generally accepted accounting principles) on any sale or other disposition, occurring in the fiscal year that the action to defer and amortize is taken, of mortgage loans, redeemable ground-rent leases, mortgage-related securities (as defined in § 563.17-4(a)(4) of this subchapter), preferred stock that at the time of issuance provides for redemption on a fixed date in a fixed dollar amount or for redemption pursuant to a fixed schedule of periodic payments and has a remaining term to maturity of at least five years, and debt securities that do not qualify as liquid assets under § 523.10(g) of this chapter because of their maturities or that have remaining terms to maturity of at least five years.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1728, 1730; Reorg Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33942 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Procedures of the Office of Hearings and Appeals for Determining Appeal of Size Status and Product or Service Classifications; Correction

AGENCY: Small Business Administration.

ACTION: Final rule; Correction.

SUMMARY: SBA is correcting a document concerning its procedural rules on size determination and product or service classification appeals. This action corrects the effective date of these rules to be December 23, 1983, rather than December 23, 1982, as it was published.

FOR FURTHER INFORMATION CONTACT: Roger Jones, Assistant Administrator, Office of Hearings and Appeals, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416 (202) 653-6805.

Accordingly, the document published December 18, 1983, at 48 FR 55832, FR Doc. #83-33519, is corrected by changing the effective date from December 23, 1982, to December 23, 1983.

Dated: December 19, 1983.

Heriberto Herrera,
Acting Administrator.

[FR Doc. 83-33897 Filed 12-21-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Part 301

Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: This rule shows OMB Control Numbers assigned to EDA's information collection requirements.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: Brian B. Whalen, Director, Management and Administration Directorate, U.S. Department of Commerce, Economic Development Administration, Room 7816, Washington, D.C. 20230; (202) 377-2194.

SUPPLEMENTARY INFORMATION: This regulation is not a "major rule" under E.O. 12291; thus, a Regulatory Impact

Analysis is not required. There are no reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980 (Pub. L. 96-551).

It has been determined by the General Counsel of the Department of Commerce that this rulemaking will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 301

Freedom of information, Organization and functions (Government agencies).

PART 301—[AMENDED]

Accordingly, 13 CFR Part 301 is amended by adding Subpart E, as follows:

Subpart E—Information Collection Requirements Under the Paperwork Reduction Act: OMB Control Numbers

§ 301.70 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) This table displays control numbers assigned to EDA's information collection requirements by the Office of Management and Budget ("OMB") pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-551. EDA intends that this table comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of OMB for agency information collection requirement.

(b) Control Number Table:

13 CFR part or section where identified and described	Current OMB control No.
Part 305	0610-0011
Part 306	0610-0076
Part 307	0610-0018
Part 308	0610-0024
§ 309.22	0610-0054
Part 311	0610-0011
Part 312	0610-0024
Part 313	0610-0003
Part 317	0610-0021
	0610-0028

(Sec. 701, Pub. L. 89-336, 79 Stat. 570; 42 U.S.C. 3211; Sec. 1-105, E.O. 12185, DOC Organization Order 10-4, as amended (40 FR 56702, as amended))

Dated: December 16, 1983.

Carlos C. Campbell,
Assistant Secretary for Economic Development.

[FR Doc. 83-33903 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 97**

[Docket No. 23870; Amdt. No. 1258]

Standard Instrument Approach Procedures; Miscellaneous Amendments**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures Standards Branch (AFO-230), Air Transportation Division, Office of Flight

Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated

at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment**PART 97—[AMENDED]**

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

1. By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

Effective February 16, 1984

Monroe, MI—Custer, VOR-A, Orig.

Effective February 2, 1984

Fayetteville, AR—Drake Field, VOR-A, Amdt. 22

Fayetteville, AR—Drake Field, VOR/DME-B, Amdt. 7

Springdale, AR—Springdale Muni, VOR RWY 18, Amdt. 10

Springdale, AR—Springdale Muni, VOR/DME RWY 36, Amdt. 4

Plymouth, IN—Plymouth Muni, VOR RWY 10, Amdt. 9

Plymouth, IN—Plymouth Muni, VOR RWY 28, Amdt. 8

Shelbyville, IN—Shelbyville Muni, VOR RWY 18, Amdt. 7

Russellville, KY—Russellville-Logan County, VOR/DME RWY 24, Amdt. 2

New Orleans, LA—Lakefront, VOR/DME RWY 36L, Amdt. 4

Houlton, ME—Houlton Intl, VOR RWY 5, Amdt. 7

Allegan, MI—Padgham Field, VOR RWY 28, Amdt. 11

Marshall, MI—Brooks Field, VOR RWY 28, Amdt. 8

Kearney, NE—Kearney Muni, VOR RWY 18, Amdt. 9

Kearney, NE—Kearney Muni, VOR RWY 36, Amdt. 6

Silver City, NM—Silver City & Grant Co., VOR/A, Amdt. 8

Silver City, NM—Silver City & Grant Co., VOR/DME-B, Amdt. 2

Albion, NY—Pine Hill, VOR RWY 28, Amdt. 1, Cancelled

Massena, NY—Richards Field, VOR RWY 27, Amdt. 3

Maxton, NC—Laurinburg-Maxton, VOR/DME-A, Amdt. 4, Cancelled

Sanford, NC—Sanford-Lee County Brick Field, VOR/DME-A, Amdt. 5, Cancelled

Southern Pines, NC—Moore County, VOR-A. Amdt. 13, Cancelled

Coshcohtn, OH—Richard Downing, VOR-A. Amdt. 5

Fremont, OH—Fremont, VOR RWY 9, Amdt. 5

Mt. Vernon, OH—Knox County, VOR-A. Amdt. 5

Tiffin, OH—Seneca County, VOR RWY 6, Amdt. 6

Ardmore, OK—Downtown Ardmore, VOR-A. Amdt. 11

North Myrtle Beach, SC—Grand Strand, VOR RWY 5, Amdt. 15

North Myrtle Beach, SC—Grand Strand, VOR/DME or TACAN RWY 5, Amdt. 2

Bryan, TX—Coulter Field, VOR/DME-A. Amdt. 1

Corpus Christi, TX—Corpus Christi Intl, VOR or TACAN RWY 17, Amdt. 23

Harlingen, TX—Rio Grande Valley Intl, VOR RWY 13, Amdt. 8

Higgins, TX—Higgins-Lipscomb County, VOR/DME RWY 18, Amdt. 2

Navasota, TX—Navasota Municipal, VOR-A. Amdt. 1

Plainview, TX—Hale County, VOR RWY 4, Amdt. 7

Victoria, TX—Victoria Regional, VOR RWY 12L, Amdt. 10

Victoria, TX—Victoria Regional, VOR/DME RWY 30R, Amdt. 2

Galax-Hillsville, VA—Twin County, VOR/DME RWY 18, Amdt. 3

Effective January 19, 1984

Pocatello, ID—Pocatello Muni, VOR RWY 3, Amdt. 14

Pocatello, ID—Pocatello Muni, VOR/DME RWY 21, Amdt. 8

Galesburg, IL—Galesburg Muni, VOR RWY 2, Amdt. 3

Galesburg, IL—Galesburg Muni, VOR RWY 20, Amdt. 3

Monmouth, IL—Monmouth Muni, VOR-A. Amdt. 3

Providence, RI—Theodore Francis Green State, VOR RWY's 5L/R, Amdt. 10

Providence, RI—Theodore Francis Green State, VOR/DME RWY 23L, Amdt. 5

Rapid City, SD—Rapid City Regional, VOR/DME or TACAN RWY 14, Amdt. 12

Rapid City, SD—Rapid City Regional, VOR or TACAN RWY 32, Amdt. 21

Effective December 7, 1983

Columbus, NE—Columbus Muni, VOR RWY 14, Amdt. 12

Columbus, NE—Columbus Muni, VOR RWY 32, Amdt. 12

Columbus, NE—Columbus Muni, VOR/DME RWY 32, Amdt. 1

Effective December 2, 1983

Visalia, CA—Visalia Muni, VOR RWY 12, Amdt. 3

The FAA published an Amendment in Docket No. 23856, Amdt. No. 1257 to Part 97 of the Federal Aviation Regulations (VOL 48, FR No. 238, Page 55115; dated December 9, 1983) under Section 97.23 effective January 19, 1984, which is hereby amended as follows:

Monroe, MI—Custer, VOR RWY 20, Amdt. 4, Cancelled.

Effective date of cancellation changed to February 16, 1984

2. By amending § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

Effective February 16, 1984

St. Paul, MN—St. Paul Downtown Holman Fld, LOC RWY 30, Amdt. 8

Effective February 2, 1984

Fayetteville, AR—Drake Field, LOC RWY 16, Amdt. 12

Ontario, CA—Ontario Intl, LOC RWY 26R, Orig.

South Lake Tahoe, CA—Lake Tahoe, LDA/DME RWY 18, Amdt. 1

Somerset, KY—Somerset-Pulaski County, SDF RWY 4, Amdt. 2

Kearney, NE—Kearney Muni, LOC RWY 36, Amdt. 2

Silver City, NM—Silver City & Grant Co, LOC/DME RWY 26, Amdt. 2

Corpus Christi, TX—Corpus Christi Intl, LOC RWY 31, Amdt. 1

Harlingen, TX—Rio Grande Valley Intl, LOC BC RWY 35L, Amdt. 9

Effective January 19, 1984

Pocatello, ID—Pocatello Muni, LOC/DME BC RWY 3, Amdt. 2

Anderson, IN—Anderson Muni, LOC (BC) RWY 12, Amdt. 4

Bangor, ME—Bangor Intl, LOC RWY 15, Orig.

Effective December 7, 1983

Columbus, NE—Columbus Muni, LOC RWY 14, Amdt. 4

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

Effective March 15, 1984

Rota Island, Mariana Is.—Rota International, NDB RWY 9, Amdt. 1

Rota Island, Mariana Is.—Rota International, NDB RWY 27, Amdt. 1

Effective February 16, 1984

St. Paul, MN—Lake Elmo, NDB-A, Amdt. 1, Cancelled

St. Paul, MN—Lake Elmo, NDB RWY 3, Orig.

St. Paul, MN—St. Paul-Downtown Holman Fld, NDB RWY 30, Amdt. 3

Fargo, ND—Hector Field, NDB RWY 17, Amdt. 12

Effective February 2, 1984

Brooksville, FL—Hernando County, NDB RWY 9, Amdt. 3

Pella, IA—Pella Muni, NDB RWY 34, Amdt. 5

Somerset, KY—Somerset-Pulaski County, NDB RWY 4, Amdt. 2

Sturgis, KY—Sturgis Muni, NDB RWY 36, Amdt. 4

Holland, MI—Park Township, NDB RWY 23, Amdt. 2

Muskegon, MI—Muskegon County, NDB RWY 32, Amdt. 9

Kansas City, MO—Kansas City Intl, NDB RWY 1, Amdt. 13

Silver City, NM—Silver City & Grant Co, NDB RWY 28, Amdt. 2

Albemarle, NC—Stanly County, NDB RWY 4, Amdt. 1

Tiffin, OH—Seneca County, NDB RWY 24, Amdt. 4

Ardmore, OK—Downtown Ardmore, NDB RWY 35, Amdt. 3

Durant, OK—Eaker Field, NDB RWY 35, Amdt. 3

Elk City, OK—Elk City Muni, NDB RWY 17, Amdt. 3

Perkasie, PA—Pennridge, NDB-A, Amdt. 1

Corpus Christi, TX—Corpus Christi Intl, NDB RWY 13, Amdt. 21

Jacksonville, TX—Cherokee County, NDB RWY 13, Amdt. 2

Victoria, TX—Victoria Regional, NDB RWY 12L, Amdt. 1

Effective January 19, 1984

Pocatello, ID—Pocatello Muni, NDB RWY 21, Amdt. 17

Conrad, MT—Conrad, NDB RWY 23, Amdt. 3

Providence, RI—Theodore Francis Green State, NDB RWY 5R, Amdt. 13

Rapid City, SD—Rapid City Regional, NDB-A, Orig. Cancelled

Rapid City, SD—Rapid City Regional, NDB RWY 32, Orig.

Effective December 8, 1983

Bristol/Johnson/Kingsport, TN—Tri-City, NDB RWY 23, Amdt. 17

Effective December 7, 1983

Columbus, NE—Columbus Muni, NDB RWY 14, Amdt. 11

4. By amending § 97.29 ILS ILS/DME, ISMLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

Effective February 16, 1984

St. Paul, MN—St. Paul Downtown Holman Fld, MLS RWY 30(Interim), Amdt. 4

Fargo, ND—Hector Field, ILS RWY 17, Amdt. 1

Effective February 2, 1984

Ontario, CA—Ontario Intl, ILS RWY 26R, Orig. Cancelled

South Bend, IN—Michiana Regional, ILS RWY 9, Amdt. 2

Muskegon, MI—Muskegon County, ILS RWY 32, Amdt. 14

Kansas City, MO—Kansas City Intl, ILS RWY 1, Amdt. 7

San Juan, PR—Puerto Rico Intl, ILS RWY 10, Amdt. 4

Corpus Christi, TX—Corpus Christi Intl, ILS RWY 13, Amdt. 21

Corpus Christi, TX—Corpus Christi Intl, ILS RWY 35, Amdt. 6

Harlingen, TX—Rio Grande Valley Intl, ILS RWY 17R, Amdt. 8

Houston, TX—Houston Intercontinental, ILS RWY 26, Amdt. 8

Victoria, TX—Victoria Regional, ILS RWY 12L, Amdt. 5

Effective January 19, 1984

Greeley, CO—Weld County Muni, ILS RWY 9, Orig.

Pocatello, ID—Pocatello Muni, ILS RWY 21, Amdt. 22

Galesburg, IL—Galesburg Muni, ILS RWY 2, Amdt. 8

Providence, RI—Theodore Francis Green State, ILS RWY 5R, Amdt. 11

Rapid City, SD—Rapid City Regional, ILS RWY 32, Amdt. 12

Riverton, WY—Riverton Regional, ILS RWY 28, Orig.

Effective December 13, 1983

Sioux City, IA—Sioux City Muni, ILS RWY 31, Amdt. 24

Effective December 8, 1983

Bristol/Johnson/Kingsport, TN—Tri-City, ILS RWY 23, Amdt. 22

Effective November 23, 1983

Duluth, MN—Duluth Intl, ILS RWY 9, Amdt. 17

Effective November 18, 1983

La Verne, CA—Brackett Field, ILS RWY 26L, Amdt. 1

5. By amending § 97.31 RADAR SIAPs identified as follows:

Effective February 16, 1984

Fargo, ND—Hector Field, RADAR-1, Amdt. 6

Effective February 2, 1984

Atlanta, GA—Fulton County Airport-Brown Field, RADAR-1, Amdt. 18

Buffalo, NY—Greater Buffalo Intl, RADAR-1, Amdt. 12

Corpus Christi, TX—Corpus Christi Intl, RADAR-1, Amdt. 8

Effective December 8, 1983

Bristol/Johnson/Kingsport, TN—Tri-City, RADAR-1, Amdt. 13

6. By amending § 97.33 RNAV SIAPs identified as follows:

Effective February 2, 1984

Grand Haven, MI—Grand Haven Meml. Airpark, RNAV RWY 27, Amdt. 2

Kansas City, MO—Kansas City Intl, RNAV RWY 1, Amdt. 5

Rochester, NY—Rochester-Monroe County, RNAV RWY 22, Amdt. 2, Cancelled

Southern Pines, NC—Moore County, RNAV RWY 23, Amdt. 7, Cancelled

Mount Vernon, OH—Knox County, RNAV RWY 28, Amdt. 1

Elk City, OK—Elk City Muni, RNAV RWY 17, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983]; and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures [44 FR 11034; February 26, 1979]; and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on December 23, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

[PR Doc. 83-38682 Filed 12-21-83; 6:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 1H5310/R137; OPP-FRL-2492-7]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation permitting the combined residues of the herbicide glyphosate and its metabolite in or on the processed commodities dried and instant tea. This regulation to establish maximum permissible levels for residues of the herbicide in or on tea was requested by the Monsanto Company.

EFFECTIVE DATE: December 22, 1983.

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

FOR FURTHER INFORMATION CONTACT:

Robert J. Taylor, Produce Manager (PM) 25, Registration Division, Office of Pesticide Programs, Rm. 245, CM-2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of September 23, 1981 (46 FR 47008), that announced that the Monsanto Company, 1101 17th St., NW, Washington, D.C. 20036, had filed food additive petition 1H5310 with the Agency. This petition proposed the establishment of a regulation permitting residues of the herbicide glyphosate [*N*-(phosphonomethyl) glycine] and its metabolite aminomethylphosphonic acid in or on the commodities dried tea at 1.0 part per million (ppm) and instant tea at 4.0 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the regulation are discussed in the final rule document [PP 1F2518/R526] establishing tolerances for glyphosate on forage grasses and

legumes which appears elsewhere in today's issue of the Federal Register.

The company has been notified of certain data deficiencies as discussed in the above document and has agreed to perform the required studies to satisfy the data requirements and to remove tea from the label should the results of these studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 182.11.

The acceptable daily intake (ADI) based on the rat reproduction study (NOEL of 10 mg/kg/day) and a 100-fold safety factor is calculated to be 0.1 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 1.3928 mg/day. The current action will utilize 0.07 percent of the ADI. Published tolerances utilize 23.21 percent of the ADI.

The nature of the residues is adequately understood. No detectable residues of *N*-nitrosoglyphosate, a contaminant of glyphosate, are expected to be in the raw agricultural commodities for which the tolerances are being established. Adequate analytical method, gas chromatography with a phosphorous specific photometric detector, is available for enforcement purposes. There is no reasonable expectation of residues in meat, milk, poultry, or eggs resulting from this use. There are currently no regulatory actions pending against the pesticide.

The pesticide is considered useful for the purpose for which the food additive regulation is sought. It is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (80 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the regulation is established as set forth below.

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

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act [Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612], the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24945).

List of Subjects in 21 CFR Part 193

Food additives, Pesticides and pests.

Dated: December 2, 1983. (Sec. 409(c)(1), 72 Stat. 1788 (21 U.S.C. 346(c)(1)))

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR 193.235 is revised to read as follows:

§ 193.235 Glyphosate.

(a) Tolerances are established for the combined residues of the herbicide glyphosate and the metabolites as indicated when present therein as a result of the herbicide application to the growing crops.

(1) Glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid resulting from the application of the isopropylamine salt of glyphosate for herbicidal purposes and/or the sodium sesqui salt for plant growth regulator purposes.

Foods	Parts per million
Molasses, sugar cane...	30.0

(2) Glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid resulting from the application of the isopropylamine salt of glyphosate for herbicidal purposes.

Foods	Parts per million
Oil, palm...	0.1
Olives, imported...	0.1
Tea, dried...	1.0
Tea, instant...	4.0

(b) A tolerance of 0.1 ppm is established for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in potable water resulting from the

application of the herbicide in accordance with the provisions of an experimental use permit that expires January 1, 1983.

(1) Residues in potable water not in excess of 0.1 ppm, resulting from the use described in paragraph (b) of this section remaining after expiration of the experimental program will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the food additive regulation.

(2) Monsanto Company shall immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and, on request, make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

[FR Doc. 83-33920 Filed 12-21-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 4

Labor Standards on Federal Service Contracts; Deferral of Effective Date of Regulations

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice of deferral of effective date of regulations.

SUMMARY: This notice defers the effective date of Labor Department regulations found at 29 CFR Part 4, concerning labor standards on Federal service contracts, from December 27, 1983, until January 27, 1984. This action is taken in order to effectuate a scheduling order issued in the U.S. District Court for the District of Columbia on December 14, 1983.

EFFECTIVE DATE: This notice is effective on December 22, 1983.

ADDRESS: William M. Otter, Administrator, Wage and Hour Division, Employment Standards Administration, Frances Perkins Department of Labor Building, Room S-3502, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: William M. Otter, telephone (202) 523-8305.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of October 27, 1983 (48 FR 49736), the Department of Labor issued final regulations, 29 CFR Part 4, entitled "Service Contract Act; Labor

Standards for Federal Service Contracts." These regulations were to be effective December 27, 1983.

Litigation was instituted on December 2, 1983, challenging the validity of certain provisions in these regulations. *AFL-CIO v. Donovan*, C.A. No. 83-3608 (D.D.C.). On December 14, 1983, a scheduling order was established by the United States District Court providing for an expeditious disposition of the challenges to these regulations. Accordingly, to facilitate the orderly and prompt resolution of this litigation, the effective date of the regulations published on October 27, 29 CFR Part 4, is stayed until January 27, 1984.

Because these rules are scheduled to become effective very shortly, notice and public comment on this change of effective date is impracticable, unnecessary and contrary to the public interest and good cause exists for making this deferral effective immediately.

Authority

The statutory authority for this action is as follows:

(41 U.S.C. 351, *et seq.*, 79 Stat. 1034, as amended in 86 Stat. 789, 90 Stat. 2358; 41 U.S.C. 38 and 39; 5 U.S.C. 301)

Signed at Washington, D.C., this 19th day of December, 1983.

William M. Otter,

Administrator Wage and Hour Division.

[FR Doc. 83-34044 Filed 12-21-83; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD-83-1R]

Special Anchorage Area; Fore River, Portland Harbor, Portland, Maine and Anchorage Regulations in the Zone of MSO Portland, Maine, Editorial Changes

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule will amend the anchorage regulations so as to disestablish Anchorage D, as described in 33 CFR 110.132(a)(4) and 33 CFR 110.132(b)(3) as a general anchorage ground. The same general area will be reestablished as a special anchorage area under the provisions of 33 CFR 109.10 and re-defined by regulation under subpart A of 33 CFR Part 110. In order to more clearly define the special

anchorage area, the points designating the anchorage have been modified.

This rule will also amend anchorage regulations in MSO Portland's Zone to clarify the limits of certain anchorages. Some of the physical limits of the anchorages have been modified over the years. None of these changes will significantly affect the anchorages now established.

EFFECTIVE DATE: This regulation becomes effective January 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Captain D. L. Folsom, USCG, USCG Captain of the Port, Portland, Maine, P.O. Box 108, Portland, Maine 04112. Tel: (207) 780-3251

Lt. S. M. Krupanski (Project Attorney), Commander (d1), First Coast Guard District, 150 Causeway Street, Boston, MA. 02114. Tel: (617) 223-5736.

SUPPLEMENTARY INFORMATION: On August 1, 1983, the Coast Guard published a notice of proposed rulemaking (48 FR 34787) and invited comments. No comments were received and no public hearing was requested.

Drafting Information

The drafters of this regulation are LCDR Anthony Regalbuto, Marine Safety Office, Portland, ME., Project Officer; and Lt. Susan M. Krupanski, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The Coast Guard has determined that the special anchorage area has historically been used exclusively for the mooring and anchoring of small pleasure craft. The Portland Harbor Commission and Centerboard Yacht Club have assigned moorings in this area. Establishment of the special anchorage area will negate the requirement for vessels of not more than 65 feet in length to display anchor lights while at anchor within this area.

Additionally, the Coast Guard has determined that there are three anchorages in the MSO Portland, Maine, zone which need editorial changes. These anchorages have been outdated due to the removal of a buoy, destruction of a bridge or other modifications to the points which define the geographical limits of the anchorages.

The description of General Anchorage "A" at Portland Harbor, Maine is being changed since the Grand Trunk Railway Company Pier No. 3 is now in ruins. Also, the Brooklyn Ledge Buoy 16 has been removed and replaced in a different position by Fort Gorges Island Ledge Buoy 4. The general anchorage limits have been modified slightly to

indicate the different position of Buoy 4 from Buoy 16.

The description of General and Quarantine Anchorage "B" at Portland Harbor, Maine, is being changed for the same reason as specified above in General Anchorage "A". The Brooklyn Ledge Buoy 16 has been removed and replaced in a different position by Fort Gorges Island Ledge Buoy 4. The general anchorage limits have been modified slightly to indicate this change.

The Portsmouth Harbor special anchorage north of Newcastle Island is being reworded to more clearly define the anchorage area. The reworded anchorage is physically located in the same geographical position as the existing anchorage.

List of Subjects in 33 CFR Part 110
Anchorage grounds.

PART 110—[AMENDED]

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended as follows:

1. By removing paragraphs (a)(4) and (b)(3) of § 110.132 and by adding § 110.6a to read as follows:

§ 110.6a Fore River, Portland Harbor, Portland, Maine.

The water area beginning at a point on the shoreline near the Coast Guard Base in Position 43°38'43"N and 070°14'49"W; thence 319° to position 43°38'55"N, 070°15'03"W; thence 50° to anchorage buoy D; thence 161° to mainland; and thence southwesterly along the shore to the point of beginning.

2. Section 110.10 is revised as follows:

§ 110.10 Portsmouth Harbor, New Hampshire, north of Newcastle Island.

From the northern most point of Goat Island to latitude 43°04'25"N, longitude 070°43'37"W; thence 089°30' for 1025 yards; thence 120° for 285 yards, thence 213° to the shoreline of Newcastle Island, thence along the shoreline of Newcastle Island and across the breakwater to Goat Island and to the point of beginning.

3. Section 110.132 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 110.132 Portland Harbor, Maine.

(a) *The anchorage grounds—(1) Anchorage A (general).* Beginning at latitude 43°39'37"N, longitude 070°14'35"W; thence approximately 090° for 1550 yards to Fort Gorges Island Ledge Buoy 4; thence 350° for 300 yards; thence 025° for 780 yards; thence 303° for 750 yards; thence 254° for 560 yards; thence 186° for 750 yards and thence to the point of beginning.

(2) *Anchorage B (general—primarily intended for deep draft vessels).*

Beginning at Fort Gorges Island Ledge Buoy 4; thence 062° to Little Diamond Island; thence along the southwestern shore to the pier on the southern end of Little Diamond Island; 133° for 1200 yards; 270° to House Island Light; thence along the western shore of House Island to Fort Scammel Point Light; thence 325° for 1700 yards to the point of beginning.

(33 U.S.C. 2030, 2035, and 2071; 49 CFR 1.46; 33 CFR 1.05-1(q), 33 U.S.C. 471; 49 U.S.C. 1655(g)(1))

Dated: December 12, 1983.

R. A. Bauman,

Rear Admiral, Coast Guard Commander, First Coast Guard District.

[FR Doc. 83-33981 Filed 12-21-83; 9:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD2-83-03]

Safety Zone; Illinois Waterway, Mile 152.4 to 153.4

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: On December 15, 1983 the Coast Guard published a final rule (48 FR 55732) establishing a safety zone from mile 152.4 to mile 153.4 of the Illinois Waterway. The rule was to be effective from December 21, 1983 until December 23, 1983 while a vertical lift span was to be removed from the Margaret Street Highway Drawbridge in Pekin, Illinois. Subsequent to publication of the final rule, the Coast Guard was notified of a delay in the planned renovations to the bridge. Therefore, the safety zone established by CGD2-83-03 is no longer necessary.

EFFECTIVE DATE: December 22, 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: This revocation is considered to be non-major under Executive Order 12291 and non-significant under the D.O.T. regulatory policies and procedures (44 FR 11034, February 28, 1979). The economic impact of this revocation has been found to be so minimal that further evaluation is unnecessary because the rule which this document revokes had not yet become effective. Since the impact of this revocation is expected to be minimal, the Coast Guard certifies that it will not have a significant impact.

on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation, Security measures, Vessels, Waterways.

PART 165—[AMENDED]

§ 165.T0203 [Removed]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by removing § 165.T0203.

(33 U.S.C. 1223; 33 U.S.C. 1225; 33 U.S.C. 1231; 49 CFR 1.45(n)(4); 33 CFR 165)

Dated: December 19, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-33904 Filed 12-21-83; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Charleston Regulation 83-22]

Security Zone Regulations; Myrtle Beach, South Carolina

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone around the location of a ditched U.S. Navy A-7 aircraft at the approximate position 33-40.1 N, 078-51.0 W. The zone is needed to safeguard the downed aircraft and its equipment against loss from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the captain of the port.

EFFECTIVE DATE: This regulation becomes effective at 0900, 12 December 1983. It terminates on 31 December 1983 or when the aircraft is salvaged. It may also be terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lcdr G. S. Cope at (803) 724-4716.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent further loss to the ditched aircraft.

Drafting Information

The drafters of this regulation are Lcdr G. S. Cope, project officer for the captain of the port, and Lcdr K. E. Gray,

project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The incident requiring this regulation occurred at 0430Z on 11 December 1983. At that time a U.S. Navy A-7E aircraft experienced an electrical failure and ditched in the Atlantic Ocean approximately 2 miles off shore from Myrtle Beach, South Carolina. This action is being taken to protect classified material and equipment carried aboard the aircraft from any subversive act.

List of Subjects in 33 CFR Part 165

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

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T0722 to read as follows:

§ 165.T0722 Security Zone: Myrtle Beach, South Carolina.

(a) **Location.** The following area is a security zone: A circle with a radius of 2000 yards around the location of a ditched U.S. Navy A-7E aircraft at the approximate position 33-40.1 N, 078-51.0 W.

(b) **Regulations.** In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the captain of the port. Section 165.33 also contains other general requirements.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04-6)

Dated: December 12, 1983.

M. J. Schiro, CDR, USCG,

Captain of the Port, Charleston, SC 29402.

[FR Doc. 83-33903 Filed 12-21-83; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 17

New Category of Active Duty for Training

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending 38 CFR 17.31(c) by adding a new paragraph to bring the regulation into conformance with Pub. L. 97-306, Veterans' Compensation, Education, and Employment Amendments of 1982. Section 113 of that law provides that duty performed by a member of a Senior Reserve Officers Training Corps program, when ordered to such duty for

the purpose of field training or a practice cruise under chapter 103 of title 10, U.S.C. shall be considered active duty for training. This amendment implements Pub. L. 97-306, section 113.

EFFECTIVE DATE: This regulation amendment is effective October 1, 1982, the date of the statutory change.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Fleckenstein, Medical Administration Service (136F), Department of Medicine and Surgery, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2337.

SUPPLEMENTARY INFORMATION: This amendment implements section 113 of Pub. L. 97-306 which amended 38 U.S.C. 101(22) to provide that duty performed by a member of a Senior Reserve Officers Training Corps program, when ordered to such duty for the purpose of field training or a practice cruise under chapter 103 of title 10, U.S.C., shall be considered active duty for training.

No public comment period is provided for this rulemaking since it simply amends 38 CFR 17.31(c) to be consistent with 38 U.S.C. 101(22). Pursuant to 38 CFR 1.12, the Veterans Administration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The statutory creation of a new category of active duty for training is binding on the Veterans Administration. This is a nonsubstantive, technical amendment. Consequently a proposed notice is not being published.

For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since they do not come within the term "rule" as defined in the act.

In accordance with Executive Order 12291, Federal Regulation, the Administrator has determined that this regulation amendment is nonmajor for the following reasons: (1) It will not have an annual effect on the economy of \$100 million or more; (2) It will not cause a major increase in costs or prices; and (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

(Catalog of Federal Domestic Assistance Numbers: 64.007, 64.008, 64.009, 64.010, and 64.011)

List of Subjects in 38 CFR Part 17

Alcoholism, Claims, Dental health, Drug abuse, Foreign relations, Government contracts, Grants programs—Health, Health care, Health facilities, Health professions, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Veterans.

Approved: November 30, 1983.

By direction of the Administrator,
Everett Alvarez, Jr.,
Deputy Administrator.

PART 17—[AMENDED]

38 CFR Part 17, Medical, is amended by revising § 17.31, paragraph (c) to read as follows:

§ 17.31 Duty periods defined.

(c) *Active duty for training.* The term "active duty for training" means:

(1) Full-time duty in the Armed Forces performed by Reserves for training purposes;

(2) Full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service during the period covered in paragraph (b)(2) of this section;

(3) In the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 318, 502, 503, 504, or 505 of title 32, United States Code, or the prior corresponding provisions of law;

(4) Duty performed by a member of a Senior Reserve Officers Training Corps program when ordered to such duty for the purpose of field training or a practice cruise under chapter 103 of title 10; and [38 U.S.C. 101(22)];

(5) Authorized travel to or from such duty;

(6) Active duty for training does not include duty performed as a temporary member of the Coast Guard Reserve.

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

[FR Doc. 83-35863 Filed 12-21-83; R:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2495-2]

Standards of Performance for New Stationary Sources; Bulk Gasoline Terminals, Reference Method 21; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: When the promulgated standards for bulk gasoline terminals and the addition of Reference Method 21 and Appendix A were published on August 18, 1983 (48 FR 37578 and 37598, respectively), certain inadvertent and typographical errors were made. The purpose of this action is to correct those errors.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT:

For information concerning the promulgated bulk terminal standards contact Mr. Gilbert H. Wood, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (191) 541-5578. For information concerning Reference Method 21 contact Mr. Winton Kelly, Emission Measurement Branch, Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (191) 541-5543.

SUPPLEMENTARY INFORMATION: The following corrections should be made to the bulk gasoline terminal standards promulgation notice in *Federal Register*, August 18, 1983, [48 FR 37578] appearing on pages 37578-37598:

1. Page 37578: Second column, paragraph discussing Docket, fourth line from top: Change "in available" to "is available".

2. Page 37579: a. First column, first complete sentence on page 37579: Delete sentence discussing quarterly reports of excess emission.

b. Second column, third full paragraph, fifth line from top: Change "76,700" to "75,700".

c. Third column, major heading: Add the word "and" before "Economic Impacts".

3. Page 37580: Second column, first full paragraph, ninth line from bottom: Change "basis" to "basic".

4. Page 37583: a. First column, first full paragraph, sixteenth line from top: Change "NSP" to "NSPS".

b. First column, second paragraph, eleventh line from the top: Change "Section 6.15" to "Section 60.15".

c. Second column, fifth line from top: Add "d" to "replace".

5. Page 37585: Third column, first full paragraph, fifth line from bottom: Change "CA to TO" to "CA and TO".

6. Page 37586: a. First column, second line from top: Change "whole" to "while".

b. Second column, second line from top: Change "including" to "include".

7. Page 37590: a. First column, eighth line from top, subpart title: Change "Bluk" to "Bulk".

b. Third column, § 60.502, first paragraph, second line from top: Change "§ 60.8(b)" to "§ 60.8(a)".

8. Page 37591: a. Second column, § 60.503(b)(3), eighth line from top: Add "performance test." at the end of the sentence.

b. Third column, § 60.502(e)(6), definition of "K": the definition should read $K = \text{density of calibration gas, mg/m}^3$, at standard conditions

$$= 1.63 \times 10^4 \text{ for propane}$$

$$= 2.41 \times 10^4 \text{ for butane}$$

c. Third column, § 60.502(e)(7), equation: The equation should read

$$E = \frac{\sum_{i=1}^n M_i}{L}$$

9. Page 37592: a. First column, § 60.505(a), third line: Change "160.502(e)(1)" to "§ 60.502(e)(1)".

b. Third column, second line from top: Add "2" before the word percent.

10. Page 37594: a. First column, Equation 2A-1: Add "Where" before definition of terms.

b. Second column, eighth line from top: Change "Y_m" to "Ȳ_m".

c. Second column, in paragraph 5.1, sixth term defined: Change "Y_m" to "Ȳ_m".

d. Second column, paragraph 5.2, equation: Change "Y_m" to "Ȳ_m".

e. Third column, paragraph 5.3, Equation 2A-3: Change "0" in denominator to "Θ".

f. Third column, Applicability and Principle heading under Method 2B: Add "1." before "Applicability and Principle".

g. Third column, paragraph 2.2, first line: Add "s" to "Analyzer".

h. Third column, paragraph 3.1, seventh line from top: Change "Stainless" to "stainless".

11. Page 37595: a. First column, paragraph 4.1, fourth term defined: Change "HC₁" to "HC̄₁".

b. First column, paragraph 4.1, fifth term defined, first line: Definition of K should read

K = Calibration gas factor
= 2 for ethane calibration gas.

c. First column, paragraph 4.1, tenth term defined: Change "e" to "Θ".

d. Second column, third line from top: End parenthetical statement after

"NDIR" and delete remainder of sentence.

e. Second column, paragraph 4.2, second line from top: Add "s" to "concentration".

f. Second column, paragraph 4.3, Equation 2B-1: Denominator of equation should read "K(HC_e) + CO₂ + CO_e - 300".

12. Page 37596: a. First column, paragraph 3.3, third line from top: Change "analyzers" to "analyzer".

b. First column, paragraph 3.4, third line and sixth line from top: Change "analyzers" to "analyzer".

c. First column, first paragraph under "4. Calibration and Other Gases", tenth line from top: Change "#" to "±".

d. Second column, paragraph 6.1, seventh line from top: Delete parenthetical statement "(whichever is less)".

e. Third column, title "7. Emission Measurement Test": Add the word "Procedure" after the word "Test".

13. Page 37597: a. First column, paragraph "3. Apparatus," first line: Change "are" to "is".

b. First column, paragraph following title "4. Calibration Gases", first line: Delete the word "are" after the word "as".

c. First column, paragraph 5.3, second line: Change "valve" to "value".

d. First column, paragraph 6.2, first line: Change "Sampling" to "Sample".

e. First column, paragraph 6.5, second line: Change "6.4" to "6.5".

f. Third column, paragraph 5.1.2, first sentence: Sentence should not be in italics.

14. Page 37598: a. First column, paragraph 5.3.5, third line: Change "◊ 12.5" to "± 12.5".

b. First column, paragraph 5.3.6, third line: Change "Δp" to "Δv".

The following corrections should be made to Reference Method 21 of Appendix A in the Federal Register, August 18, 1983, [48 FR 37598] appearing on pages 37598-37602:

1. Page 37600: a. Third column, paragraph 3.1.1.c., second line: Add "±" before "5 percent".

b. Third column, paragraph 3.2, eleventh line: Change "as" to "gas".

2. Page 37601: a. First column, paragraph 4.3.1.a., last line: Add "a" between the words "where" and "leak".

b. Third column, second paragraph of "4.3.3. Alternative Screening Procedure", tenth line from top: Change "detectable" to "detectable".

Dated: December 14, 1983.

Sheldon Meyers,

Acting Assistant Administrator for Air and Radiation.

[FIR Doc. 83-33916 Filed 12-21-83 8:45 am]

BILLING CODE 6560-50-M

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the tolerances were an acute oral toxicity study (rats) with a LD₅₀ greater than 5,000 milligram (mg)/kilograms (kg) of bodyweight; a rat teratology study negative for teratogenic effects at 3,500 mg/kg/day and a fetotoxic no-observed-effect level (NOEL) of 1,000 mg/kg/day; a rabbit teratology study negative at 350 mg/kg/day with a fetotoxic NOEL of 175 mg/kg/day; a 3-generation rat reproduction study with a NOEL of 10 mg/kg/day; a 26-month rat feeding study with a NOEL 31 mg/kg/day and no observed oncogenic effects up to 300 ppm (highest dose tested); a rec-assay (*B. subtilis*) which was not mutagenic up to 2,000 micrograms test material/disk; a reverse mutation study (negative for mutagenicity); an Ames test (*Salmonella*-negative mutagenicity); and a mouse dominant lethal assay which was negative at 2,000 mg/kg.

To satisfy lacking data, the company has submitted a chronic oral toxicity study in a non-rodent species and an oncogenicity study in a second species. These studies are under review by the Agency and the company has agreed to remove the uses from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

The acceptable daily intake (ADI) based on the rat reproduction study (NOEL of 10 mg/kg/day) and a 100-fold safety factor is calculated to be 0.1 mg/kg/day and a 100-fold safety factor is calculated to be 0.1 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 6 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 1.328 mg/day. The current action will not utilize any of the ADI. Established tolerances utilize 23.21 percent of the ADI. A related document [FAP 1H5310/R134] establishing tolerances in or on dried and instant tea at 1.0 and 4.0 ppm respectively, appears elsewhere in this issue of the Federal Register. These tolerances on dried tea and instant tea will utilize 0.07 percent of the ADI.

The nature of the residues is adequately understood. No detectable residues of *N*-nitrosoglycoside, a contaminant of glyphosate, are expected to be present in the raw agricultural commodities for which the tolerances

40 CFR Part 180

[PP 1F2518/R526; DPP-FRL-2492-8]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide glyphosate and its metabolite in or on certain commodities. This regulation to establish maximum permissible levels for residues of herbicide in or on the commodities was requested, pursuant to a petition, by Monsanto Company.

EFFECTIVE DATE: December 22, 1983.

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

FOR FURTHER INFORMATION CONTACT:

Robert J. Taylor, Product Manager (PM) 25, Registration Division, Office of Pesticide Programs, Rm. 245, CM-2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of August 5, 1981 (46 FR 39883), that announced that Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63116, had submitted pesticide petition 1F2518 to EPA. The petition proposed the establishment of tolerances for the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities forage grasses at 5.0 parts per million (ppm) and forage legumes (except soybeans and peanuts) at 30.0 ppm.

The petition was subsequently amended to propose the establishment of tolerances for the combined residues of glyphosate and the metabolite in or on the raw agricultural commodities bluegrass, bromegrass, bahiagrass, ryegrass, bermudagrass, fescue, orchardgrass, timothy, wheatgrass, alfalfa, and clover at 200 ppm.

are being established. An adequate analytical method, gas chromatography using a phosphorous-specific photometric detector, is available for enforcement purposes. The existing tolerances on liver and kidney of poultry and the tolerances of 0.5 ppm on liver and kidney of horses, hogs, goats, and sheep, will accommodate residues occurring from this use. There is no reasonable expectation of residues in milk, fat, and meat byproducts (other than liver and kidney) of cattle, sheep, horses, goats, hogs, poultry, or in meat or milk from this use. There are currently no regulatory actions pending against the pesticide.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances will protect the public health and are established as set forth below.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

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

List of Subjects in 40 CFR Part 180

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

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: December 2, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.364(a) is amended by adding and alphabetically

inserting the following raw agricultural commodities:

§ 180.364 Glyphosate; tolerances for residues.

(a) *

Commodities	Parts per million
Affata	200.0
Bahagrass	200.0
Bermudagrass	200.0
Bluegrass	200.0
Bromegrass	200.0
Clover	200.0
Fescue	200.0
Orchardgrass	200.0
Ryegrass	200.0
Timothy	200.0
Wheatgrass	200.0

[FR Doc. 83-33919 Filed 12-21-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

Privacy Act

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: The Interior Department revises its regulations on the implementation of the Privacy Act of 1974, as amended, to conform to amendments to the Act made by the Debt Collection Act of 1982 and the Congressional Reports Elimination Act of 1982. The regulations are also revised to remove gender-specific terminology.

EFFECTIVE DATE: January 23, 1984.

FOR FURTHER INFORMATION CONTACT: David R. DeAngelis, 202-343-6191.

SUPPLEMENTARY INFORMATION: The Department's regulations published in 43 CFR Part 2, Subpart D, provide guidelines and procedures for implementing the provisions of the Privacy Act of 1974. The Act was amended by the Debt Collection Act of 1982 (Pub. L. 97-365) to provide, *inter alia*, for disclosures to consumer reporting agencies of information on individuals who owe debts to the Federal Government. The Congressional Reports Elimination Act of 1982 (Pub. L. 97-375) amended the Privacy Act by eliminating the requirement for agencies to publish annually in the *Federal Register* descriptions of systems of records that they maintain on

individuals. The revisions to the Department's regulations published in 43 CFR Part 2, Subpart D, will incorporate the changes made by Pub. L. 97-365 and Pub. L. 97-375.

A review of the regulations published in 43 CFR Part 2, Subpart D, has also been completed as prescribed in Part 318, Chapter 9 of the Department of the Interior Manual. As a result of that review the regulations are being amended to remove unnecessary gender-specific terminology, and to make miscellaneous minor editing and administrative changes to simplify and clarify the presentation of the material. The review also indicated that no complaints or suggestions concerning the rule have been received, and that the rule does not overlap, duplicate or conflict with other Federal rules. The rule serves a useful purpose to inform the public of the procedures by which individuals may seek access and amendments to records maintained about them, and provides a description of the manner in which the Department will handle such requests, and generally carry out the requirements of the Privacy Act of 1974, as amended. Since the costs of the rule to the public are minimal, the potential benefits described above result in the accomplishment of the objectives of the rule at the least cost to society.

Because the regulations pertain primarily to internal Departmental guidelines and procedures on the implementation of the Privacy Act of 1974, the changes being made will not have a substantial impact on the public. However, the public interest will be served by accelerated publication of the revised rules so that current and up-to-date guidelines are available, not only for Departmental officials to use in administering the provisions of the Privacy Act, but also to inform members of the public. Also, the public interest will be served by publishing these proposed changes as final rules and eliminating the redundant *Federal Register* publication costs involved in a proposed rulemaking and public comment procedure. For the foregoing reasons, and since these changes are strictly administrative in nature and pertain to this agency's procedures and practices, the proposed rulemaking process is determined to be unnecessary and impractical.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities.

under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

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

The authors of this document are Ms. Deborah Ryan, Office of the Solicitor, and Mr. David R. DeAngelis, Office of Information Resources Management.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Freedom of information, Privacy.

Dated: December 13, 1983.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

PART 2—[AMENDED]

For the reasons set out in the preamble, 43 CFR Part 2, Subpart D, is amended as set forth below.

1. The authority citation for Subpart D, Part 2 reads as follows:

Authority: 5 U.S.C. 301, 552, and 552a; 31 U.S.C. 483a; and 43 U.S.C. 1460.

2. 43 CFR Part 2 is amended by revising § 2.45 to read as follows:

§ 2.45 Purpose and scope.

This subpart contains the regulations of the Department of the Interior implementing section 3 of the Privacy Act. Sections 2.47 through 2.57 describe the procedures and policies of the Department concerning maintenance of records which are subject to the Act. Sections 2.60 through 2.66 describe the procedure under which individuals may determine whether systems of records subject to the Act contain records relating to them and the procedure under which they may seek access to existing records. Sections 2.70 through 2.77 describe the procedure under which individuals may petition for amendment of records subject to the Act relating to them. Section 2.79 lists records systems that have been exempted from certain requirements of the Act.

3. In § 2.46, paragraphs (k) and (m) are revised to read as follows:

§ 2.46 Definitions.

(k) *System notice.* As used in this subpart, "system notice" means the notice describing a system of records required by 5 U.S.C. 552a(e)(4) to be published in the Federal Register upon establishment or revision of the system of records.

(m) *Departmental Privacy Act Officer.* As used in this subpart, "Departmental Privacy Act Officer" means the official

in the Office of the Assistant Secretary—Policy, Budget and Administration charged with responsibility for assisting the Assistant Secretary—Policy, Budget and Administration in carrying out the functions assigned in this subpart and for coordinating the activities of the bureaus of the Department in carrying out the functions which they are assigned in this subpart.

4. In § 2.48, paragraphs (d)(1), (d)(2)(iv), (d)(3), and (e) are revised to read as follows:

§ 2.48 Standards for maintenance of records subject to the Act.

(d) *Advice to individuals concerning uses of information.* (1) Each individual who is asked to supply information about him or herself which will be added to a system of records shall be informed of the basis for requesting the information, how it may be used, and what the consequences, if any, are of not supplying the information.

(2) * * *

(iv) The effects on the individual, if any, of not providing all or any part of the requested information.

(3)(i) When information is collected on a standard form, the notice to the individual shall be provided on the form, on a tear-off sheet attached to the form, or on a separate sheet, whichever is most practical.

(ii) When information is collected by an interviewer, the interviewer shall provide the individual with a written notice which the individual may retain. If the interview is conducted by telephone, however, the interviewer may summarize the notice for the individual and need not provide a copy to the individual unless the individual requests a copy.

(iii) An individual may be asked to acknowledge, in writing, that the notice required by this section has been provided.

(e) *Records concerning activity protected by the First Amendment.* No record may be maintained describing how any individual exercises rights guaranteed by the First Amendment to the Constitution unless the maintenance of the record is (1) expressly authorized by statute or by the individual about whom the record is maintained or (2) pertinent to and within the scope of an authorized law enforcement activity.

5. Section 2.50 is revised to read as follows:

§ 2.50 Federal Register notices describing systems of records.

(a) The Privacy Act requires publication of a notice in the Federal Register describing each system of records subject to the Act. Such notice will be published prior to the establishment or a revision of the system of records. 5 U.S.C. 552a(e)(4).

(b) Each bureau shall notify the Departmental Privacy Act Officer promptly of any modifications or amendments which are required in the then-current notice describing a system of records for which it is responsible.

(c) A bureau desiring to establish a new system of records or a new use for an existing system of records shall notify the Departmental Privacy Act Officer, no fewer than ninety (90) calendar days in advance.

6. In § 2.51, paragraphs (b), (b)(1), (b)(4), (d) and (e)(1) are revised to read as follows:

§ 2.51 Assuring Integrity of records.

(b) *Records maintained in manual form.* When maintained in manual form, records subject to the Privacy Act shall be maintained in a manner commensurate with the sensitivity of the information contained in the system of records. The following minimum safeguards, or safeguards affording comparable protection, are applicable to Privacy Act systems of records containing sensitive information:

(1) Areas in which the records are maintained or regularly used shall be posted with an appropriate warning stating that access to the records is limited to authorized persons. The warning also shall summarize the requirements of § 2.52 and state that the Privacy Act contains a criminal penalty for the unauthorized disclosure of records to which it applies.

(4) Where a locked room is the method of security provided for a system, the bureau responsible for the system shall supplement that security by (i) providing lockable file cabinets or containers for the records or (ii) changing the lock or locks for the room so that they may not be opened with a master key. For the purposes of this paragraph, a master key is a key which may be used to open rooms other than the room containing records subject to the Privacy Act, unless those rooms are utilized by officials or employees authorized to have access to the records subject to the Privacy Act.

(d) *Office of Personnel Management personnel records.* A system of records made up of Office of Personnel Management personnel records shall be maintained under the security requirements set out in 5 CFR 293.106 and 293.107.

(e) *Bureau responsibility.* (1) The bureau responsible for a system of records shall be responsible for assuring that specific procedures are developed to assure that the records in the system are maintained with security meeting the requirements of the Act and this section.

7. Footnote 1 following paragraph (d) of § 2.51 is removed.

8. Section 2.56 is amended by revising paragraphs (c)(1), (c)(3), (c)(8), (c)(9), and adding (c)(10) to read as follows:

§ 2.56 Disclosure of records.

(c) * * *

(1) For a routine use as defined in § 2.46(j) which has been described in a system notice published in the *Federal Register*;

(3) To a recipient who has provided the system manager responsible for the system in which the record is maintained with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(8) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(9) Pursuant to the order of a court of competent jurisdiction; or

(10) To a consumer reporting agency in accordance with section 3(d) of the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3711(f)).

9. In § 2.57, paragraph (b) is revised to read as follows:

§ 2.57 Accounting for disclosures.

(b) *Access to accountings.* (1) Except for accountings of disclosures made under § 2.58(c)(5), accountings of all disclosures of a record shall be made available to the individual to whom the record relates at the individual's request.

(2) An individual desiring access to an accounting of disclosures of a record pertaining to the individual shall submit

a request by following the procedures of § 2.63.

10. In § 2.60, paragraphs (a), (b)(3), and (b)(4) are revised to read as follows:

§ 2.60 Request for notification of existence of records: Submission.

(a) *Submission of requests.* (1)(i) Individuals desiring to determine under the Privacy Act whether a system of records contains records pertaining to them shall address inquiries to the system manager having responsibility for the system unless the system notice describing the system prescribes or permits submission to some other official or officials.

(ii) If a system notice describing a system requires individuals to contact more than two officials concerning the existence of records in the system, individuals desiring to determine whether the system contains records pertaining to them may contact the system manager for assistance in determining which official is most likely to be in possession of records pertaining to those individuals.

(2) Individuals desiring to determine whether records pertaining to them are maintained in two or more systems shall make a separate inquiry concerning each system.

(b) * * *

(3) The request shall state that the individual is seeking information concerning records pertaining to him or herself and shall supply such additional identifying information, if any, as is called for in the system notice describing the system.

(4) Individuals who have reason to believe that information pertaining to them may be filed under a name other than the name they are currently using (e.g., maiden name), shall include such information in the request.

11. Sections 2.61 and 2.62 are revised to read as follows:

§ 2.61 Requests for notification of existence of records: Action on.

(a) *Decisions on Request.* (1) Individuals inquiring to determine whether a system of records contains records pertaining to them shall be promptly advised whether the system contains records pertaining to them unless (i) the records were compiled in reasonable anticipation of a civil action or proceeding or (ii) the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking (Section 2.79).

(2) If the records were compiled in reasonable anticipation of a civil action

or proceeding or the system of records is one which has been excepted from the notification provisions of the Privacy Act by rulemaking, the individuals will be promptly notified that they are not entitled to notification of whether the system contains records pertaining to them.

(b) *Authority to deny requests.* A decision to deny a request for notification of the existence of records shall be made by the system manager responsible for the system of records concerning which inquiry has been made and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that the bureau head's own concurrence in the decision be obtained.

(c) *Form of decision.* (1) No particular form is required for a decision informing individuals whether a system of records contains records pertaining to them.

(2) A decision declining to inform an individual whether or not a system of records contains records pertaining to him or her shall be in writing and shall state the basis for denial of the request and shall advise the individual that an appeal of the declination may be made to the Assistant Secretary—Policy, Budget and Administration pursuant to § 2.65 by writing to the Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

§ 2.62 Requests for access to records.

The Privacy Act permits individuals, upon request, to gain access to their records or to any information pertaining to them which is contained in a system and to review the records and have a copy made of all or any portion thereof in a form comprehensive to them. 5 U.S.C. 552a(d)(1). A request for access shall be submitted in accordance with the procedures in this subpart.

12. In § 2.63, paragraphs (a)(1)(ii), (a)(2), and (b)(3) are revised to read as follows:

§ 2.63 Request for access to records: Submission.

(a) * * *

(1) * * *

(ii) If a system notice describing a system requires individuals to contact more than two officials concerning access to records in the system, individuals desiring to request access to records pertaining to them may contact the system manager for assistance in determining which official is most likely to be in custody of records pertaining to that individual.

(2) Individuals desiring access to records maintained in two or more separate systems shall submit a separate request for access to the records in each system.

(b) * * *

(3) Requesters shall specify whether they seek all of the records contained in the system which relate to them or only some portion thereof. If only a portion of the records which relate to the individual are sought, the request shall reasonably describe the specific record or records sought.

13. In § 2.64, paragraphs (a), (b), (d)(2) and (d)(3) are revised to read as follows:

§ 2.64 Requests for access to records: Initial decision.

(a) *Decisions on requests.* A request made under this subpart for access to a record shall be granted promptly unless (1) the record was compiled in reasonable anticipation of a civil action or proceeding or (2) the record is contained in a system of records which has been excepted from the access provisions of the Privacy Act by rulemaking (§ 2.79).

(b) *Authority to deny requests.* A decision to deny a request for access under this subpart shall be made by the system manager responsible for the system of records in which the requested record is located and shall be concurred in by the bureau Privacy Act officer for the bureau which maintains the system, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that the bureau head's own concurrence in the decision be obtained.

(d) * * *

(2) Fees for copying a record in response to a request made under § 2.63 shall be charged in accordance with the schedule of charges contained in Appendix A to this part, unless the official responsible for processing the request determines that reduction or waiver of fees is appropriate.

(3) Where it is anticipated that fees chargeable in connection with a request will exceed the amount the person

submitting the request has indicated a willingness to pay, the official processing the request shall notify the requester and shall not complete processing of the request until the requester has agreed, in writing, to pay fees as high as are anticipated.

14. In § 2.65, paragraphs (a) and (d)(1) are revised to read as follows:

§ 2.65 Requests for notification of existence of records and for access to records: Appeals.

(a) *Right of appeal.* Individuals who have been notified that they are not entitled to notification of whether a system of records contains records pertaining to them or have been denied access, in whole or part, to a requested record may appeal to the Assistant Secretary—Policy, Budget and Administration.

(d) *Action on appeals.* (1) Appeals from decisions on initial requests made pursuant to §§ 2.61 and 2.63 shall be decided for the Department by the Assistant Secretary—Policy, Budget and Administration or an official designated by the Assistant Secretary after consultation with the Solicitor.

15. In § 2.66, paragraph (b) is revised to read as follows:

§ 2.66 Request for access to records: Special situations.

(b) *Inspection in presence of third party.* (1) Individuals wishing to inspect records pertaining to them which have been opened for their inspection may, during the inspection, be accompanied by a person of their own choosing.

(2) When such a procedure is deemed appropriate, individuals to whom the records pertain may be required to furnish a written statement authorizing discussion of their records in the accompanying person's presence.

16. Section 2.70 is revised to read as follows:

§ 2.70 Amendment of records.

The Privacy Act permits individuals to request amendment of records pertaining to them if they believe the records are not accurate, relevant, timely or complete. 5 U.S.C. 552a(d)(2). A request for amendment of a record shall be submitted in accordance with the procedures in this subpart.

17. In § 2.71, paragraph (b) is revised to read as follows:

§ 2.71 Petitions for amendment: Submission and form.

(b) *Form of petition.* (1) A petition for amendment shall be in writing and shall specifically identify the record for which amendment is sought.

(2) The petition shall state, in detail, the reasons why the petitioner believes the record, or the objectionable portion thereof, is not accurate, relevant, timely or complete. Copies of documents or evidence relied upon in support of these reasons shall be submitted with the petition.

(3) The petition shall state, specifically and in detail, the changes sought in the record. If the changes involve rewriting the record or portions thereof or involve adding new language to the record, the petition shall propose specific language to implement the changes.

18. In § 2.72, paragraphs (b), (d)(2), (e)(2), and (f) are revised to read as follows:

§ 2.72 Petitions for amendment: Processing and initial decision.

(b) *Authority to decide.* An initial decision on a petition for amendment may be made only by the system manager responsible for the system of records containing the challenged record. If the system manager declines to amend the record as requested, the bureau Privacy Act officer for the bureau which maintains the system must concur in the decision, provided, however, that the head of a bureau may, in writing, require (1) that the decision be made by the bureau Privacy Act officer and/or (2) that the bureau head's own concurrence in the decision be obtained.

(d) * * *

(2) If the petitioner fails to submit the additional information within a reasonable time, the petition may be rejected. The rejection shall be in writing and shall meet the requirements of paragraph (e) of this section.

(e) * * *

(2) If the petition for amendment is rejected, in whole or part, the decision shall advise the petitioner that the rejection may be appealed to the Assistant Secretary—Policy, Budget and Administration by writing to the Privacy Act Officer, Office of the Assistant Secretary—Policy, Budget and Administration, U.S. Department of the Interior, Washington, D.C. 20240, and that the appeal must be received by this official within twenty (20) days (Saturdays, Sundays and public legal holidays excepted) of the date of the decision.

(f) *Implementation of initial decision.* If a petition for amendment is accepted, in whole or part, the bureau maintaining the record shall:

(1) Correct the record accordingly and,

(2) Where an accounting of disclosures has been made pursuant to § 2.57, advise all previous recipients of the record that the correction was made and the substance of the correction.

19. In § 2.73, paragraphs (b) and (d)(2) are revised to read as follows:

§ 2.73 Petitions for amendments: Time limits for processing.

(b) *Decision on petition.* A petition for amendment shall be processed promptly. A determination whether to accept or reject the petition for amendment shall be made within thirty (30) days (Saturdays, Sundays, and public legal holidays excepted) after receipt of the petition by the system manager responsible for the system containing the challenged record.

(d) • • •

(2) if the official responsible for making a decision on the petition determines that an extension is necessary, the official shall promptly inform the petitioner of the extension and the date on which a decision is expected to be dispatched.

20. In § 2.74, paragraph (a) is revised to read as follows:

§ 2.74 Petitions for amendment: Appeals.

(a) *Right of appeal.* Where a petition for amendment has been rejected in whole or part, the individual submitting the petition may appeal the denial to Assistant Secretary—Policy, Budget and Administration.

21. In § 2.75, paragraphs (a), (c)(2), (c)(2)(iii), and (c)(3) are revised to read as follows:

§ 2.75 Petitions for amendment: Action on appeals.

(a) *Authority.* Appeals from decisions on initial petitions for amendment shall be decided for the Department by the Assistant Secretary—Policy, Budget and Administration or an official designated by the Assistant Secretary, after consultation with the Solicitor, unless the record challenged by the initial petition is an Office of Personnel Management personnel record maintained by the Department. Appeals from decisions on initial petitions requesting amendment of Office of Personnel Management records maintained by the Department shall be transmitted by the Assistant Secretary—

Policy, Budget and Administration to the Office of Personnel Management for decision.

• • •

(c) • • •
(2) If the determination upholds, in whole or part, the initial decision rejecting the petition for amendment, the determination shall also advise the individual submitting the appeal.

• • •
(iii) That the statement which is filed will be made available to anyone to whom the record is subsequently disclosed together with, at the discretion of the Department, a brief statement by the Department summarizing its reasons for refusing to amend the record;

• • •
(3) If the determination reverses, in whole or in part, the initial decision rejecting the petition for amendment, the system manager responsible for the system containing the challenged record shall be directed to:

(i) Amend the challenged record accordingly; and
(ii) If an accounting of disclosures has been made, advise all previous recipients of the record of the amendment and its substance.

22. Section 2.77 is revised to read as follows:

§ 2.77 Statements of disagreement.

(a) *Filing of statement.* If the determination of the Assistant Secretary—Policy, Budget and Administration under § 2.75 rejects in whole or part, a petition for amendment, the individual submitting the petition may file with the system manager for the system containing the challenged record a concise written statement setting forth the reasons for disagreement with the determination of the Department.

(b) *Disclosure of statements.* In any disclosure of a record containing information about which an individual has filed a statement of disagreement under this section which occurs after the filing of the statement, the disputed portion of the record will be clearly noted and the recipient shall be provided copies of the statement of disagreement. If appropriate, a concise statement of the reasons of the Department for not making the requested amendments may also be provided to the recipient.

(c) *Maintenance of statements.* System managers shall develop procedures to assure that statements of disagreement filed with them shall be maintained in such a way as to assure dissemination of the statements to

recipients of the records to which the statements pertain.

23. In § 2.79, the introductory text of paragraphs (a) and (b) are revised to read as follows:

§ 2.79 Exemptions.

(a) *Criminal law enforcement records exempt under 5 U.S.C. 552a(j)(2).* Pursuant to 5 U.S.C. 552a(j)(2) the following systems of records have been exempted from all of the provisions of 5 U.S.C. 552a and the regulations in the subpart except paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11), and (i) of 5 U.S.C. 552a and the portions of the regulations in this subpart implementing these paragraphs:

• • •
(b) *Law enforcement records exempt under 5 U.S.C. 552a(k)(2).* Pursuant to 5 U.S.C. 552a(k)(2), the following systems of records have been exempted from paragraphs (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of 5 U.S.C. 552a and the provisions of the regulations in this subpart implementing these paragraphs:

[FR Doc. 83-33888 Filed 12-21-83 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

43 CFR Public Land Order 6494

[I-19793]

Idaho; Revocation of Bureau of Land Management Order of July 28, 1955

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Bureau of Land Management Order affecting 279.30 acres of public land withdrawn for stock driveway purposes. This action will restore the land to surface entry. The land has been and remains open to mining and mineral leasing.

EFFECTIVE DATE: January 20, 1984.

FOR FURTHER INFORMATION CONTACT: Nicholas G. Kleng, Idaho State Office, 208-334-1736.

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

1. The Bureau of Land Management Order of July 28, 1955, which withdrew the following described public land for use by the Bureau of Land Management

and designated as Stock Driveway No. 23, is hereby revoked:

Boise Meridian, Idaho

T. 1 N., R. 39 E.

Sec. 31, lots 3 and 4, N 1/2 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4.

The area described contains 279.30 acres in Bonneville County.

2. At 9 a.m. on January 20, 1984, the land described in paragraph 1 will be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on January 20, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and remains open to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands Operations, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: December 14, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[PR Doc. 83-33880 Filed 12-21-83: 8:45 am]

BILLING CODE 4310-84-M

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 73

[MM Docket No. 83-81; RM-4263]

**TV Broadcast Station in Rock Hill,
South Carolina; Changes Made in
Table of Assignments**

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This action deletes the reservation on UHF television Channel 55 for noncommercial educational use, making it available for commercial use at Rock Hill, South Carolina. The action was taken in response to separate requests by Palmetto Broadcasting System, Inc. and by Carolina Communications.

EFFECTIVE DATE: February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT:
Arthur Scrutins, Mass Media Bureau,
(202) 634-6530.

**List of Subjects in 47 CFR Part 73
affected**

Television broadcasting.

**Report and Order; Proceeding
Terminated**

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Rock Hill, South Carolina); MM Docket No. 83-81, RM-4263.

Adopted: December 2, 1983.

Released: December 15, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the Notice of Proposed Rule Making, published in the *Federal Register* on February 24, 1983 (48 FR 7763), which proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, by changing the reservation for noncommercial educational use on UHF television Channel 55 in Rock Hill, South Carolina, to Channel 30, thus making Channel 55 available for commercial operation. Currently, Rock Hill has two television channel assignments, Channels 30 and *55. Since Station WNSC-TV is licensed for noncommercial educational use on Channel 30 in Rock Hill, the proposal made by Palmetto Broadcasting Systems, Inc. ("Palmetto"), licensee of AM Station WAGL, Rock Hill, could provide for a first commercial television service at Rock Hill. Carolina Communications ("Carolina") subsequently filed a petition proposing the same action. The petition is being considered herein as comments in support of the Palmetto proposal. Comments were also filed by York County Television Corporation ("York").

2. York requests that it be allowed to amend its pending application for commercial operation on Channel 30 in Rock Hill to specify operation on Channel 55 and also that it retain the cut-off protection it now has on Channel 30 when it amends its application to specify Channel 55. York points out that it filed an application for commercial use of Channel 30 (BPCT-811030KJ) on October 30, 1981, mutually exclusive with the application for renewal of Station WNSC-TV's license (BRCT-810803KJ). Thus, York contends that the Commission cannot make the reservation change herein proposed without recognizing the fact that York is the only applicant now pending for a commercial TV station in Rock Hill.

3. York alleges that this type of situation has arisen before and that in such cases the Commission has continued the protected cut-off status for applicants who had timely filed for the commercial channel, citing *Austin A.*

Harrison, 3 R.R. 847 (1964); and *Lander, Wyoming*, 46 FR 39805 (1981). York further states that prior to its pending application, it had submitted an application for a commercial operation on reserved Channel *55 with a request for waiver. The waiver request was found to be unacceptable.

4. York also relates that on October 30, 1981, it filed a pleading requesting the Commission to either deny the application for renewal of license for Station WNSC-TV or, alternatively, to issue a Show Cause Order to the licensee to shift its educational operation to noncommercial educational Channel *55. The licensee of WNSC-TV then filed a petition to deny the York application for operation on Channel 30, taking the position that the better procedure would be for the Commission to designate Channel 55 for commercial use and reserve Channel 30 for noncommercial educational use. York argues that since its application for a commercial station in Rock Hill has been cut-off, Palmetto or any other potential commercial applicant should be precluded from applying for a Rock Hill commercial assignment. York insists that other interested parties should not now be allowed to gain applicant status by the simplistic expedient of filing a rule making petition to assign a commercial channel.

5. In reply, Palmetto requests that the Commission consider York's application challenging the WNSC-TV renewal of license on Channel 30 and York's status as a potential applicant for Channel 55 as two completely different issues. Palmetto maintains that York should be permitted to apply for Channel 55 if it is reassigned for commercial use, but that such an application should be treated as a completely new and different request in view of the fact that the change from one channel to another is a major change under the Commission's Rules. Palmetto asserts that other applicants should be free to apply for operation on Channel 55 as well and that the public interest would be better served by granting Channel 55 to the most qualified applicant even though that process may take longer.

6. Although the Notice of Proposed Rule Making proposed to change the reservation from Channel *55 to Channel 30, we believe that it would be in the public interest to delete the noncommercial reservation from Channel *55, as proposed, without any subsequent changes in the Channel 30 allocation. This action, would in effect allow us to establish a first commercial service in Rock Hill and not adversely affect the broadcast interests of either

the present licensee or the competing applicant for Channel 30. By maintaining the present designation, York will be allowed to pursue its claim for Channel 30 or, if it wishes, become an applicant for Channel 55. York's status as a cut-off applicant for Channel 30 would not be affected. While cut-off protection is provided to applicants where one channel is substituted for a comparable one, *Austin A. Harrison, supra*, the instant proceeding involves an additional commercial assignment rather than an equivalent substitution of channels. Deleting the noncommercial reservation from Channel 55 cannot be characterized merely as a substitution, as in the cases cited by the petitioner. Rather we are now assigning a second commercial channel to the community. Thus, we shall deny York's request to permit it to amend its pending application for Channel 30 to specify Channel 55 with cut-off protection.

7. Authority for adoption of the amendment herein is contained in Sections (4)(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules.

8. Accordingly, it is ordered, That, effective February 21, 1984, the TV Table of Assignments, § 73.806(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Rock Hill, S. C.	30 +, 55 -

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning the above, contact Arthur Scrutins, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33865 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-352; RM-4304]

Television Broadcast Station in Tyler, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 60 to Tyler, Texas, as its fourth television assignment in

response to a petition filed by Dennis H. Owen.

EFFECTIVE DATE: February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of Amendment of § 73.806(b), Table of Assignments, Television Broadcast Stations, (Tyler, Texas); MM Docket No. 83-352, RM-4304.

Adopted: November 25, 1983.

Released: December 15, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the Notice of Proposed Rule Making (48 FR 16093, published April 14, 1983) issued in response to a petition for rule making filed by Dennis H. Owen ("petitioner") proposing to amend the TV Table of Assignments, Section 73.806(b) of the Commission's Rules, to assign UHF Television Channel 57 to Tyler, Texas, as its fourth television assignment. In response to the *Notice*, petitioner filed comments and restated his intention to apply for Channel 57 at Tyler.

Comments were also filed by Maximum Service Telecasters, Inc. ("MST") and by George E. Gunter ("Gunter"). KLMB-TV, Incorporated ("KLMB"), permittee of Station KLMG-TV, Longview, Texas, filed comments and reply comments.

2. Petitioner's comments basically reiterate his petition for rule making. MST points out that the proposed assignment would conflict with a proposal filed earlier seeking to assign UHF Channel 56 to Jacksonville, Texas. The proposals would result in a short-spacing of approximately 28 miles. Thus, MST suggests that an alternative channel be assigned to one of these communities. Gunter, the Jacksonville petitioner, also points out the short-spacing possibility and suggests assignment of an alternative channel to Tyler.

3. KLMB states that, should the Commission determine that a channel be assigned to Tyler, it supports the positions of MST and Gunter. However, KLMB opposes the proposed assignment on two grounds. First, it claims the petition for rule making lacks an adequate engineering showing. According to KLMB, the showing consists merely of a computer print-out prepared by its consultant which fails to either state the underlying assumptions of the data or to show the preclusive

effects of the proposed assignment. KLMB questions the consultant's qualifications, referring to a "history" of submissions to the Commission which raise questions as to his qualifications and veracity. This history is said to call into question whether petitioner's engineering submission complies with the Commission's technical rules.

4. Second, KLMB argues that Tyler cannot support another full-service television station. According to KLMB, the petition lacks any claim of Tyler's future growth. KLMB asserts that petitioner has failed to demonstrate any need for a new full-service television station at Tyler, which, in addition to service from existing stations and those under construction, is served by an "extensive" cable television system, with a "plethora" of applications for 24 separate low power stations at Tyler.

5. KLMB further asserts that the consultant has attempted to induce potential or existing low power applicants, including petitioner, to seek full-service channel assignments and has done so by misleading them with erroneous interpretations of the rules and by failing to apprise them that full-service stations are more extensively regulated than are low power stations. Accordingly, argues KLMB, this raises questions as to the credibility of petitioner's expressions of intent to apply for a new channel at Tyler, especially since petitioner's previous interests were confined to low power applications, of which there are approximately 230, all of which contain engineering submissions prepared by his consultant.

6. Initially, we note that Channel 56 has been assigned to Jacksonville (48 FR 32998, published July 20, 1983). Because of the short-spacing to Channel 57 at Tyler, as noted in the comments, Channel 60 has been substituted for consideration at Tyler.

7. As for the adequacy of petitioner's engineering submissions, the assignment of Channel 60 to Tyler meets the minimum separation requirements of § 73.610 of the Commission's Rules and would provide Tyler with a city-grade signal. The Commission's engineering requirements have been met. The additional matters raised by KLMB concerning technical sufficiency, see para. 3, *supra*, are not matters for consideration in a rule making proceeding.

8. Whether the Tyler market is adequate to support an additional television station is also not a matter for rule making determination. This matter should be raised at the application stage.

9. Finally, KLMB's suggestions that petitioner has been misled by his consultant concerning the obligations incumbent upon a licensee of a full-service television station is not a matter for resolution in a rule making proceeding. Whether or not the petitioner's proposals for operation of a full-service station are adequate is an issue to be decided at the application stage, not in this rule making proceeding.

10. Accordingly, pursuant to authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered. That effective February 21, 1984, the Television Table of Assignments (§ 73.606(b) of the Commission's Rules), is amended as follows for the community listed:

City	Channel No.
Tyler, Tex.	7.14+, *38, and 60.

11. It is further ordered. That this proceeding is terminated.

12. For Further Information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau (202) 634-6530. (Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.
Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33866 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 601

[Docket No. 31214-234]

Regional Fishery Management Councils

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

ACTION: Final rule; technical amendment.

SUMMARY: In 1977, NOAA published regulations concerning the operation of Regional Fishery Management Councils (Councils). These regulations implemented the Fishery Conservation and Management Act of 1976, which was amended in 1983 and renamed the Magnuson Fishery Conservation and

Management Act (Magnuson Act). This rule makes technical amendments to conform the regulations to these recent changes in the statute.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT: Daphne White, Office of Fisheries Management, NMFS, 3300 Whitehaven Street NW, Washington, D.C. 20235; telephone (202) 634-7218.

SUPPLEMENTARY INFORMATION: The amendments to the Magnuson Act (Pub. L. 97-453) made changes in some elements of Council administrative operation. These elements include, among others: The Council appointment process, application of the Federal Advisory Committee Act, certain reporting requirements, Council procedures to protect the confidentiality of statistics and prevent conflict of interest, and the definition of "geographical area concerned" as it applies to the location of public hearings.

Council Appointment Process

In § 601.22(b)(4)(i) is amended by changing the May 15 deadline for Governors' nominations to March 15. This change in date allows time for internal review so that the Secretary can make the required announcement of council appointments 45 days prior to the date on which new Council members begin their terms. A new sentence is added setting forth the Secretary's authority to reject a Governor's nominee if he determines the nominee is not qualified, and the procedures for resubmission. A new paragraph is added to indicate that the Secretary, upon Council recommendation, may remove any appointed Council member for cause.

Federal Advisory Committee Act (FACA)

In § 601.21(b)(2), which describes applicability of other laws to the operation of the Councils, all reference to FACA is removed in accordance with the Magnuson Act amendment making FACA inapplicable to the Councils. The last sentence of paragraphs (d)(2) and (e)(2) of § 601.22, which reference charters required under FACA, is removed. In § 601.23(g)(2), reference to FACA reporting requirements is removed. In § 601.24(b)(4), paragraph (iii), which sets forth requirements for the closure of meetings under FACA, is removed. The procedural guidelines presented in §§ 302(i)(2) and (3) of the amended Magnuson Act are integrated into § 601.24(b)(1)-(4). Section 601.24(a) is expanded to include the clarification provided in the legislative history

concerning application of the statutory guidelines. The preamble removes the index term "advisory committees".

Reporting Requirements

Paragraph (g)(1) in § 601.23, which sets forth the requirements for an annual report on Council activities, is removed.

Confidentiality

A paragraph is added to § 601.23(e) to reflect the new requirement that Councils establish appropriate procedures for ensuring the confidentiality of the statistics that may be submitted to it by Federal or State authorities or voluntarily submitted to it by private persons.

Location of Hearings

The first sentence of § 601.24(b)(6), which specifies location of meetings, and the last sentence of § 601.24(c)(1), which establishes Council discretion regarding time and place of hearings, are revised to reflect the wider latitude allowed for hearings described in section 302(h)(3) of the amended Magnuson Act.

Classification

These technical amendments make minor changes to conform agency operating procedures to recent legislative changes. As such, they impose no information collection requests under the Paperwork Reduction Act, are not subject to E.O. 12291, the National Environmental Policy Act, or the Regulatory Flexibility Act, and may be made effective immediately.

List of Subjects in 50 CFR Part 601

Administrative practice and procedure, Fisheries, Fishing.

Dated: December 16, 1983.

Carmen J. Blondin,

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

PART 601—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 601 is amended as follows:

1. The authority citation for Part 601 is revised to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 601.21, paragraph (b)(2)(i) is removed, paragraphs (b)(2)(ii) and (iii) are redesignated as paragraphs (b)(2)(i) and (ii), and the introductory text of paragraph (b)(2) is revised, to read as follows:

§ 601.21 General.

(b) * * *

(2) Provisions of two interrelated laws affect Council practices and procedures concerning public access to government records. These laws are—

2. In § 601.22, the last sentence in paragraphs (d)(2) and (e)(2) is removed, paragraph (b)(4)(i) is revised, and a new paragraph (b)(4)(vi) is added to read as follows:

§ 601.22 Organization.

(b) * * *

(4) *Appointments.* (i) Inasmuch as each year approximately one-third of a Council's appointed membership will lapse, new members will be appointed by the Secretary or the Secretary's delegate from lists of nominees submitted by the Governors of each applicable constituent state by March 15 of each year. The Governors are responsible for determining that their nominees meet the qualification requirements of the Magnuson Act and for providing appropriate documentation for the Secretary or the Secretary's delegate to make a reasoned choice. If the Secretary or the Secretary's delegate determines that an individual is not qualified, the Secretary or the Secretary's delegate will notify the appropriate Governor of that determination. The Governor will then submit a revised list or resubmit the original list with an additional explanation of the qualifications of the nominee in question.

(vi) The Secretary may remove for cause any Secretarily-appointed member of a Council if the Council concerned first recommends removal by an affirmative vote of not less than two-thirds of the Council members who are voting members. The recommendation must be in writing and include a statement of the reasons upon which the recommendation is based.

3. In § 601.23, a new paragraph (e)(4) is added, paragraph (g)(1) is removed, and paragraph (g)(2) is redesignated as paragraph (g) and is revised to read as follows:

§ 601.23 Administrative practices and procedures.

(e) * * *

(4) *Council procedures to protect confidentiality of statistics.* Each Council will establish appropriate procedures applicable to it and to its committees and advisory panels for ensuring the confidentiality of the statistics that may be submitted to it by

Federal or State authorities, and may be voluntarily submitted to it by private persons; including, but not limited to, procedures for the restriction of Council employee access and the prevention of conflicts of interest; except that such procedures must, in the case of statistics submitted to the Council by a State, be consistent with the laws and regulations of that State concerning the confidentiality of such statistics.

(g) *Reporting.* The Councils may submit such periodic reports as the Council deems appropriate and any other relevant report which may be requested by the Secretary. Requirements for periodic financial or other reports for purposes of NOAA budgetary control and reporting are described in individual grants issued to the Councils and in § 601.23(c)(3).

4. In § 601.24, paragraphs (a), (b)(1)-(4)(i), (b)(4)(iii)-(v), and (c)(1) are revised, and new paragraphs (b)(4)(vi) and (vii) are added to read as follows:

§ 601.24 Operational practices and procedures.

(a) *General.* In fulfilling the Council's responsibilities and functions, the Council members will meet in plenary session, in working groups, or individually to hear statements in order to clarify issues, gather information or make decisions regarding material before them. This section establishes uniform standards for the conduct of those activities to meet the requirements of the Magnuson Act and to facilitate the exercise of Council responsibilities. This section applies to any formally constituted work group or team which meets at the direction of the Council.

(b) *Meetings—(1) General.* The Councils will meet at the call of the Chairman or upon request of a majority of the voting members. Advisory groups will meet with the approval of the Chairman of the Council. Emergency meetings will be held at the call of the Chairman or equivalent presiding officer. The Councils will develop a mechanism for coordinating requests for advice from their advisory groups through the Executive Director.

(2) *Notice.* Timely public notice of each regular meeting and each emergency meeting, including the time, place, and agenda of the meeting, will be published in local newspapers in the major fishing ports of the Council's region (and in other major fishing ports having a direct interest in the affected fishery) and such notice may be given by such other means as will result in wide publicity. Timely notice of each

regular meeting will also be published in the *Federal Register*.

(3) *Record.* Minutes of each meeting will be kept and will contain a record of the persons present, an accurate description of matters discussed and conclusions reached, and copies of all statements filed.

(4) *Conduct.* (i) Meetings will be conducted in a manner to permit the greatest possible participation by all members of the Council and the public. Interested persons will be permitted to present oral or written statements regarding the matters on the agenda at meetings. Decisions by consensus are permitted except where the issue is Council approval or amendment of a fishery management plan (including any proposed regulations), or comments for the Secretary on foreign fishing applications or fishery management plans developed by the Secretary. In these cases, a vote is required.

(ii) * * *

(iii) When there is a vote, the majority of the voting members present and voting will rule. Voting by proxy is not permitted. Where unanimity is required, the unanimous vote of a quorum of the voting members of the Council will suffice.

(iv) Voting members of the Council who disagree with the majority on any issue to be submitted to the Secretary may submit a statement of their reasons for dissent to the Secretary.

(v)(A) Unless closed in accordance with paragraph (b)(4)(vi) of this section, each regular meeting and each emergency meeting will be open to the public.

(B) Subject to the procedures established by the Council under § 601.23(e)(4), and the guidelines prescribed by the Secretary under Part 603 relating to confidentiality, the administrative record (including minutes required under paragraph (b)(3) of this section) of each meeting, and records or other documents which were made available to or prepared for or by the Council, committee, or panel incident to the meeting, will be available for public inspection and copying at a single location in the offices of the Council.

(vi) Each Council, scientific and statistical committee, and advisory panel (A) Will close any meeting, or portion thereof, that concerns matters or information that bears a national security classification; and

(B) May close any meeting, or portion thereof, that concerns matters or information that pertains to national security, employment matters, advisory panel and statistical committee appointments, contractor selection, or

briefings on litigation in which the Council is interested.

(vii) If any meeting or portion is closed, the Council, committee, or panel concerned will publish notice of the closure in local newspapers in the major fishing ports within its region (and in other major, affected fishing ports), including the time and place of the meeting.

(c) *Hearings*—(1) *General*. The Magnuson Act directs the Councils to hold public hearings, at appropriate times and in appropriate locations in the geographical area concerned, in order to provide the opportunity for all interested persons to be heard in the development

of fishery management plans, amendments thereto, and with respect to the administration and implementation of the Magnuson Act. The Council may use its judgment regarding when and where such hearings should be held, keeping in mind that the term "geographical area of concern", for purposes of holding hearings, may include an area under the authority of another Council if the fish in the fishery concerned migrate into, or occur in, that area or if the matters being heard affect fishermen of that area; but not unless such other Council is first consulted regarding the conduct of such hearings within its area.

§ 601.1, 601.2, and 601.24 [Amended]

In addition to the amendments set forth above, 50 CFR Part 601 is amended by removing paragraph (l) from § 601.2, and the phrase "and hearings" from the first sentence of § 601.24(b)(6), and by revising the first sentence of § 601.1 to read as follows: "The regulations in this part implement certain portions of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson Act), which, among other things, establishes eight Regional Fishery Management Councils (Councils)."

[FR Doc. 83-34000 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 247

Thursday, December 22, 1983

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

DEPARTMENT OF AGRICULTURE

7 CFR Part 1093

[Docket No. AO-386-A1]

Milk in Alabama-West Florida Marketing Area; Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would establish a new procedure for announcing the Class II price under the Alabama-West Florida Federal milk order. A tentative Class II price for a particular month would be announced by the 15th day of the preceding month. The final Class II price would be announced by the 5th day after the month and would reflect, if applicable, the use of the Minnesota-Wisconsin price for that month as the "floor" under the Class II price. The decision is based on industry proposals considered at a public hearing held on August 9, 1983. The proposed order amendments are necessary to reflect current marketing conditions and to assure orderly marketing in the Alabama-West Florida marketing area.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

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

Prior documents in this proceeding:
Notice of Hearing: Issued July 15, 1983; published July 22, 1983 (43 FR 33492).

Partial Emergency Final Decision: Issued September 22, 1983; published September 29, 1983, (48 FR 44570).

Recommended Decision: Issued October 21, 1983; published October 26, 1983 (48 FR 49512).

Partial Final Order: Issued October 19, 1983; published October 24, 1983 (48 FR 48998).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Alabama-West Florida marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 801 *et seq.*), and the applicable rules of practice (7 CFR Part 900), at Montgomery, Alabama, on August 9, 1983. Notice of such hearing was issued on July 15, 1983 (49 FR 33492).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Marketing Program Operations, on October 21, 1983, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions to it.

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service has certified that the amendments adopted herein, which are based on the hearing record, would not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

The material issues, findings and conclusions, rulings and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to:

1. Class I price after October 31, 1983.
2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions.
3. Advance Class II price announcement.

A prior decision dealt with issues 1 and 2. The remaining issue (No. 3) of the hearing is considered in this decision.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Advance Class II price announcement. The provisions of the order should be amended to provide that

on or before the 15th day of the month, the market administrator shall announce the tentative Class II price that is to be effective the following month. The Class II price for the month should be the Minnesota-Wisconsin (M-W) price for the second preceding month, as adjusted by an "updating" formula, plus a Class II differential computed from a 12-month moving average of past Class II differentials. The Class II price for any month should not be less than the Class III price for the month. The Class II differential, over time, should average out to about the Class III price plus the current 10-cent Class II differential. The use of the Class III price as a floor would require that a final Class II price be announced by the market administrator on or before the 5th day of the following month when the Class III price for the month is known and it can be determined whether such price would apply as a "floor."

The procedures adopted are identical to those that were provided for 29 markets in a final decision issued July 8, 1981, and published in the **Federal Register** on July 14, 1981 (46 FR 36151). They are also almost identical, with some minor exceptions, to a 14-market final decision issued August 17, 1982, and published in the **Federal Register** on August 25, 1982 (47 FR 37178). There was no opposition to the proposal.

To achieve the foregoing, the order should provide for a "basic Class II formula price" for the month, which would be the order's basic formula price (i.e., the M-W price) for the second preceding month plus or minus an amount computed from the "updating" formula. In essence, a tentative estimate of the M-W price for the preceding month would be derived from the mechanics of the updating formula. This would permit the Class II price to be based on selected dairy industry data for that month rather than for the second preceding month.

The updating formula would determine first the amounts by which the gross values of milk used to manufacture cheddar cheese and butter, nonfat dry milk for the first 15 days of the preceding month are greater than or less than the respective values of such milk for the first 15 days of the second preceding month using yield factors provided by the Dairy Price Support Program. Thus, the relative proportions of milk used in Minnesota and

Wisconsin combined in the manufacture of cheddar cheese and butter-nonfat dry milk would be determined from data reported by the Department. From the foregoing data, a weighted average of the changes in gross values per hundredweight of milk would be computed.

The Class II price for the month would be the basic Class II formula price for the month plus a differential that would be the amount by which a 12-month moving average of the basic formula price plus the 10-cent Class II differential of the order exceeds a 12-month moving average of the basic Class II formula price. This should result in a Class II price that on the average exceeds the Class III price by the 10-cent differential now in the order.

The basic Class II formula price and the tentative Class II price would be computed by the Dairy Division, AMS, and transmitted to the market administrator on or before the 15th day of the preceding month, enabling the market administrator to announce by that time the tentative Class II price for the following month. The final Class II price would be announced on or before the 5th day of the following month when it is determined whether such price would be "floored" by the Class III price for the month.

At present, the order provides for the market administrator to announce publicly on or before the 5th day of each month the Class II price for the preceding month. The present order provides for a Class II price that is 10 cents above the M-W price.

Dairymen, Inc. (DI), a cooperative association that supplies a substantial part of the market's milk needs, proposed a procedure for announcing the Class II price for the order that is identical to the procedure provided herein. The association's witness testified that advance Class II pricing is now being provided for 40 Federal milk orders and should be provided for in this proceeding. Further, the witness said that all the Federal orders announcing the Alabama-West Florida order have adopted advance Class II pricing procedures.

Another reason cited by the proponent for these provisions is that the current procedure for pricing Class II milk unnecessarily creates undue business risks and other difficulties without any benefits to anyone. He said that the proposed announced procedure is designed to result in approximately the same level of Class II prices as results from using the current procedure, but on a more timely basis.

Proponent's witness said that this procedure would contribute to more

orderly marketing by providing additional stability within the order area. The witness said that producers benefit in that they would have advance knowledge of the price they would receive for Class II milk and, therefore, be in a position to make more appropriate management decisions. He said that handlers benefit in that advance Class II pricing would enable them to know beforehand the cost of the milk used in producing Class II products so that they could more accurately price their finished products. The witness said that the resulting effect would be of benefit to consumers in the form of a more orderly marketing system.

The proponent's witness said that DI operates several fully regulated plants under the order that produce Class II products. He said that advance Class II pricing is needed by their plants in order to accurately determine the selling price of Class II products. Further, the witness said that because handlers under the Alabama-West Florida order must estimate the costs of the milk ingredients used in Class II products, they are taking unnecessary risks by selling their products in competition with handlers regulated by surrounding orders who have the benefit of knowing their costs before the products are sold.

A witness for a proprietary handler that operates two fully regulated plants under the order testified in support of the proposal. The witness said that the proposed procedure would give handlers about two weeks' notice of Class II milk costs. He said that most of their customers require at least a two-week notice of any price increase. The witness said that because of the large quantities of Class II products that they manufacture, even a slight increase in the cost of Class II milk will have a significant impact on their plants. For example, he said that a 10-cent increase in the cost of Class II milk will increase the cost of one gallon of mix by almost one cent and increase the cost of one pound of sour cream by almost one cent.

Discussion of the issue. It is concluded from the hearing record evidence that the adoption of the proposal for advance notice of the Class II price is a reasonable means of assisting handlers in the marketing of milk. Handler witnesses said that the dairy industry is somewhat unique in that regulated handlers process and sell products without knowing the cost of the raw milk. This practice makes it difficult, if not impossible, to adjust resale prices to changes in ingredient costs. To them, this is an unwarranted and unnecessary situation which creates undue business risks and other

difficulties without any real benefit to others.

The provision for advance price under the Alabama-West Florida order will contribute to more orderly marketing for the processors of Class II products. Handlers will be in a better position to plan their processing and marketing and with advance knowledge of their raw milk costs. Also, the advance price procedure will enable handlers to establish and adjust resale prices of Class II products more currently relative the changes in raw milk costs. This is in contrast to the present system whereby handlers make estimates with varying results of how anticipated milk costs should be reflected in the resale prices.

Adopted procedure. The procedure provided herein for announcing a tentative Class II price for a month on or before the 15th day of the previous month is the same as the one proposed by DI. It is also identical to the procedures adopted for the 29 markets in the final decision of July 8, 1982, and, with some exceptions, to a 14-market final decision issued August 25, 1982. It provides that the market administrator shall announce publicly on or before the 15th day of each month a tentative Class II price for the following month. Such price would be provided to the administrator of the Alabama-West Florida order by the Dairy Division and would be determined from the method of computation specified in the order.

As provided in the attached order, the announced tentative Class II price for the month would be the sum of the following price components: (A) The basic Class II formula price; and (B) the Class II differential.

A. Basic Class II formula price. The basic Class II formula price, which would be used in computing the Class II price that is announced for the month, would be determined by the Dairy Division, AMS, on or before the 15th day of the preceding month. Under the formula provided herein, it would be computed by increasing or decreasing the M-W price of the second preceding month by an amount that reflects changes in the gross value of milk used to produce cheddar cheese (including returns from whey fat and whey solids-not-fat), butter, nonfat dry milk and edible whey powder during the first 15 days of the preceding month compared to the first 15 days of the second preceding month. The gross value of milk used to produce these products would be determined by multiplying the price of each product by a yield factor which represents the pounds of product that results from the manufacture of a hundredweight of milk. The yield factors

used in the formula adopted herein would be those that are used under the Dairy Price Support Program for determining similar gross values. Whenever the yield factors are changed, the new yield factors would be used in the formula beginning with the effective date of the announced support price or announced purchase prices.

The yield factors used under the Price Support Program are for milk of average butterfat content of 3.67 percent, while prices under the Federal milk order program are announced for milk containing 3.5 percent butterfat. Milk containing higher proportions of butterfat yield more pounds of product per hundredweight of milk than does milk containing a lower butterfat content. However, using the Price Support Program yield factors in the adopted formula should not appreciably affect the basic Class II formula prices. Only changes in gross values of milk from one month to another would raise or lower the basic Class II formula price. Those changes in gross values of milk should not be much different whether they are based on milk containing 3.67 percent butterfat or 3.5 percent butterfat.

The product prices that are used in the formula adopted herein would be those that are reported and published each week by the Dairy Division, AMS. The butter price would be that of the Chicago Mercantile Exchange for Grade A (92-score) butter. The cheddar cheese price would be that of the National Cheese Exchange for cheddar cheese in 40-pound blocks. The nonfat dry milk price would be the average price per pound (using the midpoint of any price range as one price) for high heat, low heat and Grade A nonfat dry milk for the Central States production area. If any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported. The price for whey powder would be the average price per pound (using the midpoint of any price range as one price) reported for edible whey powder (nonhygroscopic) for the Central States production area.

Based on yield factors used currently under the Price Support Program, a hundredweight of milk used to produce cheddar cheese yields 10.1 pounds of cheddar cheese, 0.25 pounds of butter and 5.5 pounds of whey powder. At the time of the hearing, under the Price Support Program, the price of whey powder increased the gross value of milk used to produce cheddar cheese only to the extent of that portion of the price of powder that exceeded 13.5 cents per pound. This was because the

processing cost of drying the whey into powder was 13.5 cents. If the price of whey powder were less than 13.5 cents per pound, the processing costs would be absorbed in the price of cheddar cheese. If the price exceeded 13.5 cents, only that portion of the price that exceeded 13.5 cents would contribute to the gross value of milk. Accordingly, in the formula adopted herein the gross value of a hundredweight of milk used to produce cheddar cheese would be the sum of the following computations:

1. The average daily price per pound of cheddar cheese during the first 15 days of each respective month would be multiplied by 10.1. The National Cheese Exchange meets on Friday morning for trading in cheddar cheese. Generally, the prices reported for each session establish the prices of cheddar cheese sold by the dairy industry during the following week. When Friday is a holiday, the Exchange meets on Thursday morning. In the formula adopted herein, a price reported by Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. A work-day would be each Monday through Friday, except national holidays. This definition of work-day would apply also to the other product prices described in the following paragraphs. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

2. The average daily price per pound of butter during the first 15 days of each respective month would be multiplied by 0.25. The Chicago Mercantile Exchange also meets on Friday morning for trading in butter. When Friday is a holiday, the Exchange meets on Thursday morning. In the formula adopted herein, a price reported by Friday (or Thursday) would be applied to that day plus each work-day of the following week prior to the day the Exchange meets. When there are work-days in a month that precede the first Friday of the month, the last price reported in the previous month would be applied to each such work-day that precedes the first Friday. During a week that the Exchange does not meet, the price applied for the following week would be the last Exchange price that was established.

3. The average daily price per pound of edible whey powder during the first

15 days of each respective month would be reduced by 13.5 cents and any amount remaining would be multiplied by 5.5. The whey powder price is determined by the Department on Thursday of each week and reflects the selling price of whey powder during the preceding 7-day period. When Thursday is a holiday, the price is determined on Wednesday. In the formula adopted herein, a price determined on Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday, or Thursday if the previous price reported had been on a Wednesday.

The gross value of a hundredweight of milk used to produce butter and nonfat dry milk would be determined in the following manner. The yield factor presently used by the Price Support Program indicate that one hundredweight of milk yields 4.48 pounds of butter and 8.13 pounds of nonfat dry milk. Thus, the average daily butter price per pound during the first 15 days of each respective month, as determined by the method described in (2) above, would be multiplied by 4.48.

Added to this value would be the value of milk used to produce nonfat dry milk. This would be computed by multiplying the average of the daily prices per pound of high heat, low heat and Grade A nonfat dry milk during the first 15 days of each respective month by 8.13. As with the whey powder prices, the prices of nonfat dry milk are determined on Thursday of each week and reflect the selling prices of nonfat dry milk during the preceding 7-day period. When Thursday is a holiday, the price is determined on Wednesday. In the formula adopted herein, the average of the prices of high heat, low heat and Grade A nonfat dry milk determined for Thursday (or Wednesday) would be applied to that day plus each previous work-day through the preceding Friday, or Thursday if the previous price reported had been on Wednesday. As described previously, if any of these nonfat dry milk prices are not reported at some future date, the price used in the formula would be the average of the remaining prices that are reported.

The next computation in the formula adopted herein determines the amounts by which the gross values of milk used to produce cheddar cheese and used to produce butter-nonfat dry milk during the first 15 days of the preceding month exceed or are less than the respective gross values during the first 15 days of the second preceding month. This would be done by subtracting the respective gross values during the first 15 days of the second preceding month from the

respective gross values during the first 15 days of the preceding month.

The quantity of milk used to produce cheddar cheese in the States of Minnesota and Wisconsin greatly exceeds the quantity used to produce butter-nonfat dry milk. Accordingly, the changes in gross values described in the previous paragraph should be weighted by the relative proportions of milk used to produce cheddar cheese and butter-nonfat dry milk in these two States. This would be done by converting the quantity of American cheese (cheddar cheese accounts for over 70 percent of all American cheese) and, separately, the quantity of nonfat dry milk¹ produced in the two States combined, as reported and published by the Statistical Reporting Service of the Department, into their respective milk equivalents (i.e., dividing the two-State quantity of American cheese produced by the 10.1 yield factor for cheddar cheese and dividing the corresponding quantity of nonfat dry milk produced by its yield factor of 8.13). The percentage that the milk equivalent for each separate product is of the total for the two products combined would be multiplied by the respective change in gross values, as described in the previous paragraph, to determine a weighted change in gross values for milk used to produce cheddar cheese and used to produce butter-nonfat dry milk. The weighted changes in gross values would be combined and this combined value would be used to adjust the second preceding month's M-W price. If the combined value for the first 15 days of the preceding month exceeds the corresponding value for the second preceding month, the M-W price would be increased. If it is lower, the M-W price would be reduced. The adjusted M-W price would be the basic Class II formula price for the month.

B. Class II differential. In the formula adopted herein, the Class II differential would be an amount added to the basic Class II formula price each month to yield a Class II price that, on average, would approximate the amount that the present Class II price in the order exceeds the respective order's Class III (or basic formula) price. It would be computed on or before the 15th day of the preceding month for use in determining the announced Class II price for the month. The differential would be the amount that the average M-W price during the most recent 12-month period plus the current Class II differential of the order exceeds the

average basic Class II formula price during the same 12-month period.

Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed on behalf of the proponent cooperative association. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

General Findings

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

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

No exceptions were filed.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Alabama-West Florida marketing area, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

September 1983 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Alabama-West Florida marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

List of Subjects in 7 CFR Part 1093

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on December 16, 1983.

Karen Darling,

Deputy Assistant Secretary for Marketing & Inspection Services.

Order¹ Amending the Order, Regulating the Handling of Milk in the (Alabama-West Florida) Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Alabama-West Florida marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. The marketing agreement is filed as a part of the original document and is therefore not published in the Federal Register.

¹ Nonfat dry milk is used in the computation because butterfat that is excess to fluid milk operations also is made into butter.

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Alabama-West Florida marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

1. Add § 1093.20 to read as follows:

§ 1093.20 Product prices.

The following product prices shall be used in calculating the basic Class II formula price.

(a) *Butter price.* "Butter price" means the simple average, for the first 15 days of the month, of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday, except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(b) *Cheddar cheese price.* "Cheddar cheese price" means the simple average, for the first 15 days of the month, of the daily prices per pound of cheddar

cheese in 40-pound blocks. The prices used shall be those of the National Cheese Exchange (Green Bay, WI), as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following work-day until the next price is reported. A work-day is each Monday through Friday except national holidays. For any week that the Exchange does not meet to establish a price, the price for the following week shall be the last price that was established.

(c) *Nonfat dry milk price.* "Nonfat dry milk price" means the simple average, for the first 15 days of the month, of the daily prices per pound of nonfat dry milk, which average shall be computed by the Director of the Dairy Division as follows:

(1) The prices used shall be the prices (using the midpoint of any price range as one price) of high heat, low heat and Grade A nonfat dry milk, respectively, for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service.

(2) For each week, determine the simple average of the prices reported for the three types of nonfat dry milk. Such average shall be the daily price for the day that such prices are reported and for each preceding work-day until the day such prices were previously reported. A work-day is each Monday through Friday except national holidays.

(3) Add the prices determined in paragraph (c)(2) of this section for the first 15 days of the month and divide by the number of days for which there is a daily price.

(d) *Edible whey price.* "Edible whey price" means the simple average, for the first 15 days of the month, of the daily prices per pound of edible whey powder (nonhygroscopic). The prices used shall be the prices (using the midpoint of any price range as one price) of edible whey powder for the Central States production area, as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each preceding work-day until the day such price was previously reported. A work-day is each Monday through Friday except national holidays.

2. In § 1093.50, paragraph (b) is revised to read as follows:

§ 1093.50 Class prices.

(b) *Class II price.* A tentative Class II price shall be computed by the Director of the Dairy Division and transmitted to the market administrator on or before the 15th day of the preceding month. The tentative Class II price shall be the basic Class II formula price computed pursuant to § 1093.51a for the month plus the amount that the value computed pursuant to paragraph (b)(1) of this section exceeds the value computed pursuant to paragraph (b)(2) of this section, except that in no event shall the final Class II price be less than the Class III price: *Provided*. That for the first month this paragraph is effective the Class II price shall be the basic formula price for the month plus 10 cents.

(1) Determine for the most recent 12-month period the simple average (rounded to the nearest cent) of the basic formula prices computed pursuant to § 1093.51 and add 10 cents; and

(2) Determine for the same 12-month period as specified in paragraph (b)(1) of this section the simple average (rounded to the nearest cent) of the basic Class II formula prices computed pursuant to § 1093.51a.

3. Add § 1093.51a to read as follows:

§ 1093.51a Basic Class II formula price.

The "Basic Class II formula price" for the month shall be the basic formula price determined pursuant to § 1093.51 for the second preceding month plus or minus the amount computed pursuant to paragraphs (a) through (d) of this section:

(a) The gross values per hundredweight of milk used to manufacture cheddar cheese and butterfat dry milk shall be computed, using price data determined pursuant to § 1093.20 and yield factors in effect under the Dairy Price Support Program authorized by the Agricultural Act of 1949, as amended, for the first 15 days of the preceding month and, separately, for the first 15 days of the second preceding month as follows:

(1) The gross value of milk used to manufacture cheddar cheese shall be the sum of the following computations:

(i) Multiply the cheddar cheese price by the yield factor used under the Price Support Program for cheddar cheese;

(ii) Multiply the butter price by the yield factor used under the Price Support Program for determining the butterfat component of the whey value in the cheese price computation; and

(iii) Subtract from the edible whey price the processing cost used under the Price Support Program for edible whey.

and multiply any positive difference by the yield factor used under the Price Support Program for edible whey.

(2) The gross value of milk used to manufacture butter-nonfat dry milk shall be the sum of the following computations:

(i) Multiply the butter price by the yield factor used under the Price Support Program for butter; and

(ii) Multiply the nonfat dry milk price by the yield factor used under the Price Support Program for nonfat dry milk.

(b) Determine the amounts by which the gross value per hundredweight of milk used to manufacture cheddar cheese and the gross value per hundredweight of milk used to manufacture butter-nonfat dry milk for the first 15 days of the preceding month exceed or are less than the respective gross values for the first 15 days of the second preceding month.

(c) Compute weighing factors to be applied to the changes in gross values determined pursuant to paragraph (b) of this section by determining the relative proportion that the data included in each of the following subparagraphs is of the total of the data represented in paragraphs (c)(1) and (2) of this section:

(1) Combine the total American cheese production for the States of Minnesota and Wisconsin, as reported by the Statistical Reporting Service of the Department for the most recent preceding period, and divide by the yield factor used under the Price Support Program for cheddar cheese to determine the quality of milk used in the production of American cheddar cheese; and

(2) Combine the total nonfat dry milk production for the States of Minnesota and Wisconsin, as reported by the Statistical Reporting Service of the Department for the most recent preceding period, and divide by the yield factor used under the Price Support Program for nonfat dry milk to determine the quantity of milk used in the production of butter-nonfat dry milk.

(d) Compute a weighted average of the changes in gross values per hundredweight of milk determined pursuant to paragraph (b) of this section in accordance with the relative proportions of milk determined pursuant to paragraph (c) of this section.

4. Revise § 1093.53 to read as follows:

§ 1093.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III price for the preceding month and the final Class II price for the preceding month.

except that the Class II price announced for the first month during which this section is effective shall be the price specified in the proviso in § 1093.50(b); and on or before the 15th day of each month the tentative Class II price for the following month.

[Secs. 1-8, 48 Stat. 31, as amended; 7 U.S.C. 601-674]

[FR Doc. 83-33975 Filed 12-21-83; 8:45 am]

BILLING CODE 3410-02-M

Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Harold Schuler, Director, International Relations and Financial Evaluation (202) 447-1700; William Ryback, Director, International Banking Activity, (202) 447-0413; or Dorothy Sable, Senior Attorney (202) 447-1880.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this proposal is to require banking institutions to provide uniformly against the risks presented in certain international assets by establishing a special reserve for such assets out of current income.

Background

As part of the review of their procedures for supervising "transfer risk" in U.S. banking institutions (the possibility that an asset cannot be serviced in the currency of payment because of a lack of foreign exchange in the country of the obligor), the federal banking agencies have examined the methods used by banking institutions to account for credits to governments or others in countries with severe and protracted external payments problems. In the opinion of the agencies, present bank procedures do not always reflect the reduced quality of these credits and do not account for them uniformly.

Under the current procedures, banks are required to review their assets, domestic and foreign, to determine whether they should be written down or whether additional provisions should be made to the allowance for possible loan losses in light of such credits. This traditional commercial credit process has not worked well for assets that have been adversely affected due to transfer risk. For example, private sector borrowers may be capable of honoring debt service obligations, but be prevented from doing so by governmental restrictions on the availability and uses of foreign exchange.

Transfer risk problems can seriously impair the liquidity and earning power of an asset. At a minimum, to the extent interest has not been paid, the value of the underlying asset is diminished. The federal banking agencies believe that when assets have not performed according to their terms over a protracted period of time due to a country's inability to generate or unwillingness to provide the necessary foreign exchange, the net carrying value of the affected assets should be reduced

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 20

[Docket No. 83-57]

International Operations Regulation; Allocated Transfer Risk Reserve

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would require banking institutions to establish reserves against the risks presented in certain international assets. In particular, it is intended to require banks to recognize uniformly the risk and diminished value of international assets which have not been serviced over a protracted period of time. This proposal would implement one aspect of the joint program of the federal banking agencies (Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System and Federal Deposit Insurance Corporation) to strengthen the supervisory and regulatory framework relating to foreign lending by U.S. banks, incorporated in section 905(a) of the International Lending Supervision Act of 1983. It is important that this provision of law be implemented expeditiously so that banking institutions, in the process of preparing financial statements, will have timely information on the reserves to be required by the agencies pursuant to section 905(a). Accordingly it is the intention of the agencies that final regulations be adopted no later than January 31, 1984.

Further regulations implementing other provisions of the Act will be issued separately.

DATES: Written comments must be submitted on or before January 11, 1984.

ADDRESS: Comments should be directed to: Docket No. 83-57 Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219, Attention: Lynette Carter.

in a bank's financial statement through charges to earnings and balance sheet provisions.

Section 905(a) of the International Lending Supervision Act of 1983 (Title IX, Pub. L. 98-181) ("the Act"), provides that the appropriate federal banking agency—the Comptroller of the Currency in the case of national banks—shall require banking institutions to establish and maintain a special reserve whenever, in the agency's judgment: (1) The quality of the banks' assets has been impaired by a protracted inability of public or private borrowers in a foreign country to make payments on their external indebtedness as indicated by such factors, among others, as:

(i) A failure by such public or private borrower to make full interest payments on external indebtedness;

(ii) A failure to comply with the terms of any restructured indebtedness; or

(iii) A failure by the foreign country to comply with any International Monetary Fund or other suitable adjustment program; or

(2) Where no definite prospects exist for the orderly restoration of debt service.

The Act requires that such reserves be charged against current income and not be considered as part of capital and surplus or allowances for possible loan losses. The federal banking agencies are required to promulgate regulations necessary to implement this section on or before March 30, 1984.

Proposal

The agencies propose to require banking institutions to establish "Allocated Transfer Risk Reserves" (ATRR) against assets that are found to be impaired by the transfer risk problems described above. In the alternative, a banking institution would have the option to write down all or part of the assets that are subject to the special reserves and, consequently, reduce the amount of reserve balances that would otherwise be required. If that option is selected, the allowance for possible loan losses must be replenished out of current earnings by the amount written down.

International assets subject to the reserve may include loans or other extensions of credit, debt securities, deposit arrangements, or similar claims. A representative listing of the types of assets which may be reservable is contained in the agencies' joint "Instructions for Preparing Country Exposure Report" (Form FFIEC No. 009, provided to banking institutions and available to the public upon request to any of the federal banking agencies.) International assets are those included

in banking institutions' Country Exposure Reports and may be liabilities of foreign governments or their agencies and instrumentalities or of foreign corporations, banks or individuals.

A determination that severe transfer risk problems exist would be based on the federal banking agencies' application of the general criteria contained in Section 905(a) of the International Lending Supervision Act. Applying such factors, the federal banking agencies will determine jointly which international assets will be subject to the reserve and the amount and timing of the reserve for specified assets. As prescribed by Section 905, each agency will implement these determinations with respect to the banking institutions for which it is the appropriate federal banking agency.

Banking institutions will be notified of the percentage amount of reserve required for specified assets. The first year's required reserve normally will be 10 percent of the principal amount of the asset but it may be lower or higher. In view of the fact that some countries already have exhibited debt service problems over a number of years, the initial reserve established upon implementation may be substantially higher than 10 percent. Additional reserves may be required in subsequent years; generally in increments of 15 percent of the principal amount of the asset. The specific amount and timing of the reserve would vary by country and may also vary by the type of asset. The percentage reserve for specified assets would be uniform for all banks.

Banking institutions must establish the reserve out of current income. The ATRR cannot be considered part of capital and surplus or allowances for possible loan losses.

If the agencies determine that the transfer risk problems affecting an asset have decreased to the extent that the reserve is no longer necessary, banking institutions will be notified that the reserve may be reduced.

As required by section 905, the rules for the establishment and maintenance of the ATRR by banking institutions would apply for all federal regulatory, supervisory and disclosure purposes, including disclosure under the federal banking and securities laws.

Comments are specifically requested on: (1) The percentage norms for the reserve; (2) the factors to be used in determining the amount of reserves; and (3) the appropriate treatment of new loans where comparable outstanding loans are subject to reserves. The federal banking agencies also are considering the extent to, and manner in which this and other provisions of the

International Lending Supervision Act should be applied to U.S. branches and agencies and commercial lending company subsidiaries of foreign banks. Comments are invited on these questions.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 97-354, 5 U.S.C. 601 *et seq.*) the Comptroller of the Currency has certified that the proposed regulation, if adopted, will not have a significant economic impact on a substantial number of small entities since small banks generally do not hold foreign assets which would be affected by this regulation.

Executive Order 12291

The Comptroller of the Currency has determined that the proposed regulation does not constitute a "major rule" and therefore does not require a regulatory impact analysis.

List of Subjects in 12 CFR Part 20

National banks, International operations, Reserves on certain international assets.

Authority and Issuance

Accordingly, the Comptroller of the Currency proposes to amend 12 CFR Part 20 as follows:

PART 20—[AMENDED]

1. The authority citation for 12 CFR Part 20 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, unless otherwise noted.

2. Part 20 is amended by revising § 20.1 to read as follows:

§ 20.1 Authority and Policy.

(a) *Authority.* This part is issued under the authority of the national banking laws, 12 U.S.C. 1 *et seq.* and 93a; Sec. 20.6 is also issued under 12 U.S.C. 161 and 1818, and Sec. 905, Pub. L. 98-181, 97 Stat. 1153.

3. Part 20 is amended by adding a new section to read as follows:

§ 20.6 Allocated Transfer Risk Reserve.

(a) Definitions.

(1) "Federal banking agencies" means the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

(2) "Banking institution" means a national banking association or a District of Columbia bank.

(3) "International assets" means those assets included in banking institutions' "Country Exposure Report Forms"

(FFIEC No. 009) as such forms may be revised from time to time.

(b) *Requirements*.—(1) *Establishment of reserve*. A banking institution shall establish an Allocated Transfer Risk Reserve (ATRR) for specified international assets when required by the Comptroller after the federal banking agencies determine that such a reserve is necessary.

(2) *Amount of reserves*.—(i) *Initial provisions*. The initial year's provision for the ATRR shall be ten percent of the principal amount of the international assets subject to the ATRR, or such greater or lesser percentage required by the Comptroller after determination by the federal banking agencies.

(ii) *Subsequent provisions*. Additional provision for the ATRR in subsequent years shall be 15 percent of the principal amount of the specified international assets or such greater or lesser percentage required by the Comptroller, after determination by the federal banking agencies.

(c) *Procedures*. (1) At least annually, the federal banking agencies shall jointly determine which international assets should be subject to the ATRR and the amount and timing of the ATRR for specified assets based on the standards in subsection (d). Applying the same standards, they shall also determine whether an ATRR no longer is required for specified assets and may be reduced under subsection (e)(5).

(2) Banking institutions holding assets subject to the ATRR will be notified by the Comptroller of the amount and timing of the ATRR to be made for each such asset and whether the ATRR for a specified asset may be reduced.

(d) *Standards*.—(1) *Assets requiring an ATRR*. In determining whether an ATRR is warranted for particular international assets, the following criteria shall be applied:

(i) Whether the quality of a banking institution's assets has been impaired by a protracted inability of public or private obligors in a foreign country to make payments on external indebtedness as indicated by such factors, among others, as:

(A) Whether such obligors have failed to make full interest payments on external indebtedness;

(B) Whether such obligors have failed to comply with the terms of any restructured indebtedness; or

(C) Whether a foreign country has failed to comply with any International Monetary Fund or other suitable adjustment program; or

(ii) Whether no definite prospects exist for the orderly restoration of debt service.

(2) *Amount of ATRR*. The amount of ATRR shall be determined based upon the length of time the asset quality has been impaired, recent actions taken to restore debt service capability, future prospects for restored asset quality, or such other factors as the federal banking agencies may consider relevant to the quality of the asset.

(e) *Accounting treatment of ATRR*. (1) The ATRR shall be established by a charge to current income.

(2) The ATRR is to be accounted for separately from the General Allowance for Possible Loan Losses, and is to be deducted from "gross loans" to arrive at "net loans."

(3) The ATRR shall not be included in the banking institution's capital or surplus.

(4) No ATRR provisions are required if the banking institution writes down the assets by the requisite amount but in that event, the allowance for possible loan losses must be replenished out of current earnings by the amount written down.

(5) The ATRR may be reduced by a banking institution when notified by the Comptroller.

Dated: December 16, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-33096 Filed 12-21-83; 8:45 am]

BILLING CODE 4810-33-M

1825 Connecticut Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this case is assigned to be held before the Board on Wednesday, February 1, 1984, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Each party that wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before Tuesday, January 10, 1984, together with the name of the person who will represent it at the argument. Persons who did not file formal comments (i.e., 20 copies) should provide a one-sentence description of their position on this item, in the event that the number of participants has to be limited.

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

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33096 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 327

[Procedural Regulation; Docket 41855;
Dated: December 1, 1983; PDR-87]

Payment of Interest on Subsidy and Compensation Claims

December 1, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB is proposing rules to implement a Congressional directive to pay interest on certain disputed subsidy and compensation claims. The rules would define the situations when the CAB will pay interest to carrier, and what the carrier must do to be eligible for payments. The rules are at the CAB's initiative to set procedures under the provisions in the Fiscal Year 1983 Transportation Appropriations Act.

DATES: Comments by: February 21, 1984. Reply comments by: March 2, 1984.

Comments and other relevant information received after this date will be considered by the board only to the extent practicable.

Requests to be put on Service List by: January 3, 1984.

The Docket Section prepares the Service List and sends it to each person

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Economic Regulations Docket 41431;
Dated: December 8, 1983]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Oral Argument.

SUMMARY: The CAB is holding an oral argument on February 1, 1984, on proposals to amend various provisions of the Board's smoking rules (48 FR 24918, June 3, 1983). Persons wishing to participate must notify the Board in writing by January 10, 1983.

DATES: Written applications due: Tuesday, January 10, 1984. Oral argument: Wednesday, February 1, 1984.

Applications received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Written notices of intent to participate as well as position descriptions should be sent to The Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. The oral argument will be held in Room 1027, Universal Building.

listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41855, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Christopher T. Tourtellot, 202-673-5205, or Joseph A. Brooks, 202-673-5442, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: Section 322 of the FY 1983 Transportation Appropriations Act (Pub. L. 97-369) requires the Board to pay interest on subsidy claims under section 406 and on "hold-in" compensation claims under section 419(a)(7)(B) of the Federal Aviation Act of 1958, as amended. Under section 322, for purposes of payment of interest, those subsidy and compensation claims are treated as if they were claims under the Contract Disputes Act (Pub. L. 96-563). The Board is asking for comments on proposed procedural rules to implement section 322. The proposed rules define what is a disputed claim for purposes of paying interest, and state how interest would accrue with respect to interim and final payments.

Section 322 applies only three provisions of the Contract Disputes Act to eligible subsidy and compensation claims: section 12, relating to interest; section 13, relating to claims and judgments; and section 14(i), relating to jurisdiction of the U.S. Claims Court. Under section 322, interest is not payable prior to the date of the Contract Disputes Act. The rules in the proposed part 327 would only implement section 12 of that Act. The other applicable sections are self-executing.

The matters for which the Contract Disputes Act was designed are quite different in concept and operation from the manner in which the subsidy and compensation programs are set out in the Federal Aviation Act. The interplay between the two statutes is unclear under section 322. These proposed rules have been designed to carry out the directive of section 322 without disrupting the small communities air service program, which is funded under section 419 of the Federal Aviation Act.

An older subsidy program (under section 406) compensates carriers for system losses when serving small communities. Those payments are also

subject to section 322. Funding, however, has been stopped for that program. Since the program is still authorized, though without funding, the rules would address both that program and the section 419 program.

In order to understand the application of section 322, it must be looked at within the context of the primary compensation program under section 419. Under that program, once a certificated carrier has given the 90-day notice required under the Act that it intends to suspend service to a particular market, the Board is authorized under section 419 to require the carrier to continue to serve the market in question until a suitable replacement carrier can be found. If it is not serving the market under an existing subsidy rate, the carrier that has been "held in" is entitled to be compensated for its actual losses incurred after the expiration of the 90 day notice period.

After the carrier has submitted evidence in support of its claim for interim compensation, if the Board disagrees with the interim request, it will hold an informal rate conference with the carrier. The Board's staff then issues an order (pursuant to its delegated authority) establishing an interim rate of compensation that is subject to further adjustment when the final rate of compensation is determined. The carrier has the right to appeal the staff's interim decision to the Board. It may also later seek an increase in the interim rate.

At the end of the "hold-in" period, the staff evaluates the carrier's final rate request in light of audit results, and after informal conference procedures in the event of disagreement, the Board issues a show cause order that generally asks the carrier to state why the staff's determination should not become final. If the carrier fails to take exception to the show cause order, the staff has delegated authority to make the Board's tentative conclusions final. If the carrier takes exception to the Board's show cause order, it then has an opportunity to convince the Board of the merits of its position. The Board then issues a final order that determines the final rate of compensation. The Board's decision on a final rate is subject to judicial review.

Under the Contract Disputes Act, interest authorized under section 322 would only be payable on the amount of a claim in dispute. Section 322 only applies to certificated air carriers under sections 406 and 419(a)(7)(B) of the Federal Aviation Act. Under the rule, a claim would be in dispute when a certificated air carrier contests the amount determined by the Board to pay

the carrier's loss or subsidy under those sections.

Under the proposal, the process will start when a carrier files a written claim for the subsidy or loss compensation. If the Board, or its staff under delegated authority, issues an order denying the claim in whole or in part, the carrier must object to the determination. If it does not do so, it will not be eligible for interest if the claim is later allowed. Interest will be payable only if the Board or a court determines that a larger amount is due than was awarded in the original decision. Interest is then payable beginning 60 days after the carrier filed the original claim, or as of the date the compensation would be due, if later. The Board has tentatively decided to allow a 60-day period for processing a disputed claim before interest begins to accrue. This period will allow the Board to evaluate and verify the claim.

There are two types of payments made under the section 419 program: interim and final. There are now only final determinations under section 406. Final and interim payment procedures appear to warrant different methods for determining the payment of interest on disputed claims under section 322.

Under the proposed rules, a carrier could contest the Board's initial determination in several ways. If the claim were for an interim payment, the carrier would have to file either a petition for review of staff action or a petition for reconsideration by the Board, depending on who made the first determination. If the claim were for a final payment, the carrier would file either a petition for reconsideration with the Board or a petition for Court review. This is how carriers appeal Board rulings now.

Final payments for services performed are procedurally the simpler of the two payments. In such a case, the Board would set a final rate for the carrier's services. The carrier could then dispute that amount. If all eligibility requirements were met under the proposed rules, the Board would calculate and pay interest based on the difference between the amount of the final rate ultimately determined to be due and the total amount paid previously to the carrier (if any) under the Board's earlier final rate order.

The proposed rules for disputed claims by carriers involving interim payments involve some additional steps. Interim payments are periodic payments to carriers made by the Board for services performed before a final rate has been set. Under the proposed rules, if the carrier believed the amount

determined by the Board for an interim payment to be to low, it would first have to follow the informal rate resolution procedures under Part 324. This requirement promotes reconciliation of the differing amounts within the framework of the small communities program, a process that has worked well in the past.

If a new interim rate were set at the request of the carrier for adjustment of a disputed rate, interest would be paid by the Board on the difference between that rate and amounts previously paid the carrier. The interest would begin to run 60 days from the date the claim was filed, or on the dates the interim payments were due, whichever came later.

To the extent that there was still a gap between interim payments and the final rate, interest would stop running, however, 90 days after the Board's last determination, unless the carrier submitted a new claim within that period. This proposed requirement for re-submission of claims is intended to ensure that carriers do not "sit on their rights" until a large amount of interest is due. The carriers have the easiest access to the operational data needed to support renewed claims. The Board tentatively finds that they should be required to come forth with that information within a reasonable time to avoid unnecessarily large interest payments for a long period of time.

Interest on both interim and final payments would be paid under the rule at a rate set by the Secretary of Treasury as required by the Contract Disputes Act. It would run from the dates described in the proposed rule until the date payment was made.

There is a third type of payment under these programs: advance payments. These payments are made in the expectation of services to be performed by the carrier. It is the Board's understanding that the intent of section 322 and the intent of the Contract Disputes Act is to authorize interest on payments for services performed, not for future services expected to be performed. Advance payments are made at the Board's discretion based on a carrier's financial circumstances and the need to continue its service to a particular point. For those reasons, the proposed rule states that no interest will be paid on claims for advance payments.

Initial Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act, (5 U.S.C. 605(b)), the Board certifies that none of these proposed changes, if adopted, will have a significant economic impact on a

substantial number of small entities. The statutory authority for the rules only applies to certificated carriers, the vast majority of which are not small businesses. These rules, moreover, would only implement a process whose basic features have been set by statute.

Paperwork Reduction Act

The collection-of-information requirements in this proposal are subject to the Paperwork Reduction Act, Pub. L. 96-511, 44 U.S.C. Chapter 35. Those requirements have been submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the collection-of-information requirements to OMB and to the Board. Comments sent to OMB should be addressed to: Office of Information and Regulatory Affairs, ATTN: Desk Officer for Civil Aeronautics Board, Office of Management and Budget, Washington, D.C. 20503.

List of Subjects in Part 327

Claims, Grant programs—Transportation.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Chapter II by adding a new Part 327, *Payment of Interest on Subsidy and Compensation Claims*, to read:

PART 327—PAYMENT OF INTEREST ON SUBSIDY AND COMPENSATION CLAIMS

Sec.

- 327.1 Purpose.
- 327.2 Applicability.
- 327.3 Requirements for interest payment on interim or final rates.
- 327.4 Disputing the claim for interim or final rates.
- 327.5 Claims for interim payments.
- 327.6 Computation of interest.
- 327.7 Advance payments.

Authority: Secs. 204, 406, 415, 419, Pub. L. 85-726, as amended, 72 Stat. 743, 763, 771, 92 Stat. 1732, 49 U.S.C. 1324, 1378, 1386, and 1359. Sec. 322, Pub. L. 97-369, 96 Stat. 1765.

§ 327.1 Purpose.

This part establishes procedures for the payment of interest on claims for certain subsidy and compensation payments as required by section 322 of the FY 1983 Transportation Appropriation Act. It defines the circumstances under which interest will be paid under that law, and what actions air carriers must take to be eligible for interest payments.

§ 327.1 Applicability.

The procedures in this part determine eligibility for interest on amounts paid

to air carriers certificated under section 401 of the Federal Aviation Act for their losses claimed under section 419(a)(7)(B), or for subsidy under section 406 of that Act, where a dispute exists between the Board and the carrier about the amount of the loss or subsidy.

§ 327.3 Requirements for interest payment on interim or final rates.

Interest shall be payable under this part only when the following events have occurred:

- (a) An air carrier has filed a written claim for compensation with the Board;
- (b) The Board or its staff has by order allowed less than the full amount to the claim;
- (c) The carrier has disputed the Board's determination in accordance with § 327.4;
- (d) The Board, or a court of competent jurisdiction, has determined that a larger amount is owed to the carrier than the amount previously allowed by the Board; and
- (e) The later of the following dates has arrived:
 - (1) 60 days after the date of the original claim; or
 - (2) The date on which payment of the compensation in question was due.

§ 327.4 Disputing the claim for interim or final rates.

To be eligible for interest payments, a carrier shall dispute a claim by one of the following methods:

- (a) If the claim is for an interim payment, a petition for Board review if the initial determination was by the staff, or for Board reconsideration if the initial determination was by the Board.
- (b) If the claim is for a final payment, a petition for reconsideration by the Board, or petition for judicial review by a court of competent jurisdiction.

§ 327.5 Claims for interim payments.

(a) In order to receive interest on the difference between an interim and a higher interim or final rate, a carrier must follow the informal procedures set forth in § 324.4 of this chapter to settle the claim before disputing the claim under § 327.4.

(b) Where a rate determination is for a higher payment than the previous interim payments a carrier has received, interest shall run from the date specified in § 327.3(e), but only until 90 days after Board action on the carrier's dispute of the claim under § 327.4(a), unless the carrier has, within that period, resubmitted the claim and followed the steps in § 327.3(a) through (c). Thus, for interest to run continuously in such a case, the carrier must continue to resubmit its claim with data derived

from operating experience not more than 90 days after each Board action on the carrier's dispute of the claim.

§ 327.6 Computation of interest.

When the requirements of § 327.3, and of § 327.5 if applicable, have all been met, interest shall be computed from the date specified in § 327.3(e) until the date on which the disputed amount is paid by the Board. Interest will be paid at the rate established by the Secretary of the Treasury as provided by the Contract Disputes Act.

§ 327.7 Advance payments.

The Board will not pay interest on advance payments.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FRC Doc. 83-33870 Filed 12-21-83; 8:45 am]
BILLING CODE 6320-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Strong Sensitizers

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed revocation.

SUMMARY: The Consumer Product Safety Commission proposes to revoke the definition of "strong sensitizer" given in 16 CFR 1500.3(c)(5). The definition stated in this regulation is narrower than the definition given in the Federal Hazardous Substances Act and does not account for certain current scientific theories about the ways some individuals can become sensitized to certain substances. The supplementary definition in the regulations is being revoked because the statutory definition should be adequate for use in any future regulatory proceeding.

DATES: The proposed effective date is 30 days after the publication of the final notice of revocation in the **Federal Register**.

Comments must be submitted on or before February 21, 1984.

ADDRESSES: Comments may be mailed to: The Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or hand delivered to the Office of the Secretary, Room 332, 5401 Westbard Avenue, Bethesda, Md.

FOR FURTHER INFORMATION CONTACT: Susan E. Feinman, Ph.D., Directorate for Health Sciences, Consumer Product

Safety Commission, Washington, D.C. 20207, (301) 492-6477.

Harleigh Ewell (Office of the General Counsel), Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6980.

SUPPLEMENTARY INFORMATION: The Federal Hazardous Substances Act (FHSA or "the Act"), 15 U.S.C. 1261-1275, was enacted on July 12, 1960. Included within the Act's definition of "hazardous substance" is "a strong sensitizer," 15 U.S.C. 1261(f)(1)(iv). The FHSA defines "strong sensitizer" as

a substance which will cause on normal living tissue through an allergic or photodynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the [Consumer Product Safety Commission]. Before designating any substance as a strong sensitizer, the [Commission], upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity. 15 U.S.C. 1261(k).

This definition is restated in the regulations under the FHSA published at 16 CFR 1500.3(b)(9).

On August 12, 1961, the Food and Drug Administration (which at that time administered the FHSA) issued regulations under the FHSA which supplemented the statutory definition of strong sensitizer. 26 FR 7334 (§ 191.10(i)). In 1973, the responsibility for the administration of the FHSA was transferred to the Consumer Product Safety Commission, and the supplementary definition of strong sensitizer referred to above is currently published at 16 CFR 1500.3(c)(5). That paragraph states:

(5) The definition of "strong sensitizer" in section 2(i) of the Act (restated in paragraph (b)(9) of this section) is supplemented by the following: A "strong allergic sensitizer" is a substance that produces an allergic sensitization in a substantial number of persons who come in contact with it. An allergic sensitization develops by means of an "antibody mechanism" in contradistinction to a primary irritant reaction which does not arise because of the participation of an "antibody mechanism." An allergic reaction ordinarily does not develop on first contact because of necessity of prior exposure to the substance in question. The sensitized tissue exhibits a greatly increased capacity to react to subsequent exposures of the offending agent. Subsequent exposures may therefore produce severe reactions with little correlation to the amounts of excitant involved. A "photodynamic sensitizer" is a substance that causes an alteration in the skin or mucous membranes in general or to the skin or mucous membranes at the site of contact

so that when these areas are subsequently exposed to ordinary sunlight (or equivalent radiant energy) an inflammatory reaction will develop. (Emphasis added.)

Since this definition was issued in 1961, there have been many advances in understanding the basic principles involved in allergic hypersensitivity mechanisms. Based on modern concepts of immunology, the definition of "strong sensitizer" in 16 CFR 1500.3(c)(5) is incorrect with regard to the statement that "an allergic sensitization develops by means of an "antibody mechanism" in contrast to a primary irritant reaction."

While certain allergic reactions involve production of antibodies, others, such as allergic contact dermatitis (ACD) do not. ACD is the main type of sensitization reaction caused by the five substances designated as strong sensitizers in 16 CFR 1500.13. The immunological mechanism involved, known as "delayed type hypersensitivity" (DTH) or "cellularmediated immunity," cannot be transferred by serum (that contains antibodies) and has not been shown to be associated with antibodies in any way. (See, e.g., Gell, P.G.H., and Coombs, P.R.H., *Clinical Aspects of Immunology*, 2nd ed. (1969) and Patterson, R., *Allergic Diseases: Diagnosis and Management*, 2nd ed. (1980).) This is in contrast to another type of allergy "immediate" or "serum-mediated" hypersensitivity. The definition of "strong sensitizer" stated in the Federal Hazardous Substances Act is broad enough to cover both types of hypersensitivity. It is also broad enough to apply to other current and (probable) future theories about the cause of sensitization reactions from environmental agents.

A second problem with the regulations concerning strong sensitizers lies in the definition of "photodynamic sensitizer" stated in 16 CFR 1500.3(c)(5), which does not conform with current, generally accepted concepts. This definition states that a "photodynamic sensitizer" causes an alteration in the skin or mucous membranes so that, on subsequent exposure to sunlight (or equivalent radiant energy), an inflammatory reaction develops.

However, dermatology, dermatotoxicity, allergy, and contact dermatitis textbooks agree that "photosensitivity" is a term encompassing both allergic (photoallergy) and nonallergic (phototoxic) light-related skin responses, and that photodynamic reactions should be considered as a type of phototoxic reactions.

Photodynamic sensitization is generally viewed as a type of phototoxicity in which oxygen is required for the occurrence of the reaction. (Harber, L.C., Shalita, A.R., and Armstrong, R.B., "Immunologically mediated contact photosensitivity in guinea pigs," in Chapt. 16, *Dermatotoxicology*, (Marzulli, F.N. and Mailbacher, H.I., eds.), 2nd ed. (1983); and Pathak, M.A. and M.A. and Epstein, J.H., "Normal and abnormal reactions by man to light," *Dermatology in General Medicine*, Chapt. 17 "Disorders due to physical agents" (1971).) Phototoxic chemicals are thought to act through a mechanism similar to irritation and not to require prior exposure. Thus, the definition of "photodynamic sensitizer" in 16 CFR 1500.3(c)(5) is confusing, if not inaccurate.

A more detailed discussion of the current scientific theories concerning allergic and photodynamic sensitization, with references to the available scientific literature, is contained in a memorandum from the Commission's Directorate for Health Sciences dated October 19, 1983. Single copies of this memorandum and other materials concerning this proposal may be obtained from the Commission's Office of the Secretary.

For the reasons given above, the Commission concludes that the definition of strong sensitizer given in 16 CFR 1500.3(c)(5) is no longer appropriate. In addition, the Commission believes that the definition of strong sensitizer given in the FHSA at 15 U.S.C. 1281(k) is adequate for any future regulatory determination that a substance is a strong sensitizer. Therefore, the Commission has decided to propose to revoke § 1500.3(c)(5).¹

Environmental Considerations

The proposed revocation of the supplementary definition of "strong sensitizer" is not intended to affect the status of any product containing a substance that has been declared previously to be a hazardous substance under the FHSA. Accordingly, no product will be directly affected by this proposed action; and future regulatory proceedings to designate a substance as a strong sensitizer will utilize the statutory definition in 15 U.S.C. 1281(k). Therefore, the Commission concludes that the revocation proposed below has

little or no potential for affecting the human environment and that neither an environmental assessment nor an environmental impact statement is required. See 16 CFR Part 1821.

Regulatory Flexibility Act Certification

Since for the reasons explained in the preceding paragraph, no products will be directly affected by this proposed action, the Commission certifies that this revocation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Conclusion

Since the supplement to the definition of strong sensitizer has the deficiencies noted above, and since the statutory definition is adequate for any future regulatory proceedings, the Commission proposes to revoke § 1500.3(c)(5) of Title 16 of Code of Federal Regulations.

Authority: Sets. 2, 10, Pub. L. 86-613, 74 Stat. 372, 378 [15 U.S.C. 1281, 1289].

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous Materials, Imports, Infants and children, Labeling, Law enforcement, Toys.

Dated: December 16, 1983.

Sadye E. Dunn.

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33956 Filed 12-21-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-16-80]

Property Transferred in Connection With the Performance of Services

Correction

In FR Doc. 83-30889 beginning on page 52079 in the issue of Wednesday, November 16, 1983, make the following corrections:

1. On page 52080, second column, under Special Analyses, eleventh line, "5 U.S.C. 533" should have read "5 U.S.C. 533".

2. On the same page, same column, in List of Subjects, "1.28-4" should have read "1.281-4".

3. On page 52081, in § 1.83-6(a)(2), first column, last paragraph, sixth line from the bottom, insert the following before the word "employee", "employer in which or with which ends the taxable year of the".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 220

[DoD Directive 5400.xx]

Withholding of Technical Data From the Public

AGENCY: Defense.

ACTION: Proposed rule.

SUMMARY: This proposed rule is published in compliance with the Department of Defense Authorization Act, 1984. Section 1217 of the Act provides that the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license. The proposed rule is a draft DoD implementation of the Act that is subject to revision based on the results of formal internal DoD coordination and public comments.

DATE: Written comments must be received by January 31, 1984.

ADDRESS: Principal Director of Counterintelligence and Security Policy, Office of the Deputy Under Secretary of

¹ Chairman Nancy Harvey Steorts and Commissioners Stuart M. Stettler, Sam Zagoria, and Terrence M. Scanlon voted to propose the revocation. Newly appointed Commissioner Sandra Armstrong abstained.

BILLING CODE 1505-01-M

Defense (Policy), Room 3C276, The Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:
Mr. L. Britt Snider, 202-695-6609.

SUPPLEMENTARY INFORMATION: This proposed rule is being coordinated within the Department of Defense and is subject to revision during that coordination process. It is published as required by section 1217(b)(1) of Pub. L. 98-94, the "Department of Defense Authorization Act, 1984." Section 1217 of the Act amended chapter 4 of title 10, United States Code, by adding at the end thereof a new section 140c.

List of Subjects in 32 CFR Part 220

Unclassified technical data, Control and release of technical data, Export of technical data, Freedom of Information Act.

Accordingly, it is proposed to amend 32 CFR by adding a new Part 220 reading as follows:

PART 220—WITHHOLDING OF TECHNICAL DATA FROM THE PUBLIC

Sec.	
220.1	Purpose.
220.2	Applicability and scope.
220.3	Definitions
220.4	Policy.
220.5	Procedures.
220.6	Responsibilities.
220.7	Export control laws and restrictions.
220.8	Disclaimer statements.

Authority: Pub. L. 98-94, Title 10 U.S.C. Section 140c.

§ 220.1 Purpose.

This Directive establishes policy, prescribes procedures, and assigns responsibilities regarding withholding of technical data from the public under 10 U.S.C. Section 140c.

§ 220.2 Applicability and scope.

(a) The provisions of this Directive apply to the Office of the Secretary of Defense (OSD) and activities supported administratively by OSD, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to as "DoD Components").

(b) This Directive applies to unclassified technical data with military or space application in the possession of, or under the control of, a DoD Component and which may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) This Directive does not apply to the provision of information to the Congress, as provided for in DoD Directive 5400.4.

(d) This Directive does not apply to, or affect, the provision of technical data to foreign governments or their representatives pursuant to official agreements or arrangements with the U.S. Government, nor does it apply to the provision of such data to foreign entities pursuant to U.S. Government-licensed transactions involving such entities. In the absence of such U.S. Government-sanctioned relationships, however, this Directive does apply.

§ 220.3 Definitions.

(a) *Certified U.S. contractor.* A private individual or enterprise located in the United States whose eligibility to obtain technical data has been established under procedures developed by the Under Secretary of Defense (Research and Engineering). As a minimum, eligibility requirements will include a written statement from the requester's enterprise agreeing to or attesting to the fact that:

(1) The export-controlled technical data is intended for use in the requester's business or enterprise in order to bid for or perform on contracts awarded by the Department of Defense, or foreign contracts in support of systems or equipment that have been authorized or licensed by the U.S. Government for export, manufacture, or co-production;

(2) The enterprise is owned, controlled, and operated by U.S. citizens or permanent resident aliens, or, if this is not the case, that the enterprise concerned agrees to take appropriate measures to preclude access by foreign nationals to export-controlled technical data;

(3) The enterprise will not disseminate export-controlled technical data to the public, or to export such data or the products thereof outside the United States, without the permission of the DoD Component that provided the technical data;

(4) The enterprise will notify the controlling DoD office of any application for license to export the controlled technical data or products based on the technical data;

(5) The enterprise has the technical and financial capability to perform in the research and technology subject fields identified on DD Form 1540, "Registration for Scientific and Technical Services," or Federal Supply Classification Groups identified in Cataloging Handbook H 2-1, for which certification is requested;

(6) The enterprise agrees to report violations of its agreement to the DoD Component that provided the technical data, and also to report any changes in the conditions under which access was provided; and

(7) Information supporting the request for certification is correct, and that neither the applicant nor any person employed or acting on behalf of the applicant, so far as is known, is now debarred or otherwise declared ineligible by any agency of the U.S. Government from bidding for furnishing materials, supplies, or services to the Government or any agency thereof.

(b) *Technical data with military or space application or technical data.* Any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.

(c) *United States.* The 50 States, the District of Columbia, and the territories and possessions, of the United States.

(d) *Foreign contract.* A contract offered by a foreign government, or by a commercial entity acting under a contract with a foreign government.

(e) *Distribution statement.* The markings prescribed in DoD Directive 5200.20 to denote the extent to which a particular technical document is available for distribution, release, and dissemination without additional approvals or authorizations.

(f) *Controlling DoD office.* The DoD activity that has responsibility for determining distribution of a document containing technical data, whether the document was prepared in-house or under a contract or grant. In the case of joint sponsorship, the controlling office is determined by advance agreement and may be either a party, a group, or a committee representing the interested activities or Components.

§ 220.4 Policy.

(a) 10 U.S.C. Section 140c authorizes DoD Components to withhold from disclosure to the public technical data with military or space application that may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979, or the Arms Export Control Act; providing that no such data may be withheld under this Directive that has been approved for release to the public, or would otherwise qualify for general license GTDA (general technical data available to all locations), as provided

in § 379.3 of the Export Administration Regulation (EAR).

(b) Public disclosure of technical data subject to this Directive is tantamount to export of such data without benefit of the approval, authorization, or license required by export control laws.

Therefore, withholding such data from the public may be necessary and in the national interest.

(c) All determinations to withhold technical data shall be made in accordance with § 220.5.

(d) Under the provisions of Pub. L. 96-480, it shall be DoD policy to make unclassified technical data not otherwise governed by this Directive available for use by private individuals and State and local governments.

(e) This Directive shall not be used as authority to deny access to:

(1) Technical data by certified U.S. contractors who provide, or seek to provide, goods or service to the Department of Defense;

(2) Technical data by any certified U.S. contractor who needs such data to compete for foreign contracts in support of equipment or technology provided a foreign government by or with the approval of the U.S. Government; provided, however, that such contractor may be required to obtain appropriate export licenses prior to providing such technical data pursuant to such contracts; or

(3) Information relating to DoD operations, activities, or programs which may otherwise be released to the public, except to the extent such information discloses technical data regulated by this Directive, in which case such data shall be excised from other information provided to the requester.

(f) Classified technical data shall be protected as required by DoD 5200.1-R; however, its release after declassification is governed by this Directive.

§ 220.5 Procedures.

(a) Any request for unclassified technical data made by a member of the public invoking the Freedom of Information Act (FOIA) must be a written request for identifiable records and shall be handled in accordance with the procedures established in DoD 5400.7-R which requires referral to the DoD Component that originated or otherwise has control over the records requested.

(b) Requests for technical data that do not invoke the FOIA shall be processed in accordance with the procedures and criteria provided in DoD Directive 5230.9 and DoD Directive 5200.20.

(c) Unless release is permitted in accordance with subsection 220.5(d), the

controlling DoD office may withhold technical data when:

(1) The document has previously been determined to be export-controlled and that determination is current. Such documents normally will have been marked with an appropriate Distribution Statement from DoD Directive 5200.20; or

(2) The technology and relevant technical data have significant military or space application and therefore are included in the Militarily Critical Technologies List (MCTL) and are export-controlled under authority of the EAR or International Traffic in Arms Regulations (ITAR); or

(3) The technical data are determined to represent either a new technology or an innovation with significant military importance that should be protected from public disclosure until it has been evaluated for inclusion in the MCTL. Evaluations of this type are conducted on an annual basis.

(d) Notwithstanding a determination under § 220.5(c) that technical data may be withheld from the public, the controlling DoD office may release such data to any certified U.S. contractor, as defined in § 220.3(a). Such contractors shall be advised, however, that dissemination of the data or the products thereof may constitute a violation of applicable export control laws (see § 220.7). In addition to penalties that may be applied under these laws, violations of the agreement not to disclose technical data to the public may result in disqualification as a certified U.S. contractor, and may be considered in determining the eligibility of such contractor for future contractual relationships with the Department of Defense. Releases of technical data shall also be accompanied by disclaimer statements (see § 220.8).

(e) Certified U.S. contractors may release technical data governed by this Directive to their subcontractors who also have qualified as certified U.S. contractors, without obtaining the approval of the controlling DoD office, but only within the categories for which such subcontractors have been certified.

(f) Any requester denied technical data pursuant to this Directive shall be advised that the information requested is being withheld under the authority contained in 10 U.S.C. Section 140c that permits the Secretary of Defense to withhold from public disclosure certain technical data that is subject to export controls. The requester shall be advised further of the right to make a written appeal of such a determination to appropriate higher authority. Appeals shall be resolved within 30 working days.

§ 220.6 Responsibilities.

(a) The *Under Secretary of Defense (Research and Engineering)* shall have overall responsibility for the implementation of this Directive, which shall, at a minimum, include:

(1) Monitoring compliance with this Directive within DoD Components;

(2) Providing, where necessary, assistance to DoD Components in identifying technical data that may be withheld from the public under this Directive;

(3) Establishing a process to certify the eligibility of U.S. contractors to receive export-controlled technical data;

(4) Developing and obtaining approval of a DoD form to be used in the certification of U.S. contractors; and

(5) Such other actions that may be required to ensure consistent and appropriate implementation of this Directive within the Department of Defense.

(b) The *Under Secretary of Defense (Policy)* shall develop and promulgate policy guidance, as required, with respect to the dissemination and control of information within the scope of this Directive, to include establishment of criteria for export controls and resolution of foreign ownership, control, or operation cases.

(c) The *Assistant Secretary of Defense (Public Affairs)* shall monitor the provisions of this Directive that pertain to DoD 5400.7-R and DoD Directive 5230.9, and shall provide such other assistance as may be necessary to ensure compliance with this Directive.

(d) The *General Counsel of the Department of Defense* shall assist in carrying out the provisions of this Directive, to include, as necessary, advising DoD Components with respect to whether particular technical data may be exported lawfully outside the United States.

(e) The *Heads of DoD Components* shall ensure that the provisions of this Directive are implemented within their respective Components in a uniform, consistent manner. Such provisions shall provide for timely processing of appeals of decisions to withhold technical data.

§ 220.7 Export control laws and restrictions.

(a) The following is being provided because these technical data are currently subject to U.S. export control laws, and a copy will be provided with any partial or complete reproduction of the data:

(1) This material contains information for manufacturing or using International Traffic in Arms Regulations (ITAR) controlled items or Export

Administration Regulation (EAR) controlled items.

(2) Export of the information contained herein, which includes release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for ITAR controlled items, or the Department of Commerce for EAR controlled items, is a violation of law.

(3) Under 22 U.S.C. 2778 the penalty for unlawful export of items controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C. Appendix 2410 the penalty for unlawful export of items controlled under the EAR is imprisonment of up to 10 years; or a fine of up to \$100,000, or five times the value of the exports, whichever is greater, or both.

(b) In accordance with your agreement, public dissemination of this information is prohibited.

§ 220.8 Disclaimer statements.

(a) The U.S. Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.

(b) The U.S. Government does not warrant the accuracy, currency, or completeness of the technical data.

(c) The U.S. Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

(d) In the event that the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

Dated: December 19, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

[PR Doc. 83-32002 Filed 12-21-83, 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-83-21]

**Drawbridge Operation Regulations;
Savannah River, Georgia**

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Georgia Department of Transportation, the Coast Guard is considering a change to the regulations governing the Houlihan Bridge (U.S. Highway 17) at Savannah, Georgia by requiring that advance notice of opening be given during certain periods. This proposal is being made because of a steady decrease in requests for opening the draw. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw and should still provide for the reasonable needs of navigation.

DATES: Comments must be received on or before February 6, 1984.

ADDRESS: Comments should be submitted to and are available for examination from 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the office of the Commander (jan), Seventh Coast Guard District, 51 S.W. 1st Avenue, Room 816, Miami, Florida 33130. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT:

Mr. James R. Kretschmer, Bridge Administrator, 305-350-4108.

SUPPLEMENTARY INFORMATION:

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

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

Drafting Information

The drafters of this notice are Mr. Walter Paskowsky, project officer, and Lieutenant Commander K. E. Gray, project attorney.

Discussion of Proposed Regulations

The draw is presently required to open on signal at all times. In 1982, the bridge was opened 18 times between 3 p.m. and 6 a.m. for an average of one opening every 20 days. This is not considered sufficient use to require constant bridgeguard service. The bridge owner has agreed to the installation and maintenance of radiotelephone communications at the

bridge for the convenience of navigation. Due to the paucity of bridge openings it is expected there will be only minimal economic impact.

Economic Assessment and Certification

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

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding a new paragraph (b)(12-b) to § 117.245 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, bridges where constant attendance of draw tenders is not required.

(h) * * *

(12-b) Savannah River, mile 21.65, Houlihan Bridge, U.S. Highway 17, Savannah, Georgia. The draw shall open on signal from 6:00 a.m. to 11:00 a.m. and from 12 noon to 3:00 p.m., at all other times the draw shall open on signal if at least 3 hours advance notice is given. VHF radiotelephone communications will be maintained at the bridge tender's house.

(33 U.S.C. 409; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: December 9, 1983.

A. D. Breed,

*Chief of Staff, Captain, U.S. Coast Guard,
Commander, Seventh Coast Guard District
(Acting).*

[PR Doc. 83-32002 Filed 12-21-83, 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[MM Docket No. 83-1322; RM-4367; FCC 83-571]

Radio Broadcasting; Use of the AM Carrier

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: AM carrier operation has been limited to utility load management and remote control telemetry. The Commission proposes to remove these restrictions and allow any non-broadcast use for the AM carrier signal that does not degrade or disrupt main channel operation. The Commission has recently adopted similar proposals for FM and TV subcarrier operation. Removing restrictions on AM carrier use could be similarly beneficial to AM licensees.

DATES: Comments must be filed on or before January 30, 1984, and reply comments on or before February 14, 1984.

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

FOR FURTHER INFORMATION CONTACT: Scott Roberts, Mass Media Bureau, (202) 632-6302.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 73

Radio broadcasting.

In the matter of amendment of Parts 2 and 73 of the Commission's AM Broadcast Rules concerning the use of the AM carrier; MM Docket No. 83-1322, RM-4367.

Adopted: December 1, 1983.

Released: December 14, 1983.

By the Commission.

Introduction

1. In this *Notice of Proposed Rule Making*, we are proposing to extend the uses currently permitted for the carrier signal of AM radio stations. On January 21, 1983, the Altran Electronics Division of McGraw-Edison Company (Altran) petitioned the Commission to amend Parts 2 and 73 of the rules to remove the restrictions that currently limit the secondary use of the AM carrier signal to utility load management. In its petition, Altran suggests wide area polling and synchronization of remote devices as two possible non-broadcast uses of the AM carrier signal. CBS Inc. and the National Association of

Broadcasters submitted comments in support of the Altran petition.

2. On May 13, 1982, the Commission adopted a *Report and Order* (BC Docket No. 81-896, 47 FR 25342) that allowed AM carriers to be used on a secondary basis for utility load management purposes.¹ Prior to this action, the only permitted non-broadcast use of the AM carrier signal was remote control telemetry by the originating AM station. The impetus for allowing utility load management on the AM carrier was to facilitate more efficient use of utility companies' resources in responding to energy demand.²

3. In its May 13, 1983 *Report and Order*, the Commission noted the strong interest shown by a number of commenters with respect to other non-broadcast uses of AM carriers. The Commission stated that serious consideration of such other uses for the AM carrier would be considered in the future.

Discussion

4. As part of our regulatory review process and in response to Altran's petition, we have examined the current restrictions on the use of AM carrier signals. We now believe that no useful purpose is served by retention of the existing restrictions. By permitting additional secondary uses of the AM carrier, new and innovative services may be provided to the public without diminution of existing broadcast service. Furthermore, because no additional allocation of spectrum is required to provide these new services, we believe that permitting unrestricted use of the AM carrier may result in more efficient use of the spectrum. In this regard, we stated in our *Report and Order* concerning the use of FM subchannels:

In changing our rules to authorize non-broadcast related uses of FM subchannels, we are particularly impressed with the potential for additional communication services without the need for additional allocations of valuable spectrum . . . Such efficient use of the spectrum can only ensure to the benefit of the public in general.³

¹ The AM carrier is currently permitted to be used for the following utility load management activities: (1) turning off certain user's equipment which consumes a particular fuel; (2) transferring users from one type of equipment to another in order to redistribute fuel demand; and (3) implementing time-of-day fuel metering.

² This same rationale was given to allow utility load management uses on FM subchannels. See *Report and Order*, BC Docket No. 81-352 (47 FR 1398), January 13, 1982.

³ See *First Report and Order*, BC Docket No. 82-536 (48 FR 28445), June 22, 1983, at para. 15.

We believe that such efficient use pertains equally to AM carriers.

5. We also are concerned with maintaining a competitive atmosphere between the potential uses of AM carrier signals and FM and TV aural subchannels. We believe that the current restrictions on the use of the AM carrier may put AM stations at a competitive disadvantage for business opportunities arising from multiplexing. FM licensees are currently permitted to use their subcarriers for broadcast and non-broadcast purposes. In addition, we have recently proposed similar deregulation for television aural subcarrier signal.⁴ While there are technical differences between AM carrier signal and FM and TV aural subchannels that can preclude one service from performing in the manner of the other, we believe that AM stations should have the opportunity to compete for those functions that can be provided by AM carrier signals. We believe that giving AM broadcasters the opportunity to participate in this market will contribute to an overall healthy and competitive radio service environment and, thereby, serve to reduce the costs of these services to the consumer. In any event, we do not believe that it is in the public interest to artificially restrain the AM broadcaster by restricting carrier use to utility load management.

6. We therefore propose to lift the restrictions on the non-broadcast use of AM carrier signals.⁵ In permitting additional uses for the AM carrier signal, we are proposing that any method used must not disrupt or degrade the signal of the station or the signals of any other radio service. This proposal does not confine the AM carrier signal to a particular technique but allows the use of any method that meets those safeguards. These constraints are similar to those presently used for the provision of utility load management services and assure the protection of main channel broadcasting services. Comments on this approach are requested. Specifically, we are interested in receiving comments regarding what

⁴ See *Further Notice of Proposed Rule Making*, Docket No. 21323 (48 FR 37475), August 18, 1983.

⁵ We are proposing to lift the restrictions on the use of AM carrier signals for both commercial and noncommercial AM radio stations. We believe authorization of other uses of the AM carrier that have remunerative possibilities for noncommercial stations is consistent with other recent Commission actions and Congressional intent regarding financial support of noncommercial broadcast stations. See *Report and Order*, BC Docket No. 81-741, (48 FR 27054), June 13, 1983 at para. 50-52. See also *Report and Order*, BC Docket No. 82-1 (48 FR 26608), June 9, 1983 at para. 29-35.

should be considered degradation or disruption of the main broadcast signal and to what degree should the Commission remain concerned about such degradation.⁶ The proposed amendments are set forth in the attached Appendix A.

7. Technical concerns. We are aware that compatibility and interference concerns as well as potential problems to AM carrier signals have been raised in the past in conjunction with the Commission's authorization of a marketplace determination for AM stereo.⁷ Such interference problems would, however, be experienced only by the station which sought to use both AM Stereo and expanded AM carrier operation. It would not create problems for other broadcasters. As we have stated previously, designers of AM carrier systems have marketplace incentives to build equipment that meets the needs of the AM broadcast industry. Likewise, AM broadcasters have strong incentives to protect their own transmissions and install systems compatible with their primary broadcast operations.⁸ Accordingly, we believe that specific technical standards for the secondary use of AM carrier signals are not required. Comments on this matter, however, are requested.

8. Regulatory status. By authorizing materials of a non-broadcast nature to be transmitted using the AM carrier signal, stations will be permitted to engage in services to the public at large, limited segments of the public with special interests, individual firms, organizations and persons. By proposing this broad authorization, we believe that licensees will realize the most efficient and effective use of AM carrier signals and will be able to provide a wide variety of services to the public. In this regard, we propose to follow the regulatory model set out in our *Report and Order* concerning the use of FM subchannels.⁹ Briefly, we will require

⁶ For example, the Commission has received a request from an AM station to permit the transmission of low-volume audible tone to activate teleprinters to disseminate information to the hearing-impaired. The low-level tone would be broadcast continuously throughout five minute newcasts and would be preceded by an explanatory announcement to the non-hearing-impaired. A copy of this request has been placed in the docket file of this proceeding.

⁷ In the AM Utility Load Management *Report and Order* in BC Docket No. 81-896 (47 FR 25342), June 11, 1982, the Commission alerted potential manufacturers and users of AM carrier systems of possible interference problems with AM stereo systems (See para. 15).

⁸ See *Report and Order*, BC Docket No. 81-896, *supra* at para. 12.

⁹ See *Report and Order*, BC Docket 82-536, *supra* at para. 20-27. This *Report and Order* is under reconsideration. Should any changes occur

that broadcast-related services such as subscription services using AM carrier signals remain subject to the control of the licensee. However, they will not be subject to the statutory requirements imposed on true broadcast services.¹⁰ With regard to non-broadcast related uses of AM carrier signals, it will be necessary to determine whether the service offered constitutes private or common carrier use under the applicable statutes and case law.¹¹ Once a licensee has determined that the service is common carriage, authorization must be sought to provide that service from the Common Carrier Bureau and state commissions, as appropriate. AM broadcast licensees seeking to provide private services would be required first to notify the Commission's Private Radio Bureau and to certify compliance with pertinent private radio regulations. It should be noted, that applicants for use of AM carrier signals would not be seeking approval for the technical facilities of the AM radio station. The technical facilities of an AM broadcast radio station are appropriately considered in the context of the station's primary purpose of broadcasting and we do not propose that these facilities should be subject to challenge or modification on the basis of proposed, secondary carrier activities. We propose to consider AM carrier use as a secondary privilege that runs with the primary broadcast station license.¹² Comments on this or any other

regarding the regulatory status of FM subchannel use as a result of that reconsideration, those changes would also be considered in the regulatory status of AM carrier use.

¹⁰ See *Report and Order*, BC Docket No. 81-741, *supra* at footnote 21.

¹¹ The determination as to the appropriate regulatory classification of AM carrier service would rest, in the first instance, with the licensee, guided by the standards articulated in applicable judicial decisions and statutory provisions. Specifically, assuming there is no legal compulsion requiring operation as a common carrier, a finding of common carrier status would generally turn on whether a particular entity actually operates as a common carrier, that is, whether the carrier "undertakes to carry for all people indifferently." See *National Association of Regulatory Utility Commissioners v. F.C.C.*, 525 F.2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976) ("NARUC I") and *Report and Order* in BC Docket No. 82-536, *supra* at paras. 21-22. For mobile radio services, Section 331(c) of the Act shall apply. See *Report and Order*, BC Docket No. 82-536, *supra* at para. 23.

¹² A licensee could choose to lease its subchannel to an entity that will provide a private or common carriage service. In such cases, the lessee or the lessor may seek appropriate service authorization, but the primary licensee must remain responsible for the technical operation of the transmitting facilities, including the subchannel. See *First Report and Order*, BC Docket No. 82-536, *supra* at para. 27. See also *Report and Order* BC Docket No. 81-741, *supra* at para. 68.

approach to regulating or designating carrier usage are requested.

9. Accordingly, it is proposed to amend Parts 2 and 73 of the Commission's Rules as set forth in the attached Appendix A.

10. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis (IRFA) of the expected impact of the proposed rule changes on small entities. The IRFA is set forth in Appendix B. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of the *Notice*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*) (1982).

11. For the purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleading and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written summary of that presentation; and, on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it

related. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

12. This Notice of Proposed Rule Making is issued pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Interested parties may file comments on or before January 30, 1984 and reply comments on or before February 14, 1984. All relevant and timely comments filed in response to this Notice will be considered by the Commission. In accordance with the provisions of § 1.419 of the Commission Rules, an original and five copies of all comments, replies, briefs and other documents filed in this proceeding shall be furnished the Commission. Further, members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number in the heading. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided the fact of the Commission's reliance on such information is noted in the Report and Order.

13. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

14. For further information concerning this proceeding, contact Scott Roberts, Mass Media Bureau, (202) 632-6302.

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

Appendix A

It is proposed to amend Part 2 and 73 of Title 47 of the Code of Federal Regulation's as follows:

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

§ 2.106 [Amended]

1. Section 2.106, the National Table of Frequency Allocations, would be amended by revising footnote NG128, in the list of footnotes following the Table to read as follows:

NG128 In the band 535–1605 kHz, AM broadcast licensees or permittees may use their AM carrier on a secondary basis to transmit signals intended for non-broadcast purposes. In the band 88–108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers to transmit signals intended for broadcast and on a

secondary basis for non-broadcast purposes.

2. Section 2.1001, paragraph (h) would be revised to read as follows:

§ 2.1001 Changes in type accepted equipment.

(h) The interconnection of a multiplexing exciter with a type accepted AM broadcast transmitter in accordance with the manufacturer's instructions without electrical or mechanical modification of the transmitter circuits and completion of equipment performance measurements showing the transmitter meets the minimum performance requirements applicable thereto is defined as a Class I permissive change for compliance with this Section.

PART 73—RADIO BROADCAST SERVICES

3. Section 73.127 would be amended by revising the introductory paragraph, (b) and (c) and by adding paragraph (d), (e) and (f) to read as follows:

§ 73.127 Use of multiplex transmissions.

The licensee of an AM broadcast station may use its AM carrier to transmit signals not audible on ordinary consumer receivers, for non-broadcast purposes subject to the following requirements:

(b) AM carrier services that are common carrier in nature are subject to common carrier regulation. Licensees operating such services are required to apply to the FCC for the appropriate authorization and to comply with all policies and rules applicable to the service. Responsibility for making the initial determinations of whether a particular activity is common carriage rests with the AM station licensee. Initial determinations by licensees are subject to FCC examination and may be reviewed at the FCC's discretion. AM carrier services that are private carrier in nature must notify the Licensing Division of the Private Radio Bureau at Gettysburg, Pennsylvania, 17325, by letter, prior to initiating service certifying compliance with 47 CFR Parts 90 and 94.

(c) AM carrier services are of a secondary nature under the authority of the AM station authorization, and the authority to provide such communications services may not be retained or transferred in any manner separate from the station's authorization. The grant or renewal of an AM station permit or license is not furthered or promoted by proposed or

past services. The permittee or licensee must establish that the broadcast operation is in the public interest wholly apart from the subsidiary communications services provided.

(d) The station identification, delayed recording, and sponsor identification announcements required by §§ 73.1201, 73.1208, and 73.1212 are not applicable to leased communications services transmitted via services that are not of a general broadcast program nature.

(e) The licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems inappropriate or undesirable.

(f) Installation of the multiplex transmitting equipment must conform with the requirements of § 73.1890(e)(6).

2. Section 73.1690, paragraph (e)(6) would be revised to read as follows:

§ 73.1690 Modification of transmission systems.

(e) * * *

(6) Modification of the transmitter for multiplexing of the carrier with an exciter unit that has been designed for interfacing with the type accepted transmitter with which it is to be used in accordance with the following:

(i) The combination of the multiplexing exciter and transmitter meets the minimum specifications given in §§ 73.40 and 73.44.

(ii) The frequency stability requirements of § 73.1545(a) must be maintained.

(iii) No electrical or mechanical changes in the transmitter circuits are allowed.

Appendix B

Regulatory Flexibility Initial Analysis:

I. Reason for action.

Removing restrictions on the use of the AM carrier signal could result in extended use of this medium thus adding to overall spectrum efficiency and expansion of the services available on the AM band.

II. The objective.

The Commission proposes to expand the services permissible on the AM carrier by removing its current limitation of allowing only the utility load management function on the AM carrier. The Commission feels this restriction is not necessary and inhibits efficient use of the spectrum.

III. Legal basis.

Action as proposed is in furtherance of Section 303 of the Communications Act of 1934, as amended, which charges the Commission to explore new and improved uses of radio.

IV. Description, potential impact and number of small entities affected.

Allowing other uses for the AM carrier should benefit all parties wishing to supply or use the technique. The proposed changes in rules would have its direct effect on AM broadcasters (4720 as of 6/30/83) by enabling them to use or rent out their subcarrier spectrum for additional revenue. The Commission has already allowed utility load management of the AM carrier and has yet to determine other uses or demand for the AM carrier so the degree of impact in the marketplace and on small entities must await empirical evidence. However, all AM stations not currently utilizing their carrier signal, except for utility load management, would benefit from this rule change. Also those entities supplying services to others via the carrier signal would benefit. Also benefitting would be those individuals supplying equipment to AM stations to facilitate use of the carrier signal. Finally, by allowing uses for the AM carrier that would possibly duplicate uses now supplied on FM subcarriers only, competition between those suppliers could hold costs down thus contributing to a healthy competitive environment for those services.

V. Recording, record keeping and other compliance requirements: None.

VI. Federal rules which overlap, duplicate or conflict with this rule: None.

VII. Any significant alternatives minimizing impact on small entities and consistent with stated objectives.

The commission's alternative is to maintain the status quo and not allow uses for the AM carrier beyond utility load management. This alternative would not allow the beneficial aspects of this rule making to surface.

[FR Doc. 83-33870 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1323; RM-4585]

FM Broadcast Station in Julian, California; Proposed Changes in Table Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 261A to Julian, California, in response to a petition filed

by Andrew G. Smith. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before February 6, 1984, and reply comments on or before February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Julian, California); MM Docket No. 83-1323, RM-4585.

Adopted: November 29, 1983.

Released: December 15, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Andrew G. Smith ("petitioner"), proposing the assignment of Channel 261A to Julian, California, as its first FM service. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since Julian, California, is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

3. In view of the fact that the proposed assignment could provide a first local FM service to Julian, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Julian, Calif.		261A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before February 6, 1984, and reply comments on or before February 21, 1984, and are advised to read the Appendix for the proper

procedures. A copy of such comments should be served on the petitioner, as follows: Richard A. Helmick, Cohn and Marks, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036 (counsel for the petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached.

Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off Procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. Number of Copies. In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be

available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FIR Doc. 83-33867 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

(IMM Docket No. 83-1325; RM4584)

TV Broadcast Station in Longmont, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 25 to Longmont, Colorado, in response to a petition filed by William G. and Lila Jean Stewart. The proposal could provide a first UHF television service to that community.

DATES: Comments must be filed on or before February 6, 1984, and reply comments on or before February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations, (Longmont, Colorado); MM Docket No. 83-1325, RM-4584.

Adopted: November 29, 1983.

Released: December 15, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by William G. and Lila Jean Stewart ("petitioners"), requesting the assignment of UHF Television Channel 25 to Longmont, Colorado, as that community's first television facility.

2. Longmont (population 42,942)¹, in Boulder County (population 189,625), is located in northeastern Colorado, approximately 50 kilometers (35 miles) north of Denver. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

3. UHF television Channel 25 can be assigned to Longmont consistent with the minimum distance separation

requirements of § 73.610 of the Commission's Rules.

4. In view of the fact that Longmont could receive a first local television broadcast service, the Commission believes it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Longmont, Color		25

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before February 6, 1984, and reply comments on or before February 21, 1984 and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (Consultant for the petitioner).

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), and 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation

¹Population figures are extracted from the 1980 U.S. Census Advance Report.

required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later

than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

(4) *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FRC Doc. 83-33869 Filed 12-21-83 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[IMM Docket No. 83-1234; RM-626]

TV Broadcast Station in Greenville, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 47 to Greenville, Texas, in response to a petition filed by Channel 47 TV Corporation. The proposal could provide a first UHF television service to that community.

DATES: Comments must be filed on or before February 6, 1984, and reply

comments on or before February 21, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Greenville, Texas); MM Docket No. 83-1324, RM-4626.

Adopted: November 29, 1983.

Released: December 15, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Channel 47 TV Corporation ("petitioner"), proposing the assignment of UHF TV Channel 47 to Greenville, Texas, as its first local broadcast station. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Greenville (population 22,161)¹ seat of Hunt County (population 55,248), is located in northeastern Texas, approximately 70 kilometers (45 miles) northeast of Dallas.

3. UHF Television Channel 47 can be assigned to Greenville consistent with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

4. Since the proposed assignment could provide a first local television broadcast service to Greenville, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Greenville, Tex.		47+

5. The Commission's authority to institute rule making proceedings, showing required cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before February 6,

¹ Population figures are extracted from the 1980 U.S. Census Advance Report.

1984, and reply comments on or before February 21, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: Mr. Bill R. Wright, Channel 47 TV Corporation, 1-30, U.S. 89 at Loop 315, Greenville, Texas 75401.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 803 and 804 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), and 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any Comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), (5)(e)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings,

briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street, N.W., Washington, D.C.

[PR Doc. 83-33688 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

47 CFR Part 73

[MM Docket No. 83-38; RM-4237]

FM Broadcast Station in Vimville, Mississippi; Denial of Petition for Rule Making

AGENCY: Federal Communications Commission.

ACTION: Denial of Petition for Rule Making.

SUMMARY: This action denies a Petition for Rule Making filed by Matthew D. Wiggins, Jr. to assign Channel 296A to Vimville, Mississippi, for failure to demonstrate community status.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

Lists of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order Proceeding Terminated

In the matter of Amdt. of § 73.202(b), Table of Assignments, FM Broadcast Stations (Vimville, Mississippi); MM Docket No. 83-38, RM-4237.

Adopted: November 29, 1983.

Released: December 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making*, 48 FR 5974, published February 9, 1983, which proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, by assigning Channel 296A to Vimville, Mississippi, in response to a petition filed by Matthew D. Wiggins, Jr. ("petitioner"). Petitioner, Torgenson Broadcasting Co., Inc. ("Torgenson") and Broadcasters and Publishers, Inc. ("B&P") filed comments. Petitioner and B&P filed reply comments. Petitioner restated his intention to apply for Channel 296A should that channel be assigned. Petitioner also submitted a late-filed supplement to its reply comments and a request for consideration thereof. B&P

filed comments replying to this supplement.

2. The *Notice* indicated that, based on the information submitted by petitioner, the Commission could not determine Vimville's community status. Accordingly, comments were solicited, and petitioner was required to provide information demonstrating how the unincorporated area of Vimville may qualify as a "community" for assignment purposes.

3. Petitioner asserts that Vimville is a "geographically identifiable population grouping," citing a map of the Lauderdale County, Mississippi election precincts on which Vimville is "clearly identified." According to petitioner, it is "significant" that Vimville, with 711 electors, is identified on that map as a voting precinct, whereas many other precincts are not. Petitioner cites a "report" of the County Circuit Clerk showing that "many" election precincts are merely designated by number, whereas those situated around identifiable communities bear the names of those communities. Further, petitioner refers to the state chartered Vimville Volunteer Fire Department and claims the Commission may take "official notice" of the "commonly known, fact that, in small towns, much of the community's social life revolves around the Volunteer Fire Department." According to petitioner, this is "persuasive" evidence that Vimville is an identifiable population grouping and has recognized community institutions.

4. Torgenson and B&P oppose the assignment. According to Torgenson, Vimville's "several business establishments" consist of only Hammond's, a "small grocery store," and a private school. Torgenson also relates that the Jefferson-Davis Academy draws students from the entire county and "few, if any," from Vimville. Torgenson claims that Vimville lacks other qualities normally found in a geographically identifiable population grouping, such as a police department, public schools, banks, and except for Hammond's, commercial activity. Torgenson argues that petitioner is really seeking a station to serve nearby Meridian, Mississippi.

5. B&P states that neither the 1982 Rand-McNally Road Atlas nor its index notes Vimville. B&P claims that, lacking incorporation or census status, the Commission's test of a community is whether its residents function and conceive of themselves as having common interests, citing *Yorktown, Virginia*, 38 FR 6695 (1973). Further, B&P cites *North Naples, and Immokalee, Florida*, 41 R.R. 2d 1549, where the Commission, noting the absence of a fire

department, city hall, local newspaper, separate school system, and independent municipal services, refused an assignment despite the fact that North Naples was listed as a "place" in the 1970 Census. According to B&P, Vimville lacks such characteristics as a municipal government, public school system, post office, local newspaper, and bank which would render it a community. B&P also claims that Vimville's business district is limited to a combination gas/grocery store and that Vimville has but one church. B&P characterizes Vimville as a "fringe" community of Meridian whose residents rely on Meridian for employment, entertainment, and most of their shopping. Similarly, B&P states that the county provides for Vimville's public education and police and fire services and that the county-wide Rural Electric Association provides electric service. B&P states that the petition for rule making does not set forth Vimville's population, and the 1980 Census does not treat the area as a designated place. Further, B&P asserts that Vimville lacks readily identifiable boundaries, making it impossible to determine the area which must receive city-grade coverage from the proposed station. And, like Torgenson, B&P indicates that petitioner is attempting to provide service to Meridian.

6. In reply comments, petitioner acknowledges that Vimville is not noted by the Rand-McNally Road Atlas cited by B&P. He does, however, state that Vimville is "plainly shown" in the Rand-McNally Commercial Atlas. Referring to B&P's characterization of the area as a "fringe community," petitioner notes that the Commission has abolished the "Berwick" doctrine in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). From this, petitioner argues that it is no longer relevant whether an area has a large business district or is the center of major economic activity. Rather, petitioner cites the Commission action as indicating that the appropriate test of a community's existence is whether there exists a geographically identifiable population grouping. According to petitioner, Vimville meets this test. Petitioner also notes Vimville's church, general store, and filling station and states that its volunteer fire department shows that Vimville does not lack emergency services.

7. B&P asserts that, contrary to petitioner's "speculation," the voting precincts identified by number are located not in rural areas outside identifiable communities, but, in contrast, are located in Meridian, the largest and most identifiable community

of the county. According to B&P, the other precincts are named "solely for identification purposes," and some are named for areas, not satisfying Commission standards for community status. B&P claims that the Vimville Volunteer Fire Department is not a Vimville organization but is merely one of 12 such county funded and supervised departments and serves areas beyond Vimville. B&P again notes petitioner's failure to identify Vimville's boundaries and failure to set forth its population. B&P claims petitioner has identified no business, government entities, or civic or social groups associated with the "purported" community. B&P argues that petitioner's position is that only some kind of population grouping need be shown and that other community attributes are no longer relevant. According to B&P, the Commission has rejected this approach and has retained the standards noted in *Yorktown, supra*.

8. In his late-filed comments, petitioner states that, after filing his comments and reply comments, he learned that Vimville is "prominently" identified on the United States Department of Interior Geological Survey Map of Mississippi and that there is "an entire 7-1/2 Minute Geographical Survey Quadrant Map" known as "Vimville." Petitioner argues that consideration of these materials should assist the Commission in determining whether Vimville is a community and should not result in a delay in this proceeding.

9. B&P asserts that petitioner has not demonstrated good cause for acceptance of his late-filed comments and cites § 1.415(d) of the Commission's Rules limiting the filing of additional comments. B&P states that, even if accepted, the maps do not suggest that Vimville is a geographically identifiable population grouping. According to B&P, the maps show no commercial areas nor identifiable neighborhoods but do show that Vimville is a "sparsely populated area with no specific population groupings, no central commercial area, and no identifiable boundaries."

10. Initially, we note that the *Berwick* Doctrine was abolished by our action in *The Suburban Community Policy, the Berwick Doctrine, and the De Facto Reallocation Policy*, BC Docket 82-320, released March 14, 1983. Thus, we need not consider comments concerning petitioner's alleged interest in serving Meridian.

11. As set forth in the *Notice*, although the Commission has eliminated many assignment requirements, Section 307(b) of the Communications Act of 1934, as amended, mandates that we require that

assignments are made to communities composed of geographically identifiable population groupings. This requirement is generally satisfied if the proposed community is either incorporated or listed in the U.S. Census, and Vimville meets neither criteria. In *Yorktown*, *supra*, we stated that the key ingredient in determining the existence of a community is the presence of a community of interest associated with an identifiable population grouping. We stated there that a mere geographical location is not enough, as there must be a population with needs that a station can address and that the principal test is whether the residents function as and conceive of themselves as a community around which their interests coalesce. We do not believe that petitioner has shown that Vimville meets the criteria noted above of a community for assignment purposes. Although the maps cited contain a designation of "Vimville," that alone signifies merely a geographical location. Significantly, the comments contain little to indicate that Vimville has such indicia of a community as separate municipal services and institutions or significant commercial activity serving the

residents. See *North Naples, Florida*, *supra*; *Cascade Village, Colorado*, Mimeo 33213, released April 26, 1983. As noted in the opposition comments, the school located in Vimville apparently primarily serves as a county, as opposed to a Vimville, school. The presence of a single grocery/gas station does not indicate significant economic activity serving Vimville's residents. Further, petitioner's comments concerning the volunteer fire department are not "persuasive." His attempt to demonstrate that Vimville residents conceive of themselves as residents of a community whose interests coalesce is limited to a conclusionary statement that the volunteer fire department evidences such a conception. We are not convinced that the named voting precincts necessarily comprise communities. As pointed out by B&P, many numbered precincts are located in Meridian. Further, there is no evidence that Vimville has any recognized boundaries from which we can determine the primary area to be served by a station operating on the proposed channel.

12. We have considered petitioner's late-filed comments. However, as in the

case of the Rand McNally Commercial Atlas cited previously by petitioner, "Vimville" designations on the Geological Survey maps merely indicate a geographical location and do not necessarily suggest the existence of any geographically identifiable population grouping.

13. Therefore, we find that petitioner has failed to demonstrate that Vimville qualifies as a "community" for assignment purposes and that it is not appropriate to assign Channel 296A there.

14. Accordingly, it is hereby ordered, that the petition is denied.

15. It is further ordered, That this proceeding is terminated.

16. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634-0530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83-33604 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 48, No. 247

Thursday, December 22, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 9:30 a.m., January 25, 1984, in the Media Center conference room of the School for the Visually Handicapped in Alamogordo, New Mexico. The purpose of the meeting is to provide grazing permittees of the Lincoln National Forest means for offering advice and recommendations concerning:

1. Allotment Management Plans.
2. Range Betterment Funding

Proposals for Fiscal Year 1985.

Other topics to be discussed are coordination with New Mexico Department of Game and Fish, off-road vehicle use, and Land Management Planning.

The meeting is open to the public. Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico (Telephone: 505-437-6030). Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

Dated: December 14, 1983.

James R. Abbott,
Forest Supervisor.

[FR Doc. 83-33930 Filed 12-21-83; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Airways International, Inc.

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-12-71, Order to Show Cause.

SUMMARY: The Board is proposing to find that Airways International, Inc. is fit, willing, and able to provide commuter air carrier under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 4, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Mary Catherine Terry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-12-71 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-12-71 to that address.

By the Civil Aeronautics Board: December 14, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33965 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

Application for Certificate Authority of Alaska International Air, Inc.

AGENCY: Civil Aeronautics Board.
ACTION: Notice of order to show cause (Order 83-12-82).

SUMMARY: The Board is proposing to find Alaska International Air, Inc. fit, willing and able to provide scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions.

DATES: Objections: All interested persons wishing to respond to the Board's issuance of the proposed

certificate shall file, and serve upon all persons listed below no later than January 6, 1984, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support objections.

ADDRESSES: Responses should be filed in Docket 41655 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served on all persons listed in Attachment B to the order.

FOR FURTHER INFORMATION CONTACT: Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. (202) 673-5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-12-82 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-12-82 to that address.

By the Civil Aeronautics Board: December 15, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33966 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Farrington Aircraft Corporation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-12-81, Order to Show Cause.

SUMMARY: The Board is proposing to find that Farrington Aircraft Corporation is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 6, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-12-81 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20458. Persons outside the metropolitan area may send a postcard request for Order 83-12-81 to that address.

By the Civil Aeronautics Board: December 15, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33967 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Mountain Pacific Airways, Inc.

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-12-86, Order to Show Cause.

SUMMARY: The Board is proposing to find that Mountain Pacific Airways, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 6, 1984, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-12-86 is available from the Distribution Section,

Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-12-86 to that address.

By the Civil Aeronautics Board: December 15, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33967 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

Affiliate-Type Operations Between Canada and United States

AGENCY: Civil Aeronautics Board.
ACTION: Notice of Order To Show Cause: Order 83-12-81, Docket 41887.

SUMMARY: The Board has tentatively concluded that (1) the continued operation of Canada-originating affiliate-type programs operated by any Canadian carriers with large aircraft between Canada and the United States is a matter which is wholly within the Board's discretion, and (2) the Board may, on 30 days notice, impose such conditions, or announce such disapprovals, as it finds consistent with the public interest. The complete text of Order 83-12-81 is available as noted below.

DATES: Objections shall be filed by December 30, 1983. Answers shall be filed by January 9, 1984.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41887.

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-12-81 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-12-81 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 16, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-33971 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

[Petition for Rulemaking Docket 41825; Dated: December 8, 1983]

Petition by Republic Airlines, Inc. for Emergency Action; Extension of Answer Period

AGENCY: Civil Aeronautics Board.

ACTION: Extension of answer period.

SUMMARY: The CAB is extending the answer period to the petition for rulemaking filed by Republic Airlines concerning no-notice bilateral interline agreements from December 16, 1983, to January 3, 1984. This action is in response to several informal requests.

DATE: Answers to the petition are due January 3, 1984.

Answers and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of answers should be sent to Docket 41825, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: On November 16, 1983, Republic Airlines filed a petition for rulemaking with the Board. It stated that three major air carriers have announced that they are withdrawing from the multilateral interline traffic agreement and henceforth will maintain interline arrangements only pursuant to bilateral agreements that are terminable monthly without notice. It alleged that failure to notify passengers that interlining may cease abruptly and without notice could constitute an unfair or deceptive practice within the meaning of Section 411 of the Federal Aviation Act. In addition, it alleged that the right to terminate interline agreements without notice could also be used for anti-competitive purposes. Republic asked the Board to immediately issue interim rules to address the problem as well as begin a rulemaking proceeding to further consider the issues involved.

In Order 83-12-3, (48 FR 55152, Dec. 9, 1983) the Board denied Republic's request that the Board adopt emergency interim rules. The order stated that, "the Board is not hereby taking any position on the merits of the rulemaking petition.

Interested persons have 30 days to file answers to the petition, after which the Board will decide what action to take." The order was served on December 1, 1983.

The staff has received a number of phone calls asking what date the answers are due. Many of these callers were under the impression that the due date is 30 days from the date of service of the order, rather than the usual 30 days from the date the petition was filed. In addition, the staff has received other informal inquiries concerning the late filing of answers by carriers.

The Board is aware of the widespread interest in this petition for rulemaking. The Board wants to ensure that all interested persons have an adequate opportunity to respond to the petition. Because of the apparent confusion over the correct due date for answers and in order to ensure adequate time to prepare responses, the Board is extending the period to file answers.

Accordingly, under authority delegated in 14 CFR 385.20(c), the period for filing answers to the petition for rulemaking is hereby extended for Docket 41825. Answers are now due January 3, 1984.

By the Civil Aeronautics Board.

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 83-33972 Filed 12-21-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Michigan Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Michigan Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on January 10, 1984, at the Westin Hotel, Renaissance Center, LaSalle Room B, 400 Jefferson Street, Detroit, Michigan 48243. The purpose of the meeting is to review progress on the tuition tax credit and equality in commercial lending projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. M.H. Rienstra, at (616) 949-4000 or the Midwestern Regional Office at (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 18, 1983.
John I. Binkley,
Advisory Committee Management Officer.
 [FR Doc. 83-33921 Filed 12-21-83; 8:45 am]
 BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
 Title: Shipper's Export Declaration
 Form Numbers: Agency—7525-V;
 OMB—0607-0018

Type of Request: Revision of a currently approved collection

Burden: Unknown number of respondents; 1,030,000 reporting hours
 Needs and Uses: Exporters use the declaration form to report shipments of merchandise out of U.S. Foreign Trade Zones, the U.S. Virgin Islands, and the U.S. Customs territory, including Puerto Rico, to foreign countries. The declaration serves as the basic source document from which the Bureau of the Census compiles official U.S. export statistics.

Affected Public: Individuals or households, businesses or other for-profit institutions, Federal agencies or employees, non-profit institutions, small businesses or organizations.
 Frequency: On occasion, monthly
 Respondent's Obligation: Mandatory
 OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Bureau of the Census
 Title: Shipper's Export Declaration (SED)

Form Numbers: Agency—7525-V—
 Alternate: OMB—0607-0152

Type of Request: Revision of a currently approved collection

Burden: Unknown number of respondents; 400,000 reporting hours
 Needs and Uses: Many exporters use this alternate declaration in lieu of the regular Shipper's Export Declaration because it conforms to the layout of many commercial and governmental shipping documents. This document, along with the regular SED, serves as a basic source document for U.S. export statistics.

Affected Public: Individuals or households, businesses or other for-profit institutions, Federal agencies or

employees, non-profit institutions, small businesses or organizations
 Frequency: On occasion, monthly
 Respondent's Obligation: Mandatory
 OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Economic Development Administration (EDA)

Title: Application for Technical Assistance

Form Numbers: Agency—ED-357A;
 OMB—0610-0018

Type of Request: Reinstate of a previously approved collection for which approval has expired

Burden: 20 respondents; 200 reporting hours

Needs and uses: The information provided by applicants is used to assess and approve them for technical assistance.

Affected Public: State or local governments

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit
 OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Economic Development Administration (EDA)

Title: Planning Grant Application

Form Numbers: Agency—ED-430;
 OMB—N/A

Type of Request: Existing collection in use without OMB control number

Burden: 494 respondents; 2,964 reporting hours

Needs and Uses: This application is needed to identify eligible applicants for planning grants under the Public Works and Economic Development Act of 1965, as amended. The information is used to coordinate efforts to reduce unemployment and to increase income in distressed areas.

Affected Public: State or local governments; non-profit institutions

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit
 OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Economic Development Administration (EDA)

Title: Special Adjustment Assistance Application

Form Numbers: Agency—ED-540;
 OMB—0610-0058

Type of Request: Extension

Burden: 60 respondents; 315 reporting hours

Needs and Uses: Applicants submit information to EDA to receive benefits under the Sudden and Severe Economic Dislocation Program, which responds to sudden and severe

disruptions to a local economy. EDA uses the information to assess the problem, to assess the respondent's understanding of the problem, and to assess the noticeable economic impact.

Affected Public: State or local governments; non-profit institutions
Frequency: Annually
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: Economic Development Administration (EDA)
Title: Federal Cash Transaction Report: Financial Status Report
Form Numbers: Agency—SF-269, SF-272; OMB—N/A
Type of Request: Existing collection in use without an OMB control number
Burden: 609 respondents; 4,872 reporting hours

Needs and Uses: The reported information is required to ensure that recipients of assistance under the Public Works and Economic Development Act of 1965, as amended, maintain records as prescribed by EDA, in order to facilitate an effective order. The information is used by the Grant Administrator to determine the continued appropriate use of Federal financial assistance.

Affected Public: State or local governments, businesses or other for-profit institutions, non-profit institutions

Frequency: Quarterly

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Timothy Sprehe, 395-4814

Agency: National Oceanic and Atmospheric Administration
Title: Coastal Energy Impact Program (Non-Construction Grants)
Form Numbers: Agency—N/A; OMB—0648-0122

Type of Request: Reinstatement of a previously approved collection for which approval has expired
Burden: 80 respondents; 80 reporting hours

Needs and Uses: The Coastal Zone management Act of 1972, as amended, authorizes the Secretary of Commerce to make grants to coastal states to plan for the social, economic, or environmental consequences of coastal energy activity, and to plan for needed facilities. Information is used to determine eligibility of proposed projects.

Affected Public: State or local governments

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration
Title: Coastal Energy Impact Program (Construction Grants)

Form Numbers: Agency—NOAA 36-28; OMB—0648-0120

Type of Request: Reinstatement of a previously approved collection for which approval has expired

Burden: 32 respondents; 64 reporting hours

Needs and Uses: The Coastal Zone Management Act of 1972, as amended, authorizes the Secretary of Commerce to make grants to coastal states to construct needed public facilities required as a result of coastal energy activity, and to acquire land to mitigate the loss of resources due to energy activity. Information is used to determine eligibility of projects.

Affected Public: State or local governments

Frequency: On occasion, quarterly

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration

Title: Deep Seabed Mining Regulations for Exploration Licenses

Form Numbers: Agency—N/A; OMB—N/A

Type of Request: Existing collection in use without an OMB control number

Burden: 4 respondents; 80 reporting hours

Needs and Uses: Information is used for the purpose of issuing exploration licenses for deep seabed mining.

Affected Public: Businesses or other for-profit institutions

Frequency: Annually

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration (NOAA)

Title: Licensing of Ocean Thermal Energy Conversion Facilities and Plantships

Form Numbers: Agency—N/A; OMB—N/A

Type of Request: Existing Collection in use without an OMB control number

Burden: 1 respondent; 2,200 recordkeeping/reporting hours

Needs and Uses: The collection is used by NOAA to support the application for a ocean thermal energy conversion facility or plantship license.

Affected Public: Businesses or other for-profit institutions

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration

Title: Application for Designation as a Sea Grant College or Regional Consortia

Form Numbers: Agency—N/A; OMB—N/A

Type of Request: Existing collection in use without an OMB control number

Burden: 1 respondent; 20 reporting hours
Needs and Uses: The information is used to determine whether the Institution meets the standard for Sea Grant College or Regional Consortia Designation.

Affected Public: State or local governments, non-profit institutions

Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Ken Allen, 395-3785

Agency: National Oceanic and Atmospheric Administration

Title: Interstate Grants

Form Numbers: Agency—OD 292; OMB—N/A

Type of Request: Existing collection in use without an OMB control number

Burden: 0 respondents; 1 reporting hour
Needs and Uses: The Coastal Zone

Management Act, as amended, authorizes the Secretary of Commerce to make grants for cooperative interstate and regional efforts on the part of coastal states consistent with Sections 305 and 306 of the Act.

Affected Public: State or local governments

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Ken Allen, 395-3785

Agency: Office of Productivity, Technology and Innovation

Title: Business Reply Card

Form Number: Agency—N/A; OMB—N/A

Type of Request: Existing collection in use without an OMB control number

Burden: 120 respondents; 2 reporting hours

Needs and uses: The information collected on this card is used by the Commerce Productivity Center to improve and evaluate their services and to determine whether the information they provide helped the requestor.

Affected Public: Individuals or households; state or local governments; businesses or other for-profit institutions; Federal agencies or employees; nonprofit institutions; small businesses for organization.

Frequency: On occasion

Respondent's Obligation: Voluntary

OMB Desk Officer: Timothy Sprehe,
395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-34006 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-CW-M

FOREIGN-TRADE ZONES BOARD

[Docket No. 46-83]

Foreign-Trade Zone 29, Louisville, Kentucky; Application for Subzone; Ford Auto Plant, Louisville

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Louisville and Jefferson County Riverport Authority (the Port Authority), grantee of Foreign-Trade Zone 29, requesting special-purpose subzone status for the auto assembly plant of Ford Motor Corporation in Louisville, Kentucky, within the Louisville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 4, 1983. The applicant is authorized to make this proposal under 65.530 of the Kentucky Revised Statutes.

On May 26, 1977, the Board authorized the Port Authority to establish a foreign-trade zone project for the Louisville area (Board Order 118, 42 FR 29323, 6/8/77). The project covers 12 acres in an industrial park adjacent to the port area.

The proposed subzone will be located at the Ford plant, Fern Valley Road and Grade Lane, Louisville. Employing some 3600 persons, the 180-acre facility assembles, finishes and tests the Bronco II model passenger vehicle and the Ranger truck. Although most of the components are purchased from domestic sources, about 5 percent, including radios and optional engines and transmissions, come from abroad. Some 10 percent of the finished vehicles are exported.

Zone procedures will exempt Ford from duty payments on the foreign components it uses in its exports. On its

domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished autos. The average duty rate on the foreign components used at the Louisville plant is 3.9 percent compared with the 2.8 percent rate for finished autos. The Customs costs savings will help Ford to improve the cost-competitiveness of its U.S. plants compared with auto assembly facilities abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, 6th Floor, 55 Erieview Plaza, Cleveland, OH 44114; and Colonel Charles E. Eastburn, District Engineer, U.S. Army Engineer District Louisville, P. O. Box 59, Louisville, KY 40201.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 21, 1984.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Post Office and Courthouse Bldg., Room 636B, Louisville, KY 40202.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: December 16, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-33899 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 47-83]

Proposed Foreign-Trade Zone Project, St. Louis, Missouri; Application for Subzone; Ford Auto Plant, Hazelwood

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the St. Louis County Port Authority, requesting special-purpose subzone status for Ford Motor Corporation's auto assembly plant in Hazelwood, Missouri, adjacent to the St. Louis Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-

81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 4, 1983. The applicant is authorized to make this proposal under Section 351.388 of the Revised Statutes of Missouri.

The St. Louis County Port Authority, a political subdivision of the state of Missouri, submitted an application to the Board for a general-purpose foreign-trade zone on May 25, 1983 (Docket No. 19-83, 48 FR 26491, 6/8/83). A public hearing was held on the proposal on June 29. Action is expected on the application in early 1984.

The proposed subzone will be located at the Ford plant, 6250 N. Lindbergh Rd., Hazelwood, Missouri. Employing 2500 persons, the 96-acre facility produces autos and is being renovated to produce a new mini-van passenger vehicle. Although most of the components are of domestic origin, about 2 percent of the components, including radio and wheels, are purchased from abroad. Some 6 percent of the finished products are exported.

Zone procedures will exempt Ford from duty payments on the foreign components it uses in its exports. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished autos. The average duty rate on the foreign components used at the St. Louis plant is 7.4 percent compared with the 2.8 percent rate for finished autos. The Customs costs savings will help Ford to improve the cost-competitiveness of its U.S. plants compared with auto assembly facilities abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; William L. Duncan, District Director, U.S. Customs Service, North Central Region, 120 South Central Avenue, St. Louis, MO 63105; and Colonel Gary D. Beech, U.S. Army Engineer District St. Louis, 210 Tucker Blvd., North, St. Louis, MO 63101.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 21, 1984.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Suite 400, 120 South Central Avenue, St. Louis, MO 63105.

Office of the Executive Secretary,
Foreign-Trade Zones Board, U.S.
Department of Commerce, Room 1872,
14th and Pennsylvania, NW,
Washington, D.C. 20230.

Dated: December 16, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-33900 Filed 12-21-83 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 48-83]

**Foreign-Trade Zone 40, Cleveland,
Ohio; Application for Subzone; Ford
Auto Plant, Lorain, Ohio**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland-Cuyahoga County Port Authority (the Port Authority), grantee of Foreign-Trade Zone 40, Cleveland, requesting special-purpose subzone status for Ford Motor Corporation's automobile assembly plant in Lorain, Ohio, adjacent to the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 4, 1983. The applicant is authorized to make this proposal under Section 4582.06(f) of the Ohio Revised Code.

On September 29, 1978, the Board authorized the Port Authority to establish a foreign-trade zone project for the Cleveland area (Board Order 135, 43 FR 46886, 10/11/78). It was expanded on June 18, 1982 (Board Order 194, 47 FR 27579, 6/25/82). The project currently involves a 600,000 square foot multipurpose building on Cleveland harbor and an international exhibition center and industrial complex covering 175 acres adjacent to Cleveland Hopkins International Airport.

The proposed subzone will be located at the Ford plant, 5401 Baumhart Road, Lorain. The 212-acre facility employs some 5,400 persons, and produces the new, downsized Thunderbird/Cougar model automobile. Though the majority of the parts used at the plant are produced domestically, some 3 percent are dutiable items, such as optional engines and transmissions, and electronic parts. Over 7 percent of the finished products are exported.

Zone procedures will exempt Ford from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished autos. The average duty rate for the

foreign components used at the Lorain plant is 6.0 percent compared with a 2.8 percent rate for finished autos. The savings from zone procedures are expected to contribute to Ford's efforts to reduce production costs, helping it compete with offshore auto production facilities.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, 55 Erieview Plaza, 6th Floor, Cleveland, OH 44114; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1778 Niagara Street, Buffalo, NY 14207.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 21, 1984.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office,
666 Euclid Avenue, Room 600,
Cleveland, OH 44114;

Office of the Executive Secretary,
Foreign-Trade Zones Board, U.S.
Department of Commerce, Room 1872,
14th and Pennsylvania, NW,
Washington, D.C. 20230.

Dated: December 16, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-33901 Filed 12-21-83 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

**Ferroalloys From Spain; Preliminary
Results of Administrative Review of
Countervailing Duty Order**

AGENCY: International Trade
Administration, Commerce.

ACTION: Notice of Preliminary Results of
Administrative Review of
Countervailing Duty Order.

SUMMARY: The Department of
Commerce has conducted an
administrative review of the
countervailing duty order on ferroalloys
from Spain. The review covers the
period January 1, 1982 through
December 31, 1982. As a result of the
review, the Department has
preliminarily determined the net subsidy

to be 2.15 percent *ad valorem* for the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: December 22, 1983.

FOR FURTHER INFORMATION CONTACT:
Alan Long or Joseph Black, Office of
Compliance, International Trade
Administration, U.S. Department of
Commerce, Washington, D.C. 20230;
telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 34493) the final results of its last administrative review of the countervailing duty order on ferroalloys from Spain (45 FR 25, January 2, 1980) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Spanish ferroalloys. Such merchandise is currently classifiable under the following items of the Tariff Schedules of the United States: Annotated: ferrochrome (over 3 percent carbon), 606.2400; ferromanganese (1-4 percent carbon), 606.2800; ferrosilicon manganese, 606.4400; and ferrosilicon (60-80% silicon), 606.3600 and 606.3700.

The review covers the period January 1, 1982 through December 31, 1982, and two programs that we previously found countervailable: (1) A rebate of indirect taxes upon exportation, under the Desgravacion Fiscal a la Exportacion ("the DFE"), (2) an operating capital loans program. The review also covers two other programs.

Analysis of Programs

1. Desgravacion Fiscal a la Exportacion

Spain employs a cascading tax system. Under this system, the government levies a turnover tax ("IGTE") on each sale of a product through its various stages of production, up to (but not including) the final sale in Spain. Upon exportation of the product, the government, under the DFE, rebates both these accumulated IGTE indirect taxes and certain final stage taxes.

Although the Spanish government rebates upon exportation all indirect taxes paid under the cascading tax system, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes

borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of Part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of Part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Physical incorporation is a question of fact to be determined for each product in each case. In this case, the physically incorporated inputs are the raw materials previously allowed by the Department. The rebate of two final stage taxes, the Juan de la Cerva metals tax and the tax on freight and insurance, is also allowable when calculating whether or not there is an overrebate of indirect taxes under DFE.

As of January 1, 1982, the Spanish government increased the IGTE rate from 3.80 percent to 4.60 percent, while maintaining the previous rate for the export rebate. We concluded in our last review than an earlier increase in the IGTE rate had eliminated the overrebate previously found countervailable. Based on our analysis of the indirect taxes on physically incorporated inputs and the parafiscal tax on ferroalloys, we preliminarily find that the additional change in the IGTE rate for 1982 continues to eliminate that overrebate. Therefore, we preliminarily determine the net subsidy attributable to this program during the period of review to be zero percent.

2. Operating Capital Loans

The Spanish government requires banks to set aside funds to provide short-term operating capital loans. These loans are granted for a period of less than one year. For 1982, the Spanish government fixed the interest rate for such loans at 10 percent. To determine the interest rate on comparable commercial loans, we took the average national prime interest rate for loans of comparable length, added the prevailing interest charge over prime facing borrowers of average creditworthiness and added the legally established fees and commissions. Comparing this benchmark with the 10 percent interest rate established for the operating capital loans program, we found a differential of 9.38 percent during the period of review.

The maximum loan principal available to a given exporter is determined as a percentage of the firm's previous year's exports. This amount may be increased by 10 percent if the firm has a government-issued Exporter's

Card. Exporters of ferroalloys have such a card, so the maximum eligibility until April 13, 1982 was 24 percent. On April 14, 1982, the Spanish government decreased the maximum eligibility (including Exporter's Card eligibility) to 22.5 percent. Because we have no information on actual utilization of this program, we assumed that the maximum allowable amount was borrowed. After prorating for the different eligibility levels prevailing in 1982, we preliminarily determine the net subsidy conferred under this program to be 2.15 percent *ad valorem* for 1982.

Effective January 1, 1983, the Spanish government further reduced the maximum percentage of eligibility for operating capital loans to 15 percent. As a result, using the same methodology and the interest rate differential for 1982 as the most recent information available, we preliminarily determine, for purposes of cash deposits of estimated countervailing duties, that the net subsidy currently attributable to this program is 1.41 percent *ad valorem*.

3. Other Programs

We also examined the following programs and preliminarily find that exporters of ferroalloys did not use them in 1982.

A. Other Privileged Circuit Export Credit Programs.

B. Research and Development Incentives.

Preliminary Results of the Review

As a result of the review, we preliminarily determine that the aggregate net subsidy conferred by the two programs is 2.15 percent *ad valorem* during 1982. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 2.15 percent of the f.o.b. invoice price on all shipments of Spanish ferroalloys exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before April 22, 1982.

On April 23, 1982, the International Trade Commission ("the ITC") notified the Department that the Spanish government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the estimated duties required to be deposited on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after April 23, 1982, and through the date

of the ITC's notification to the Department of its determination.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 1.41 percent of the entered value on all shipments of Spanish ferroalloys entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1875(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: December 16, 1983.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-34008 Filed 12-21-83; 8:45 am]

BILLING CODE 3910-DS-M

Non-Rubber Footwear From Argentina: Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covers the period January 1, 1981 through December 31, 1981.

As a result of the review, the Department has preliminarily determined the total bounty or grant to be 8.3 percent *ad valorem*. Interested

parties are invited to comment on these preliminary results.

EFFECTIVE DATE. December 22, 1983.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Laura Kneale, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 19921) the final results of its last administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of Argentine footwear described in Part 1A of Schedule 7 of the Tariff Schedules of the United States Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000.

The review covers the period January 1, 1981 through December 31, 1981 and three programs: (1) The reembolso, a cash rebate of indirect and direct taxes; (2) preferential pre-export financing; and (3) an export tax on hides.

Analysis of Programs

1. Reembolso

The reembolso is a cash rebate of indirect and direct taxes, upon exportation of merchandise, paid as a percentage of the f.o.b. invoice price. Although the Government of Argentina rebates upon exportation all indirect and direct taxes borne by the exported product, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of Part 355 of the Commerce Regulations) and (2) indirect taxes levied at the final stage (see Annex 1.2 of Part 355 of the Commerce Regulations). If the tax rebate upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and therefore a subsidy.

To calculate the net subsidy on non-rubber footwear, we allowed the rebate of indirect taxes on raw materials,

which constitute the bulk of the taxes. In addition, we allowed the rebate of final stage indirect taxes, such as excise taxes. We disallowed the rebates of taxes on labor, on "indirect expenditures" such as administrative expenses, and on other items not physically incorporated.

For non-rubber footwear the reembolso rate was 20 percent during the period of review. In our last review we calculated the allowable tax incidence based on a 1976 study by the Argentine government. In 1981, the Argentine government recalculated the tax incidence and produced a new study. Based on our analysis of the later study of total tax incidence, we have found that indirect taxes on physically incorporated inputs and final stage indirect taxes on non-rubber footwear amount to 11.17 percent *ad valorem*. Therefore, we preliminarily find an overrebate of indirect taxes of 8.83 percent *ad valorem* for 1981.

The reembolso rate of 20 percent on non-rubber footwear, established in 1978, remained in effect until December 1981. Effective December 24, 1981 Resolution No. 2/81 of the Ministry of Economy reduced the reembolso rate to 10 percent. This reduction was superseded by Resolution No. 437 of May 7, 1982, when the Ministry of Economy lowered the reembolso to 5 percent. The reductions eliminated the overrebate on non-rubber footwear. Therefore, we preliminarily determine for purposes of cash deposits of estimated countervailing duties the potential subsidy under this program to be zero.

2. Preferential Financing

The preferential financing program makes pre-export loans, in pesos indexed to U.S. dollars, available to exporters at an interest rate of one percent. Such funds are available for a period of up to 180 days, and are to be repaid no later than 60 days after the export date. The funds are provided by the Central Bank of Argentina and disbursed by private commercial banks to individual borrowers.

Until July 1981, the Central Bank limited potential loan amounts for exporters of non-rubber footwear to 60 percent of the contracted f.o.b. price. In August 1981, the Central Bank lowered the limit to 55 percent. During the period of review one exporter received two such loans. To calculate the benefit under this program we compared the amount of interest paid on each loan to the amount which would have been paid on a comparable commercial loan in Argentina during the same period, that is, short-term peso loans indexed to time

deposit rates in Argentina. We found that the rate of interest paid on the two loans received under this program was not lower than the comparable commercial benchmark. Therefore, we preliminarily determine that there was no benefit conferred under the preferential financing program during the period of review.

3. Export Tax on Hides

Resolution ME No. 1870 of October 28, 1980 established a 10 percent export tax on raw bovine hides. That level of tax remained in effect until July 7, 1982 when Resolution ME No. 8 raised the export tax to 25 percent. Exporters must pay the tax within 8 working days from the date of shipment to avoid a penalty.

Section 771(5) of the Tariff Act states that domestic subsidies are countervailable "if provided or required by government action to a specific enterprise or industry, or group of enterprises or industries". We preliminarily determine that, if there is a domestic price effect of the export tax, the beneficiaries—purchasers of hides—are too broad a class to be a group of enterprises or industries within the meaning of section 771(5). We therefore preliminarily determine that the export tax does not confer a countervailable benefit.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the total bounty or grant conferred to be 8.83 percent *ad valorem* for the period of review. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 8.83 percent of the f.o.b. invoice price on all shipments of Argentine non-rubber footwear exported on or after January 1, 1981 and on or before December 31, 1981.

Because of the reduction in the reembolso rate, we preliminarily determine the potential bounty or grant to be zero percent. Therefore, as provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties of zero percent of the entered value on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results

within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: December 15, 1983.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 83-34007 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcements; South Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning May 1, 1984 in the Columbia, South Carolina SMSA. The cost of the project is estimated to be \$187,000. The maximum Federal participation amount is \$158,950. The minimum amount required for non-Federal participation is \$28,050. The award number will be 04-10-84003-01. Applicants shall be required to contribute at least 15% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

DATE: Closing date January 20, 1984.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, GA 30309.

FOR FURTHER INFORMATION CONTACT: Gordon M. Anderson, Telephone (404) 881-3094.

SUPPLEMENTARY INFORMATION: A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and State governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. Capability and Experience of Firm/Staff—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and

providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

- The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)
- Background credentials and references for the owners of the organization and a capability statement of what the organization can do.
- Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

- List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.
- Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.
- Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.
- If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. Techniques and Methodology—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership market and capital opportunities and prevention of business failures. In summary, address

how, when and where work will be done and by whom. Include level of performance.

III. Resources—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MEDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost-sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. Cash contribution—Means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. Fee for services—Is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. In-Kind contribution—Represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. Costs—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy and efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the above address on January 9, 1984 at 1 p.m.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 14, 1983.

Carlton Eccles,

Regional Director.

JPR Doc. 63-33886 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-21-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Levels for Certain Cotton Textile Products From the Socialist Republic of Romania Effective January 1, 1984

December 19, 1983

ACTION: Establishing import levels for certain cotton textile products produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1984.

SUMMARY: The Bilateral Cotton Textile Agreement of March 31, 1983 between the

Governments of the United States and the Socialist Republic of Romania establishes specific limits for women's, girls' and infants' cotton coats in Category 335 and designated consultation levels for men's and boys' cotton knit shirts in Category 338 and its sublimit produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1984. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption of cotton textile products in Categories 335 and 338, exported during the twelve-month period which begins on January 1, 1984, in excess of the designated limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/337-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 21, 1981; pursuant to the Bilateral Cotton Textile Agreement of March 31, 1983 between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal for warehouse for consumption of cotton textile products in Categories 335 and 338 produced or manufactured in Romania

and exported during 1984, in excess of the following levels of restraint:

Category	12-mo level of restraint
335	60,027 dozen.
336	256,000 dozen, of which not more than 97,222 dozen shall be in T.S.U.S.A. Nos. 379.0230, 379.0240, 379.4040, and 379.4050.

In carrying out this directive, entries of cotton textile products in the foregoing categories produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of March 31, 1983 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased by the application of carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-34005 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products From the People's Republic of China, Effective on January 1, 1984

December 19, 1983.

ACTION: Establishing import restraint levels for cotton, wool and man-made fiber textile products in Categories 314, 315, 331, 333, 334, 335, 337, 338, 339, 340, 341, 342, 345, 347/348, 350, 351, 363, 443, 445/446, 447, 448, 631, 634, 635, 636, 649, 641, 645/646, 647, and 648, produced or manufactured in the People's Republic of China and exported to the United States during the twelve-month period beginning on January 1, 1984.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, of August 19, 1983 between the Governments of the United States and the People's Republic of China establishes specific limits for Categories 314, 315, 331, 333, 334, 335, 337, 338, 339, 340, 341, 342, 345, 347/348, 350, 351, 363, 443, 445/446, 447, 448, 631, 634, 635, 636, 640, 641, 645/646, 647, and 648 exported during 1984. The limits for Categories 335, 634, 635 and 648 have been reduced to account for carryforward used in 1983. Charges have been made to the limits for Categories 345 and 648 to reflect agreed overshipments. The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the designated categories, produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on January 1, 1984 in excess of the indicated restraint limits.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1986, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and People's Republic of China; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in China and exported during 1984, in excess of the levels of restraint indicated below:

Category	12-mo. level of restraint
314	15,450,000 square yards.
315	138,000,000 square yards.
331	3,616,935 dozen pairs.
333	54,600 dozen.
334	208,316 dozen.
335	270,161 dozen.
337	870,870 dozen.
338	794,849 dozen of which not more than 569,250 dozen shall be in T.S.U.S.A. numbers 379.0240 and 379.4050.
339	926,910 dozen.
340	619,634 dozen.
341	470,463 dozen.
342	164,300 dozen.
345	83,200 dozen.
347/348	1,835,951 dozen.
350	93,450 dozen.
351	364,500 dozen.
363	18,990,000 numbers.
443	9,848 dozen.
445/446	257,575 dozen.
447	68,907 dozen.
448	18,685 dozen.
631	658,050 dozen pairs.
634	368,871 dozen.
635	383,659 dozen.
636	312,700 dozen.
640	1,102,100 dozen.
641	899,600 dozen.
645/646	619,030 dozen.
647	760,993 dozen.
648	937,474 dozen.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories which have been exported on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of

restraint established for such goods during that twelve-month period. In the event those limits have been exhausted by previous entries, such goods shall be subject to the limits set forth in this letter.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, which provide, in part, that: (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yard equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard equivalent decrease in one or more other specific limits in that agreement year; (2) subject to consultations, specific limits may be increased for carryover and carryforward up to 10 percent of the applicable category limit in any agreement year according to the terms specified in the agreement; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under these provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

(FR Doc. 83-34003 Filed 12-21-83 8:45 am)

BILLING CODE 3510-DR-M

Announcing Import Limits for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Romania Effective January 1, 1984

December 19, 1983.

ACTION: Establishing import levels for certain wool and man-made fiber textile products produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1984.

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, establishes specific limits for Categories 435/444, 443, 604, 835, 643/644 pt., and 645/646, produced or manufactured in Romania and exported during the twelve-month period beginning on January 1, 1984. The agreement also provides consultation levels for categories, such as Category 433/434, which are subject to specific limits and which may be adjusted during the year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of a bilateral agreement, as amended, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of man-made fiber and wool textile products in the foregoing categories, exported during the twelve-month period beginning on January 1, 1984, in excess of the designated limits. The limits for Categories 435/444, 443, 604, 835, 643/644 pt. and 645/646 have been reduced to account for carryforward used in 1983. A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 21, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with

the provisions in Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 433/434, 435/444, 443, 604, 835, 643/644 pt., and 645/646, produced or manufactured in Romania and exported during 1984, in excess of the following levels of restraint:

Category	12-mo level of restraint
433/434	230,000 square yards equivalent.
435/444	6,888 dozen.
443	7,323 dozen.
604	2,525,000 pounds.
835	43,430 dozen.
643/644 pt. ¹	26,373 dozen.
645/646	195,748 dozen.

¹In Category 643/644, only TSUSA numbers 379.3160, 379.6976, 379.9560, 379.9565, 383.2230, 383.5382 and 383.9060.

In carrying out this directive, entries of textile products in the foregoing categories produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the Bilateral Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania which provides, in part, that: (1) Specific limits may be increased for carryover and carryforward; consultations may be held to adjust levels for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the

implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-34004 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-DR-M

Announcing Import Restraint Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products From Singapore Effective on January 1, 1984

December 19, 1983.

ACTION: Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Singapore, effective on January 1, 1984.

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, establishes specific levels of restraint for cotton and man-made fiber textile products in Categories 333/334/335, 338/339, 340, 347/348, and 604, produced or manufactured in Singapore and exported during the twelve-month period beginning on January 1, 1984. It also provides consultation levels for certain categories, such as Categories 331, 341, 445/446, and 641, among others.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directs that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in Categories 331, 333/334/335, 338/339, 340, 341, 347/348, 445/446, 604, and 641 be limited to the designated levels of restraint. The limit for Category 604 has been reduced to account for carryforward used in 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT:

Diana Bass, International Trade Specialist, Office of Textiles and

Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

December 19, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1986, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Textile Agreement of November 18, 1982, as amended and extended, between the Governments of the United States and Singapore; and in accordance with the provisions in Executive Order 11651 of March 3, 1972, as amended by Executive Orders 11951 of January 6, 1977 and 12188 of January 2, 1980, you are directed to prohibit, effective on January 1, 1984 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products in following categories, produced or manufactured in Singapore, and exported during 1984, in excess of the indicated levels of restraint:

Category	12-mo level of restraint
331	200,000 dozen pairs.
333/334/335	201,015 dozen of which not more than 11,599 dozen shall be in Cat. 333; not more than 61,028 dozen shall be in Cat. 334; and not more than 158,581 dozen shall be in Cat. 335.
338/339	670,048 dozen of which not more than 380,822 dozen shall be in Cat. 338 and not more than 446,151 dozen shall be in Cat. 339.
340	469,034 dozen.
341	48,276 dozen.
347/348	670,048 dozen of which not more than 577,076 dozen shall be in Cat. 347 and not more than 200,461 dozen shall be in Cat. 348.
445/446	20,000 dozen.
604	1,200,623 pounds.
641	48,276 dozen.

In carrying out this directive, entries of textile products in the foregoing categories which have been exported to the United States on and after January 1, 1983 and extending through December 31, 1983, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of August 21, 1981, as amended, between the Government of the United States and the Republic of Singapore, which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels

of restraint may be exceeded by certain designated percentages; (2) specific levels may be increased by carryover and carryforward up to 11 percent of the applicable category limit and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175) and May 3, 1983 (48 FR 19924).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton, wool and man-made fiber textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-34002 Filed 12-21-83; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Chronic Hazard Advisory Panel on Di(2-Ethylhexyl)Phthalate; Invitation To Submit Recommendations for Scientists To Serve as Members

AGENCY: Consumer Product Safety Commission.

ACTION: Invitation to submit recommendations for scientists to serve as members of advisory panel.

SUMMARY: This notice invites recommendations for expert scientists to serve as members of the Commission's Chronic Hazard Advisory Panel on di(2-ethylhexyl)phthalate (DEHP). The seven member panel will provide scientific advice to the Commission concerning potential chronic hazards associated with the use of the chemical DEHP in consumer products. This notice also contains information about the function and composition of the panel, on criteria for membership, and on procedures for recommending candidates for membership. The Commission

emphasizes that the selection of panel members is only the first step toward a decision whether to take any action concerning the use of DEHP in consumer products. The Commission has not decided whether to begin any rulemaking.

DATE: Recommendations for membership should be submitted no later than January 23, 1984.

ADDRESS: Membership recommendations should be sent to Ann Hamann, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR ADDITIONAL INFORMATION CONTACT: Sandra Eberle, Chemical Hazards Program, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-8957.

SUPPLEMENTARY INFORMATION:

A. Background

Amendments to the Consumer Product Safety Act (CPSA) in 1981 require the Commission to establish a seven member Chronic Hazard Advisory Panel (CHAP) before starting certain rulemaking activities related to chronic risks associated with consumer products, 15 U.S.C. 2077, as amended. The CHAP is a panel of expert scientists that reviews scientific data and other relevant information regarding any potential risks of cancer, birth defects, or gene mutations from the presence of a chemical in consumer products, 15 U.S.C. 2080(b). The panel is to determine if the chemical under consideration is a carcinogen, mutagen, or teratogen and, if feasible, estimate the probable harm to human health that will result from consumer exposure to that substance. The Commission must consider the panel's report and incorporate it into any advance notice of proposed rule making and final rule, 15 U.S.C. 2080(c).

The establishment of a panel on di(2-ethylhexyl)phthalate (DEHP), as discussed in detail in section B below, does not necessarily mean that the Commission will regulate any consumer products containing DEHP. Since the CPSA requires that such a panel must advise the Commission before a rulemaking proceeding can begin, the Commission is establishing a panel now as a preliminary step. If the panel's advice and other available information are later found to justify a regulatory action concerning a consumer product containing DEHP, the Commission will then decide whether to begin a rulemaking proceeding.

B. Purposes of Panel

The Commission has decided to convene a panel on DEHP because of

concern that current use of DEHP as a plasticizer in children's products may result in a substantial exposure of children to a substance that is known to cause cancer in animals. The potential health hazard to children results from exposure to DEHP contained in plastic articles such as pacifiers, squeeze toys, plastic baby pants and the vinyl fabric covering of playpen pads or similar articles. In a 1981 bioassay by the National Toxicology Program, DEHP was found to be a carcinogen in two species of animals. The Commission has investigated the various consumer product uses of DEHP and has decided to concentrate its investigation on the potential hazard from children's products.

In order to assess the magnitude of any potential hazard arising from the use of DEHP in children's products, testing was conducted for the Commission by the Inhalation Toxicology Research Institute, Albuquerque, New Mexico, to determine DEHP migration under simulated use conditions. The tests on children's products were designed to model a child's potential for exposure to DEHP from ingestion by sucking on or mouthing an article and from dermal contact. The Commission staff has estimated that an infant could be exposed to about 100 mg to 800 mg of DEHP from products in its environment.

The Commission will ask the CHAP to review staff-prepared documents relating to the general areas of carcinogenicity, mutagenicity, metabolism, and the assessment of the risk to human health from exposure to DEHP. The panel may also request information, through the Commission, from other federal agencies, states, industry or other private sources and may review any other medical and scientific information that it finds relevant. The Commission will ask the panel to consider questions such as the following:

1. Are the results of the NTP bioassay on DEHP adequate and sufficient to conclude that DEHP is carcinogenic to rats and mice?

2. With regard to the number of animals, the study design, the level of exposure and similar issues, does the NTP bioassay provide an adequate basis for a quantitative risk assessment?

3. Based on the animal data from the NTP bioassay, and considering the absence of adequate human epidemiological data, should DEHP be considered to pose a risk to humans?

4. What conclusions, if any, can be reached from the available data about the mechanism by which DEHP causes liver tumors in rats and mice?

5. What weight, if any, should be given to the hypothesis that DEHP-induced peroxisome proliferation was responsible for the observed tumors in the NTP bioassay? What relevance does this hypothesis have in evaluating human cancer risks?

6. Taking into account all available information about DEHP's mechanism of action, is attainment of a threshold dose level necessary before DEHP will cause liver tumors in rodents?

7. Does the available information indicate that DEHP is non-genotoxic and, if so, what are the implications of this finding for carcinogenicity and risk assessment?

8. What are the implications of the available data concerning differences in DEHP metabolism in rodents at high vs. low doses? What conclusions should be drawn about the comparative metabolism of DEHP in mammals?

9. Considering the available data on the carcinogenicity, metabolism, and mechanism of action of DEHP, and the data on route and levels of human exposure, can a quantitative assessment of human risk be performed? If so, which risk assessment models are compatible with the available data. Are any models to be preferred as particularly appropriate?

10. Is there evidence that children are likely to be more sensitive in general to chemical carcinogens than adults? If so, should increased sensitivity of children to DEHP be expected and how should such sensitivity be evaluated qualitatively and quantitatively.

11. What conclusions, if any, can be reached about the skin penetration of DEHP as a result of dermal contact? Should potential risks from dermal exposures be evaluated in the same manner as those from oral exposures?

C. Membership and Selection

The Consumer Product Safety Act specifies that panel members must be scientists who have demonstrated the ability to critically assess chronic hazards and risks to human health presented by the exposure of humans to toxic substances or as demonstrated by the exposure of animals to such substances, 115 U.S.C. 2077, as amended. Members may not be officers or employees of the United States or receive compensation from or have any substantial financial interest in any manufacturer, distributor, or retailer of a consumer product. The Act provides that the President of the National Academy of Sciences (NAS) shall nominate 21 individuals from which the Commission is to appoint a seven member panel.

To provide for the broadest possible consideration of qualified scientists, the Commission, with the concurrence of the NAS, is soliciting recommendations for nominees for the DEHP panel. The Commission will forward recommendations received to the NAS without evaluation. In cases of apparent conflict of interest, the Commission will return the recommendation to the submitting individual with an explanation. The NAS, in the preparation of its list of nominees to be submitted to the Commission, will not be limited to the recommendations submitted in response to this public notice.

The panel will meet at least twice for two-day sessions in Washington, D.C., over a 120-day period, beginning approximately in March 1984. Travel expenses are reimbursable in accordance with Federal regulations. Members will receive compensation of \$100 for each day (including travel time) during meetings of the panel.

D. Format for Membership Recommendations

Scientists interested in serving on the DEHP panel may recommend themselves for membership, and others may recommend the names of scientists who may be willing to serve on the panel. In either case, the recommendation should include the following information to the extent possible:

- (1) Name of scientist(s) recommended for panel membership.
- (2) Home address and telephone number, including area code.
- (3) Employment affiliation (if any):
 - a. Current position and description of duties.
 - b. Employer's name, address, and telephone number (include area code), and type of organization, e.g. health care, manufacturing, educational, testing laboratory, governmental, public interest, retail, etc., including if self-employed.
 - c. Consulting work (if so, specify kind of consulting work, for whom, and if paid or volunteer).
 - d. CPSC contract work or grant (if so, specify contract title, number and involvement).
- (4) Experience/Expertise: Specify and describe any education, experience, publications related to assessing chronic hazards, particularly from exposure to DEHP. Resumes or curriculum vitae may be submitted.

E. Privacy Act Notice

The information requested in section D may become part of a Privacy Act system of records and will be used to

evaluate candidates for the Chronic Hazard Advisory Panel. There are no penalties for not submitting the information requested above except for possibly precluding selection of a candidate. The authority for collecting the information is section 28 of the Consumer Product Safety Act, 15 U.S.C. 2077, as amended.

Applications should be submitted no later than January 23, 1984 to Ann Hamann, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: December 16, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-33955 Filed 12-21-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement for Mobile Harbor, Alabama (1975)

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent to Prepare a Draft Supplement.

SUMMARY:

1. The Mobile Harbor project includes the bar channel connecting the Gulf of Mexico and Mobile Bay; an interbay (Mobile Ship Channel) channel to near the mouth of the Mobile River; an Upper Mobile Harbor channel extending from the mouth of Mobile River northward to Cochrane Bridge; and separate connecting channels, Chickasaw and Three Mile Creeks and Arlington and Garrows Bend channels. The continued maintenance dredging of these channels is greatly dependent on the existence of suitable disposal areas to provide for the long-term disposal needs. The capacity of the Upper Harbor (Mobile River portion of the project) disposal areas is nearing the point of depletion. The proposed action is to address the need to provide for the disposal of dredged material resulting from the maintenance of Upper Mobile Harbor.

2. Over twenty-five separate alternatives have been evaluated in coordination with National, State and local environmental interests through a series of meetings. Basic alternatives, in addition to the "No Action" alternative are:

- a. Manage the existing sites to maximize site life.

b. Construct a new site of up to 300 acres in addition to existing sites with site reclamation through Gulf disposal of consolidated material.

c. Designate at least one unconfined site within Mobile Bay for use in addition to existing sites and reclaim existing sites through Gulf disposal of consolidated material.

d. Gulf disposal of unconsolidated material.

e. Other alternatives will be considered which may include various combinations of those listed as well as those which may be developed during the scoping process.

3. a. The Supplement will undergo the public review process as required by the National Environmental Policy Act. The Supplement will be coordinated with and reviewed by appropriate Federal, State, and local agencies as well as other interested groups and individuals. Anyone wishing to comment at any time during development of the Draft Supplement should write the District Engineer, Mobile District.

b. Significant issues which will be addressed include, but are not limited to: The impacts of dredging and disposal methods, impact of effluent from the disposal site, navigation economics, and the effects to the environment of alternatives.

4. Scoping Process: No formal scoping meeting is scheduled due to the extensive coordination that has taken place to date.

5. It is estimated that a Draft Supplement will be available to the public in the fall of 1984.

ADDRESS: Questions about the proposed action and Draft Supplement can be answered by: Mr. James B. Hildreth, PDEE, U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, Alabama 36608.

Dated: December 14, 1983.

Patrick J. Kelly,

Colonel, CE, District Engineer.

[FR Doc. 83-33931 Filed 12-21-83; 8:45 am]

BILLING CODE 3710-CR-M

Intent To Prepare a Draft Supplement III to the Papillion Creek and Tributaries Lakes, Nebraska Final Environmental Statement (FES) for a Proposed Flood Control Project on Papillion Creek in Nebraska

AGENCY: U.S. Army Corps of Engineers, Omaha District.

ACTION: Notice of Intent to Prepare a Draft Supplement III to a FES.

SUMMARY: 1. The proposed action is to provide flood control along Papillion Creek in Nebraska.

2. Reasonable structural alternatives for Papillion Creek flood control are a grass-lined channel and modification of a railroad bridge, one large reservoir, four previously authorized smaller reservoirs, or combinations thereof. Reasonable nonstructural elements are a part of each alternative.

3. To date, public involvement has included meetings and discussions with an advisory committee, public entities, local planning agencies, and concerned citizen groups. Significant issues to be analyzed in depth in the Draft Supplement III are flood damages prevented, recreation opportunities, relocations and community cohesion impacts, and impacts to farmland and natural resources.

4. Public meetings are currently being scheduled by the advisory committee and are determined to be adequate for determining the scope of the issues and the alternatives that need to be examined in the Draft Supplement III.

5. The Omaha District estimates that the Draft Supplement III will be released for public review in April 1984.

ADDRESS: Questions about the Draft Supplement III or advisory committee meetings should be directed to Richard Gorton; Chief, Environmental Analysis Branch; Omaha District, CE; 6014 U.S. Post Office and Courthouse; Omaha, Nebraska 68102. Phone: (402) 221-4598.

Dated: December 16, 1983.

Arvid L. Thomsen,
Chief, Planning Division.

[FR Doc. 83-33928 Filed 12-21-83; 8:45 am]
BILLING CODE 3710-62-M

Intent To Prepare Draft Environmental Impact Statement (DEIS); Humboldt Bay, Ocean Disposal Site Designation

AGENCY: U.S. Army Corps of Engineers, Defense.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is the designation of an ocean disposal site under the Marine Protection, Research and Sanctuaries Act off Humboldt Bay, California. The Site, once designated, could be used for disposal of material dredged in Humboldt Bay which meets the criteria for ocean disposal as described at 40 CFR Part 227.

2. Two site-designation alternatives, as described below, are under

consideration in addition to the no action alternative.

a. Designation of the interim disposal site. This site is located at 40° 54' 44" N., 124° 15' 4" W. and is circular with a radius of 250 yards and an average depth of 20m (MLLW datum).

b. Designation of another ocean disposal site. Several sites will be considered including deep water sites, mid-shelf sites and other near shore sites.

3. Scoping: Federal, State and local agencies, and interested private organizations and individuals are invited to submit written comments on the proposed action within 30 days of publication of this notice to the Chief, Environmental Branch, San Francisco District, Corps of Engineers, 211 Main Street, San Francisco, California 94105 (Attn: M. Hooper, SPNPE-R).

4. The following issues have been identified as significant, and will be addressed in the DEIS.

Biotic resources
Sediment transport
Navigational safety
Water quality
Feasibility of monitoring
Consistency with Coastal Zone Regulations
Distance from potential dredging sites
Areas of concentrated commercial fishing.

5. By January 1985, the interim disposal site must be formally designated for continuation of use (proposed action) or termination of use. (See the 7 February 1983, Vol. 48, No. 26 issue of the Federal Register amending 40 CFR Part 228). In order to meet this deadline, the DEIS is scheduled to be completed and distributed by May, 1984.

6. Questions about the proposed action and DEIS can be answered by Maggie Hooper at (415) 974-0440 or FTS 454-0440.

Dated: December 14, 1983.

Edward M. Lee, Jr.,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-33927 Filed 12-21-83; 8:45 am]
BILLING CODE 3710-FS-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration [ERA Docket No. 83-09-NG]

Vermont Gas Systems, Inc.; Application To Increase Volume of Natural Gas Being Imported From Canada and Motion for Expedited Consideration

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application to Increase the Volumes of Natural Gas

Being Imported from Canada and Motion For Expedited Consideration.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on December 9, 1983, of an application from Vermont Gas Systems, Inc. (Vermont Gas), to increase its importation of natural gas from Canada. Currently, Vermont Gas has authority to import from TransCanada PipeLines Limited (TransCanada) up to 23,200 Mcf per day, which will increase periodically to a maximum of 25,800 Mcf per day beginning November 1, 1986, and ending on October 31, 1991. Vermont Gas seeks to amend its current authorization to permit the importation of up to 100,000 Mcf of additional gas during the period November 1, 1983, through October 31, 1984. The incremental volumes will be purchased from TransCanada on a best efforts, interruptible basis. Vermont gas requests ERA approval of its application by January 9, 1984, so that the additional supplies will be available to meet the increased demand anticipated during January and February 1984.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on January 6, 1984.

FOR FURTHER INFORMATION CONTACT:

P. J. Fleming, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-007, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-9482;

Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-6667.

SUPPLEMENTARY INFORMATION: Vermont Gas import its total supply of natural gas from TransCanada under a gas purchase contract dated February 16, 1966, as amended. The delivery point is at the international boundary near Highgate Springs, Vermont. Vermont Gas sells and distributes this gas supply entirely within the State of Vermont.

On December 9, 1983, Vermont Gas filed an application and a motion for expedited consideration to amend by January 9, 1984, the existing import authorization granted by the ERA in DOE/ERA Opinion and Order No. 39, issued on March 1, 1982, in Docket No.

81-33-NG (1 ERA Para. 70,544, *Federal Energy Guidelines*). Order 39 authorized Vermont Gas to import from TransCanada the following daily volumes:

November 1 Through October 31—Mcf/day

1982-83	1983-84	1984-85
22,400	23,200	24,000
1985-86	1986-87	
24,800	25,600	

Vermont Gas requests an increase in its maximum daily import authorization during the period of November 1, 1983, through October 31, 1984, or until a total additional volume of 100,000 Mcf has been imported. After the 100,000 Mcf has been imported, but no later than October 31, 1984, imports will resume at the daily rate previously authorized.

Vermont Gas states that it soon will enter into an amendment to its contract with TransCanada, which will be filed with the ERA once it has been executed, for the purchase of the additional quantities of gas on a best efforts, interruptible basis. Vermont Gas anticipates that the maximum additional amount imported on any day as a result of the amendment will be about 9,800 Mcf. In such circumstances, the requested increase plus the contract demand should not exceed 33,000 Mcf per day between the date of first deliveries and November 1, 1984. However, according to its application, Vermont Gas does not expect to purchase the additional volumes after March 1.

The additional volumes will be delivered through existing facilities and, according to Vermont Gas, will be purchased pursuant to Canada's Volume Related Incentive Pricing Program. Under a contract amendment dated October 17, 1983, gas purchased from TransCanada during the winter months of November 1983 through April 1984 will be allocated between base volumes sold at the uniform border price, currently U.S. \$4.40 per MMBtu and volumes sold at the incentive price of U.S. \$3.40 per MMBtu. The contract sets the price for gas sold from November through April at \$4.0664 per MMBtu.

Under its gas purchase contract with TransCanada, Vermont Gas incurs no take-or-pay obligation until after it has taken 10 Bcf of gas in any contract year. Since the annual volume limitation imposed by the Canadian National Energy Board on TransCanada's exports

to Vermont Gas in its License GL-19, as amended, is 6.5 Bcf, the take-or-pay provision will not be invoked.

In support of its application, Vermont Gas states that the requested increase in its current authorization is not inconsistent with the public interest because the additional volumes will be used to meet expected demand within its marketing area, primarily by existing interruptible industrial customers who have no available alternate gas supply and would otherwise buy oil, which currently sells for \$4.92 per MMBtu. Therefore, Vermont Gas asserts that such additional gas supplies will make the State of Vermont less dependent on imported oil which is the primary alternate fuel. Vermont Gas further states that the proposed increase will not affect the total amount of gas authorized for export by TransCanada to Vermont Gas during the term of its license. Thus, the gas required to meet the requested increase has already been reserved and dedicated for sale to Vermont Gas under the existing NEB authorization. In addition, Vermont Gas submits that these additional volumes for which authorization is requested will reduce the overall average cost of gas to its customers for the 1983-1984 contract year.

Vermont Gas asserts that its application is similar to the import application previously granted by the ERA in DOE/ERA Opinion and Order No. 28, issued February 13, 1981, in Docket No. 79-32-NG, *Midwestern Gas Transmission Company* (1 ERA Para. 70,527, *Federal Energy Guidelines*), which authorized the importation of additional best efforts gas supplies. Vermont Gas indicates that more recently the ERA approved an increased daily rate on a short term basis in DOE/ERA Opinion and Order No. 48, issued November 30, 1982, in Docket No. 82-09-NG, *Northern Natural Gas Company* (1 ERA Para. 70,552, *Federal Energy Guidelines*).

Finally, Vermont Gas requests that the ERA provide for a shortened intervention period and expeditiously approve its application by January 9, 1984, to permit the additional gas supplies to be used during January and February 1984, when such supplies will most likely be needed. In view of the request by Vermont Gas for expedition and taking into consideration the short-term nature of the requested authorization and the small volume of gas involved, we are limiting the intervention period to 15 days.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977 in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division, Economic Regulatory Administration, Room GA-007, RG-43, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

All protests and petitions to intervene must be filed no later than 4:30 p.m., on January 6, 1984.

A hearing will not be held unless a motion is made by a party or person seeking intervention and is granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the application is available for inspection and copying in the Natural Gas Division Docket Room located in Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on December 20, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-34200 Filed 12-21-83; 11:08 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-375-000]

Gulf States Utilities Co.; Compliance Filing

December 16, 1983.

Take notice that on December 2, 1983, Gulf States Utilities Company (Gulf)

submitted for filing its Compliance Report in compliance with a Letter Order dated October 19, 1983, showing a summary of the total refund, including interest, which resulted from the acceptance by the Commission of the executed Settlement Agreement in the above-named docket filed on June 14, 1983.

Gulf indicates that copies of this filing are being sent to all parties.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 29, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[PR Doc. 83-33982 Filed 12-21-83; 8:45 am]
BILLING CODE 5717-01-4E

[Docket No. CI75-68-001, et al.]

Hunt Oil Co., et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price¹

December 16, 1983.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d 376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered

by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-68-001, Nov. 7, 1983	Hunt Oil Co., 2900 InterFirst One Building, Dallas, Tex. 75202.	Southern Natural Gas Co.	(P)	
CI80-501-001, Dec. 8, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company Post Office Box 2619, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co.	(P)	
CI80-508-002 Dec. 6, 1983	do	do	(P)	
CI81-77-002, Nov. 8, 1983	do	Northern Natural Gas Co.	(P)	
CI81-178-006, Nov. 14, 1983	Exxon Co., USA, P.O. Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co.	(P)	
CI81-391-001, Dec. 8, 1983	ARCO Oil & Gas Co., Division of Atlantic Richfield Co., Post Office Box 2619, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co.	(P)	
CI81-429-001 Dec. 8, 1983	do	Michigan Wisconsin Pipeline Co.	(P)	
CI82-11-003, Nov. 22, 1983	Conoco Inc., P.O. Box 2197, Houston, Tex. 77252.	Texas Gas Transmission Co.	(P)	

¹ Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order in *Tenneco Exploration, Ltd v. FERC* 649 F2d 376. Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[PR Doc. 83-33985 Filed 2-21-83; 8:45 am]
BILLING CODE 5717-01-H

[Docket No. ER84-144-000]

Idaho Power Co.; Filing

December 16, 1983.

The filing Company submits the following:

Take notice that on December 8, 1983, Idaho Power Company (Idaho) tendered for filing in compliance with the Commission's Order of October 7, 1978, a summary of sales made under the

Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during October, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company,

Supplement 24

Sierra Pacific Power Company,

Supplement 22

Portland General Electric Company,

Supplement 17

Southern California Edison Company,

Supplement 15

San Diego Gas & Electric Company,

Supplement 12

Washington Water Power Company,

Supplement 13

Los Angeles Water & Power Company,

Supplement 14

City of Burbank, Supplement 14

City of Glendale, Supplement 14

City of Pasadena, Supplement 14

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33083 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-142-000]

Illinois Power Co.; filing

December 16, 1983.

The filing Company submits the following:

Take notice that on December 7, 1983, Illinois Power Company (Illinois) tendered for filing proposed changes to an existing rate schedule:

Rates Schedule FERC No. 87, applicable to the Village of Ladd, Illinois (Ladd), the City of Oglesby, Illinois (Oglesby) and The Cedar Point Light and Water Company (Cedar Point), and addition of a new customer to the above changed tariff to be designated:

The Mt. Carmel Public Utility Co. (Mt. Carmel)

The Company states with this filing that it proposes to make service available to all of its full requirement wholesale service customers at 138,000 volts with reduced demand and energy charges reflecting the lower costs associated with providing wholesale service at transmission voltages. Revised Rate Schedule FERC No. 87 also incorporates language applicable to transportation service provided to the customer by a third party.

The Company further states that it is adding a full requirement wholesale electric service customer, Mt. Carmel. The Mt. Carmel Public Utility Co. was previously a partial requirement wholesale electric service customer under Rate Schedule FERC No. 86, which is hereby cancelled and superseded.

Illinois requests an effective date of January 1, 1984, and therefore requests

waiver of the Commission's notice requirements.

Copies of the filing were served upon the Company's electric full requirements wholesale service customers, Mt. Carmel and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33084 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-34-000]

Midwestern Gas Transmission Co.; Rate Filing

December 16, 1983.

Take notice that on December 12, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff, to be effective January 1, 1984: First Revised Sheet Nos. 161, 162, and 164

Second Revised Sheet No. 163

Substitute Eighth Revised Sheet No. 5

Substitute Alternate Eighth Revised Sheet No. 5

Midwestern states that the purpose of the revised tariff sheets is to revise Midwestern's rate for sales to its Southern System customers under Rate Schedule I-1 and its Southern System PGA clause to remove purchased gas demand costs from the I-1 rate. Midwestern's filing also reflects an alternate I-1 rate which Midwestern proposes to make effective if the Commission accepts a revised rate filing by Midwestern's Southern System supplier effective January 1, 1984.

Midwestern requests waiver of the Regulations to permit the revised tariff sheets to become effective January 1, 1984, subject to refund.

Midwestern states that copies of the filing have been mailed to all of its

jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 23, 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 persons 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. 83-33086 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-145-000]

Mississippi Power & Light Co.; Filing

December 16, 1983.

The filing Company submits the following:

Take notice that on December 9, 1983, Mississippi Power & Light Company (MP&L) tendered for filing an Amendment No. 2 to Interconnection Agreement between MP&L and South Mississippi Electric Power Association (SMEPA). The Amendment is dated May 18, 1982. Agreement No. 2 amends the Interconnection Agreement entered into between MP&L and SMEPA July 18, 1979. That Agreement was filed with the Federal Energy Regulatory Commission in FERC No. ER79-529.

MP&L states that Amendment No. 2 adds a § 5.03 to the Interconnection Agreement, which Section establishes additional terms and conditions for the delivery of power to and the operation of SMEPA Off-System Delivery Points. The Agreement also establishes conditions concerning provision of service to large customer loads at SMEPA Off-System Delivery Points, and provides for inclusion of additional Off-System Delivery Points under the Interconnection Agreement. The amendment reflects an effective date of January 1, 1982. MP&L requests an effective date as early as may be allowed under the Commission's Rules.

A copy of this filing has been mailed to SMEPA and to the Mississippi Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33987 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33988 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33989 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-6-000]

New England Power Co. et al.; Filing

December 16, 1983.

In the matter of the Attorney General of the Commonwealth of Massachusetts, The Department of Public Utilities of the Commonwealth of Massachusetts, the Attorney General of the State of Rhode Island, and the Rhode Island Division of Public Utilities and Carriers v. New England Power Company; Notice of Filing.

Take notice that on December 6, 1983, the Attorney General of the Commonwealth of Massachusetts, the Department of Public Utilities of the Commonwealth of Massachusetts, the Attorney General of the State of Rhode Island, and the Rhode Island Division of Public Utilities and Carriers (Complainants) submitted for filing its complaint against the New England Power Company (NEP) for NEP's unplanned outage at its Brayton Point 3 unit.

Complainants state that because of the forced outage which has occurred at NEP's Brayton 3 unit, significant costs are being and will be passed onto retail ratepayers, the propriety of which cannot be adjudicated before any regulatory body but the FERC.

Complainants requests that the Commission order an immediate investigation, on an expedited basis, for the purpose of determining the propriety of the charges in question.

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. 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[Docket No. ER84-141-000]

Niagara Mohawk Power Corp.; Filing

December 16, 1983.

The filing Company submits the following:

Take notice that on December 7, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and Central Hudson Gas and Electric Corporation (Central Hudson) dated October 25, 1983.

The agreement provides that Niagara will provide electric transmission service for Central Hudson for the delivery of pumping and generating energy in connection with pumped storage power service provided to Central Hudson by the Power Authority of the State of New York (PASNY) from PASNY's Blenheim-Gilboa Pumped Storage Power Project.

Niagara requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Central Hudson and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33989 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-33-000]

Mountain Fuel Resources, Inc.; Tariff Filing

December 16, 1983.

Take notice that on December 12, 1983, Mountain Fuel Resources, Inc. (Resources) tendered for filing and acceptance initial Rate Schedule AIC, consisting of Original Sheet No. 5 of Resources' FERC Gas Tariff, Original Volume No. 1.

Resources states that the purpose of its filing is to establish Rate Schedule AIC as part of its tariff pursuant to Section 157.209(f) of the Commission's Regulations for application to transportation agreements with end use customers under §§ 157.209(a), 157.209(b)(1) and 157.209(b)(2).

Resources has requested that Rate Schedule AIC be made effective January 2, 1984.

A copy of this filing has been sent to Resources' jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

[Docket No. EC84-6-000]

Pacific Power & Light Co.; Application

December 16, 1983.

Take notice that on December 6, 1983, Pacific Power & Light Company (pacific), a Maine corporation, qualified to transact business in the states of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principle business office in Portland, Oregon, filed an application with the Federal Energy Regulatory Commission, pursuant to Section 203 of the Federal Power Act, seeking an order authorizing it to sell to Roseburg Lumber Company, Pacific's Roseburg Lumber Company Substation in the vicinity of Dillard, Oregon.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33990 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-35-000]

Peoples Natural Gas Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

December 16, 1983.

Take notice that on December 8, 1983, Peoples Natural Gas Company, a Division of InterNorth, Inc. (Peoples), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 4, the following tariff sheet:

Thirty-first Revised Sheet No. 3a.

Thirty-first Revised Sheet No. 3a is being filed by Peoples in order to effectuate its Annual Purchased Gas Adjustment to be effective on October 1, 1983. Peoples, on October 19, 1983, requested FERC to grant an extension of time beyond the indicated October 1 to make this filing. People stated such delay is necessitated by the pending sale of the Volume No. 4 properties to

the West Texas Gas, Inc. (Docket No. CP83-377) and the change in supply source from interstate purchases from Colorado Interstate Gas Company to local wellhead supply. The Commission denied this request on November 17, 1983, and ordered Peoples to make this filing within thirty days of the Order, with the new rates to become effective on October 1, 1983. The implementation of this PGA will result in a rate reduction to the Volume No. 4 customers.

Copies of the filing were served upon the gas utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33991 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-299-002]

Public Service Company of New Mexico; Compliance Filing

December 16, 1983.

Take notice that on October 18, 1983, Public Service Company of New Mexico (PNM) submitted for filing its Compliance Report pursuant to a Commission Order dated October 4, 1983.

PNM states that copies of its Compliance Filing have been sent to each party to the proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before December 29, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33992 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-143-000]

San Diego Gas & Electric Co.; Filing

December 16, 1983.

The filing company submits the following:

Take notice that on December 8, 1983, San Diego Gas & Electric Company (SDG&E) tendered for filing a notice of cancellation of the Power Sales Agreement (Agreement) of April 4, 1979 between SDG&E and the Imperial Irrigation District (IID).

SDG&E requests an effective date of October 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 January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33993 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST81-289-001, ST81-290-001, ST81-464-001, ST81-466-001, ST81-443-000, ST82-445-000, CP83-295-000]

Seagull Energy Corp. (formerly Seagull Pipeline Corporation); Filing of Offer of Settlement

December 15, 1983.

Take notice that on November 30, 1983, Seagull Energy Corporation, formerly Seagull Pipeline Corporation (Seagull) filed an offer of settlement pursuant to Rule 602 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission). Seagull proposes to treat the facilities involved as gathering

facilities and therefore exempt from the Commission's jurisdiction under Section 1(b) of the Natural Gas Act. Therefore, Seagull proposes to withdraw its applications filed in the above-captioned dockets. A summary of some of the conditions of the settlement agreement is as follows:

Seagull proposes that performance of the gathering services on behalf of the interstate pipelines and the subject transactions will not affect the jurisdictional status of any of the facilities with Seagull, or the producers, shippers, and transporters that interconnect with any such facilities of Seagull or make any sales or purchases, or perform or receive services in connection with any such facilities of Seagull.

Seagull also proposes that, as an intrastate pipeline, it will not be subject as a reseller to § 270.202 of the Commission's regulations, regardless of the location of such sales on non-jurisdictional gathering facilities.

Seagull proposes that they are not required to refund any portion of the fees received for the non-jurisdictional services performed on behalf of the interstate shippers in the subject transactions, and that the requirement of Ordering Paragraph (E) of the Commission's Order in Docket No. CP83-295-000, *et al.*, issued July 22, 1983, is satisfied by the finding that the facilities are gathering facilities and outside the scope of Section 311 transactions.

A copy of the offer of settlement is on file with the Commission and is available for public inspection.

Initial comments of this offer of settlement are due on December 20, 1983, and reply comments, if any, are due on December 30, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33994 Filed 12-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. ST82-307-000 and ST82-308-000]

SW Pipeline Co.; Filing of Offer of Settlement

December 16, 1983

Take notice that on December 9, 1983, SW Pipeline Company, a division of Stauffer Chemical Company of Wyoming (SW) filed an offer of settlement pursuant to Rule 602 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission). The settlement resolves all issues in the above-captioned

proceeding. A summary of the settlement agreement is as follows.

Under the terms of the settlement agreement, SW proposes to charge a rate of 30 cents per MMBtu in Docket No. ST82-307 as its transportation component contained in a sale to Northwest Pipeline Corporation pursuant to § 284.4(a)(3). SW also proposes to collect 30 cents and 15 cents per MMBtu, in Docket No. ST82-308, for transportation on behalf of Panhandle Eastern Pipeline Company pursuant to § 284.123(b)(2) of the Commission's regulations. As explained more fully in the offer of settlement, SW proposes that refunds, with interest, would be made within 30 days after the Commission's order approving settlement becomes final and not subject to rehearing. The rates, as proposed by SW, would remain in effect until the filing of a subsequent rate filing pursuant to either § 284.123(b)(2) or § 284.144(a)(3) or, if earlier, three years from the date of the final Commission order.

A copy of the offer of settlement is on file with the Commission and is available for public inspection.

Initial comments of this offer of settlement are due on December 29, 1983, and reply comments, if any, are due on January 8, 1984.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33995 Filed 12-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-146-000]

Union Electric Co.; Filing

December 16, 1983.

The filing Company submits the following:

Take notice that on December 9, 1983, Union Electric Company (Union) tendered for filing a proposed Electric Service Agreement between Missouri Utilities Company and the City of Malden, Missouri. Union states that the proposed changes are necessary to reflect the changed circumstances due to the merger of Missouri Utilities Company and Union Electric Company and due to the request from the City of Malden for a transmission service agreement.

Union requests an effective date of January 1, 1984.

Copies of the filing were served upon the public utilities, jurisdictional customer and the Missouri Public Service 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. 20428, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33970 Filed 12-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER84-108-000]

Virginia Electric and Power Co.; Filing

December 16, 1983.

The filing Company submits the following:

Take notice that on November 21, 1983, Virginia Electric and Power Company (VEPCO) tendered for filing the Interconnection and Operating Cooperative (ODEC). Such Agreement would supersede individual contracts VEPCO now has with BARC Electric Cooperative, Community Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative. The Interconnection and Operating Agreement allows for ODEC to purchase a percentage ownership interest in the VEPCO North Anna Generating Units 1 and 2. VEPCO will provide ODEC's requirements for supplemental power in amounts necessary to supply the needs of the ODEC Cooperative Members not met from ODEC's generation resources. Under the Agreement VEPCO will also operate ODEC's ownership interest of the North Anna Units and will provide transmission and distribution and distribution facilities.

VEPCO has requested waiver of the Commission's notice requirements so as to permit the Agreement to become effective on the Closing Date of the sale of the ownership interest in the North Anna Units to ODEC.

Copies of this filing have been served upon VEPCO's distribution cooperative customers in Virginia, ODEC, the

Virginia State Corporation Commission, and the Southeastern Power Administration.

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. 20428, 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 30, 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.

[FHL Doc. 83-32678 Filed 12-21-83 9:45 am]

BILLING CODE 6717-01-M

[Docket No. EF81-5021-003]

Western Area Power Administration (Colorado River Storage Project); Order Accepting Settlement and Confirming and Approving Substitute Rates

Issued: December 15, 1983.

On December 29, 1980, as supplemented on March 17, 1981, the Assistant Secretary of Energy for Resource Applications¹ filed a request for confirmation and approval on a final basis of rates and charges for the sale of hydroelectric power from the Western Area Power Administration's (WAPA) Colorado River Storage Project (CRSP).² By order issued October 12, 1982, the Commission disapproved the rates and directed that substitute rates be submitted within 120 days.³

By order issued February 8, 1983, the Commission denied rehearing as to all issues but one which is not of significance here.⁴ In addition, WAPA

¹The Assistant Secretary for Resource Applications was granted authority to develop and file rates with this Commission by Department of Energy (DOE) Delegation Order No. 0204-33, 43 FR 60638 (1978). Subsequently, effective February 24, 1981, the Secretary of Energy transferred DOE's power marketing responsibilities to the Assistant Secretary for Conservation and Renewable Energy. As used herein, the term "Assistant Secretary" shall refer to either as the context warrants.

²DOE Rate Order No. WAPA-4.

³Western Area Power Administration, 21 FERC ¶ 61,020 (1982).

⁴Western Area Power Administration, 22 FERC ¶ 61,181 (1983).

was directed to file its substitute rates on or before March 11, 1983. The date for filing substitute rates was again extended until March 21, 1983.

On March 21, 1983, WAPA made its "substitute" rate filing; these rates are, in fact, identical to the rates originally filed in this proceeding. Notice was published in the *Federal Register*, and, on April 11, 1983, the Colorado River Energy Distributors Association (CREDA) filed a protest and motion to intervene. CREDA asked that the "substitute" rates be summarily rejected and that WAPA be directed to file lower rates reflecting (1) the exclusion of all future participating projects, and (2) the use of average water year assumptions. CREDA further urged that WAPA be required to make refunds consistent with these lower rates. In the alternative, CREDA requested that a hearing be initiated or, if no rate increase would be justified, that the interim rates be withdrawn with appropriate refunds.

On April 28, 1983, the Department of Interior filed an answer in opposition to CREDA's pleading. The Department of Interior contended that CREDA's requested relief, the elimination of all future project costs from the substitute rates, is beyond the Commission's authority. On April 27, 1983, WAPA also responded in opposition to CREDA's contentions. WAPA presented further justification for its claim that all participating projects included in both its original and substitute rates were reasonably expected to be built. WAPA further argued that in its view the Commission had not prohibited the use of a lower quartile water year, but rather had indicated only that additional support was required.

On June 6, 1983, WAPA submitted additional information in support of its inclusion of costs associated with all future participating projects. On June 10, 1983, CREDA filed a motion urging the Commission to reject WAPA's submittal as an impermissible *ex parte* communication. On June 28, 1983, WAPA filed an answer arguing *inter alia* that its June 6 submittal was not an impermissible communication, and that the submission of additional information was proper.

Subsequently, by motions filed on June 28, 1983, August 26, 1983, and September 23, 1983, CREDA, with WAPA's concurrence, requested that the Commission defer further action in this proceeding in order to permit settlement discussions to take place. Those discussions ultimately proved fruitful and on October 3, 1983, an agreement between WAPA and CREDA was filed.

together with a motion by CREDA to withdraw its outstanding objections and to confirm and approve the substitute rates.

Discussion

Initially, insofar as CREDA is already a party to the underlying proceeding, it need not again seek to intervene. We note that the Department of Interior is not a party to this proceeding and has not requested that it be permitted to intervene out of time.

The agreement between WAPA and CREDA provides that commencing with the next revision of the CRSP rates, the power repayment study will include all authorized CRSP participating projects, but that the projects or any separable features which are in an indefinite status, with certain exceptions, will be scheduled such that they do not affect the rates.⁵ The agreement also provides that water depletion schedules for power repayment study purposes will be consistent with the construction schedules for the participating projects. In addition, the agreement states that the application of revenues in the CRSP power repayment study, to the extent allowed by law, will recognize that CRSP's storage unit investments must be repaid within fifty years, but need not be repaid prior to the repayment of any participating project costs; participating project costs will be repaid in a manner minimizing their effect on CRSP's revenue requirements, which will require a deviation from the policy of paying the highest interest-bearing investments first to the extent possible while repaying all investments within their repayment periods.

In addition, the agreement, if accepted, effectively provides that CREDA will forego any claim to refunds that might have resulted in this proceeding, and that both WAPA and CREDA will waive their rights to appeal the Commission's earlier orders.

Given the long and involved history of this proceeding and given that the two parties have now reached an agreement acceptable to both which not only resolves this proceeding to their mutual satisfaction, but also provides acceptable rate development criteria for subsequent proceedings, we believe that

⁵The agreement provides that projects or any separable features will not be included in the rate setting years of the power repayment study, with certain exceptions, unless: "a definite plan report is prepared, water rights are substantially acquired, environmental clearances are obtained and repayment contracts with water users are signed." The exceptions are at the Commissioner of the Bureau's discretion. "(i) on behalf of Indian projects, (ii) for the Animas-La Plata project, and (iii) where Congress has appropriated construction funds."

it is in the public interest to accept the settlement. Since the federal investment is protected as required by the governing statutes and the affected customers have agreed to forego any claim to refunds, we shall confirm and approve the rates on a final basis.

The Commission orders:

(A) The settlement submitted in this docket is hereby approved.

(B) The substitute rates and charges submitted by WAPA on March 21, 1983, in this proceeding are hereby confirmed and approved on a final basis for the period from January 23, 1983 billing period.

(C) CREDA's motion to withdraw all pending objections is hereby granted.

(D) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-33877 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-CD-81-2; OA-FRL-2493-2]

Air Quality Criteria Document for Lead

AGENCY: Environmental Protection Agency.

ACTION: Extension of Public Comment Period on First External Review Draft.

SUMMARY: The first External Review Draft of the EPA document, *Air Quality Criteria for Lead* (EPA-600/8-83-028A-I-IV), was announced on September 26, 1983, in the *Federal Register* (48FR 43724) as being available for public review and comment from October 15, 1983-January 15, 1984. Because of delays in completing two appendices for Chapter 12 of that Review Draft, the public comment period is being extended until February 15, 1984.

DATES: Comments on the draft Lead Document should be sent by close of business February 15, 1984 to: Project Manager, Air Quality Criteria Document for Lead, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711.

ADDRESSES: To obtain a single copy of the First External Review Draft, including the appendices, interested parties should request the Draft from the ORD Publications Centers, CERI-FRN, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati Ohio

45268 [(513) 684-7562]. Include in the request the document number EPA-600/8-83-028A-I-IV. The draft document is also available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Dr. David Weil, Project Manager, Environmental Criteria and Assessment Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (telephone: 919/541-4163).

SUPPLEMENTARY INFORMATION: The first External Review Draft of the revised EPA document, *Air Quality Criteria for Lead*, had been released for public comment in the form of four volumes. The first volume (Volume I) contains the Executive Summary and Conclusions (Chapter 1) for the entire document. The second volume (Volume II) contains Chapters 2 through 8, which include the introduction for the entire document and chapters that discuss background information on the physical and chemical properties of lead; sources of emission; transport, transformation, and fate; ambient concentrations and potential human exposures; and the effects of lead on ecosystems. Volume III contains Chapters 9 through 11, dealing with measurement of lead in biologic tissues; uptake, distribution, metabolism and excretion of lead; and assessment of human exposure to an absorption of lead. Volume IV contains Chapters 12 and 13, the former chapter focusing on characterization of the health effects of lead and the latter chapter providing an integrative-interpretive evaluation concerning lead exposure and health risks, taking into account information presented in preceding chapters (3-12) of the document.

The appendices for Chapter 12 consist of final reports of expert Committees on (1) Pediatric Neurobehavioral Evaluations and (2) Trace Metal Essentiality. Those committees carried out in-depth evaluations of certain studies with important bearing on the assessment of (1) the effects on cognitive development of low-level lead exposures in children and (2) data reported as demonstrating beneficial effects in animals of very low-level lead exposures.

All persons who have received a copy of the External Review Draft will automatically be sent copies of these appendices; any future requestors will be supplied with both the External Review Draft and the appendices.

All public comments received, as well as the Agency's responses to these

comments, will be included in the docket established for the review of the lead document (Docket No. ECAO-CD-81-2). The docket is available for inspection and copying between the hours of 8:00 a.m. and 4:00 p.m. at EPA headquarters in the Central Docket Section (A-130), Gallery 1, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

After receipt of public comments on the First External Review Draft of the Lead Criteria Document, the Clean Air Scientific Advisory Committee (CASAC) of the Agency's Science advisory Board (SAB) will hold a public meeting to review the draft document. Advance notice of the time and place of the meeting will be made in a subsequent *Federal Register* announcement.

Dated: December 14, 1983.

Bernard Goldstein,

Assistant Administrator for Research and Development (RD-672).

[FR Doc. 83-33917 Filed 12-21-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00045; OTS-FRL-2493-1]

Interagency Toxic Substances Data Committee; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: This notice announces the forthcoming meeting of the Interagency Toxic Substances Data Committee. The meeting is open to the public.

DATE: The meeting will take place from 9:30 a.m. to 12:30 p.m. January 10, 1984.

ADDRESS: The meeting will be held in the: First Floor Conference Room, Council on Environmental Quality, 722 Jackson Pl., NW, Washington, D.C. 20006. Please use the entrance on Jackson Place.

FOR FURTHER INFORMATION CONTACT:

Sandra Lee, Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-611G, 401 M St., SW, Washington, D.C. 20460, (202-382-2249).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually are held on the first Tuesday of alternate months. The next meeting has been scheduled for March 6, 1984.

Dated: December 14, 1983.

Sandra Lee,

Executive Secretary, Interagency Toxic Substances Data Committee;

[FR Doc. 83-33918 Filed 12-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Industry Advisory Group Separations and Costing Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Separations and Costing Subcommittee scheduled for Monday, January 9, 1984. The meeting will begin at 10:00 a.m., and will be held at the offices of MCI (2nd Floor), One Western Union International Plaza (Behind 17 Battery Place), New York, New York 10004. The meetings will be open to the public. The agenda is as follows:

- I. Review of Minutes of Previous Meeting.
- II. General Administrative Matters.
- III. Complete Proposed Revision of Section Two of the Separations Manual to Conform It of the New USOA.

IV. Other Business.

V. Presentation of Oral Statements.

VI. Adjournment.

With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Leighton (518/461-2030) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33872 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Plant Accounts Subcommittee; Meeting

Pursuant to Section 120(a)(2) of the Federal Advisory Committee (Pub. L. 92-463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee. The meetings will begin at 10:00 a.m. and will be open to the public. The meeting dates and locations are as follows:

January 12 and 13, 1984

Deloitte Haskins & Sells, Metropolitan Square, Suite 700, 655 Fifteenth Street, NW., Washington, D.C.

January 25 and 26, 1984

AT&T, Conference Room, 10th Floor, 1120 20th Street, NW., Washington, D.C.

The agenda is as follows:

- I. General Administrative Matters.
- II. Review of Minutes of Previous Meeting.
- III. Report of Subcommittee Members.
- IV. Discussion of Instructions for Telephone Plant Accounts.
- V. Further Assignments.
- VI. Other Business.
- VII. Adjournment.

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (703) 486-4188 at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-33873 Filed 12-21-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1436]

Petitions for Reconsideration of Actions in Rule Making Proceedings

December 13, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 76.51, Major Television Markets, (Orlando- Daytona Beach and Melbourne, Florida) (RM-4557).

Filed by: James J. McGillan & Julia L. Frey, Attorneys for Southern Broadcasting Corporation (WMOD-TV) on 11-28-83.

Subject: 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 10.8 GHz. (Gen Docket No. 79-188).

Filed by:

Leonard Robert Raish & Edward W. Hummers, Jr., Attorneys for Harris Corporation—Farinon Division on 11-2-83.

Christine A. Meagher, Attorney for Ericsson, Inc., on 11-16-83.

Stephen R. Bell & Paul J. Sinderbrand, Attorneys for Microband Corporation of America on 12-1-83.

Jeffrey A. Krauss, Vice President, Corporate Affairs for M/A-COM, Inc., on 12-1-83.

Stephen R. Bell & Paul J. Sinderbrand, Attorneys for Tymnet, Inc., on 12-1-83.

A. H. Sonnenschein, P.E., Manager—AML, I. Rabowsky, P.E., Director of Engineering & Grover C. Cooper, Clifford M. Harrington & Bruce D. Jacobs, Attorneys for Hughes Aircraft Corporation, Microwave Communications Products on 12-2-83.

Subject: Establishment of a Spectrum Utilization Policy for the Fixed and Mobile Services' Use of Certain Bands Between 947 MHz and 40 GHz. (Gen Docket No. 82-334).

Filed by:

A. H. Sonnenschein, P.E., Manager—AML, I. Rabowsky, P.E., Director of Engineering & Grover C. Cooper, Clifford M. Harrington & Bruce D. Jacobs, Attorneys for Hughes Aircraft Corporation, Microwave Communications Products on 12-2-83.

Leonard Robert Raish, Attorney for Harris Corporation—Farinon Division on 12-5-83.

David G. Rozelle, Attorney for Gill Industries and Western Communications, Inc., on 12-5-83.

Jonathan D. Blake & Carole F.

Hoffman, Attorneys for Association of Maximum Service Telecasters, Inc., on 12-5-83.

Michael C. Rau, Staff Engineer for National Association of Broadcasters on 12-5-83.

Wendell H. Bailey, Vice President, Science and Technology, William W. Riker, Director, Engineering & Brenda L. Fox, Carol A. Melton, Robert St. John Roper, Michael S. Schoeler & Timothy C. Sloan, Attorneys for National Cable Television Association, Inc., on 12-

5-83.

Jeffrey A. Krauss, Vice President,
Corporate Affairs for M/A-COM,
Inc., on 12-5-83.

William J. Tricarico,
Secretary, Federal Communications
Commission.

[FR Doc. 83-33871 Filed 12-21-83; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 83-709]

Information Collection Activities; Fair Housing and Nondiscrimination in Lending

Dated: December 19, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a request for extension, without revision, of its information collection request for "Fair Housing and Nondiscrimination in Lending," to the Office of Management and Budget for approval pursuant to 5 CFR 1320.12. Requests for information, including copies of the information collection request and the supporting documentation, are obtainable from the Board.

Comments on the information collection request should be directed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Office for the Federal Home Loan Bank Board. Comments must be postmarked no later than December 31, 1983. The Board would appreciate commenters also sending copies of their submissions to the Board address given below.

ADDRESS: Send comments to: Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Richard Tucker, Director, Office of Community Investment, Federal Home Loan Bank Board, 202-377-6211.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33859 Filed 12-21-83; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-317]

American Bank of Connecticut, Waterbury, Conn.; Final Action; Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on November 28, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of American Bank of Connecticut, Waterbury, Connecticut ("Association"). The application had been approved by the Board by Resolution No. 81-421, dated July 27, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts, 02110.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33853 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-312]

Beauregard Federal Savings Bank, DeRidder La.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 18, 1983 the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Beauregard Federal Savings Bank, DeRidder, Louisiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Dallas 500 East John Carpenter Freeway, P.O. Box 619026, Dallas/Fort Worth, Texas 75261-9026.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33948 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-309]

Centennial Savings Bank fsb, Greenville, Tex.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 14, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Centennial Savings Bank fsb, Greenville, Texas, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Dallas, 500 East John Carpenter Freeway, P.O. Box 619026, Dallas/Fort Worth, Texas 75261-9026.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33945 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-315]

Central West End Savings and Loan Association, St. Louis, Mo.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 14, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Central West End Savings and Loan Association, St. Louis, Missouri, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Des Moines, 907 Walnut Street, Des Moines, Iowa 50309.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33951 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-308]

Columbia Federal Savings and Loan Association, Wenatchee, Wash.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 9, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Columbia Federal Savings and Loan Association, Wenatchee, Washington, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33944 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-307]

Financial Federal Savings and Loan Association of Dade County, Miami Beach, Fla.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 14, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Financial Federal Savings and Loan Association of Dade County, Miami Beach, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33943 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-313]

Central Pennsylvania Savings Association, Shamokin, Pa. Final Action; Approval of Conversion Application

Notice is hereby given that on November 15, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Central Pennsylvania Savings Association, Shamokin, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, Eleven Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania 15222-1395.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33949 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-310]

Commercial Federal Savings and Loan Association, Omaha, Nebr.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 14, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Commercial Federal Savings and Loan Association, Omaha, Nebraska, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, P.O. Box 176, Topeka, Kansas 66601.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33948 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-311]

First Commonwealth Savings and Loan Association, Alexandria, Va.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 14, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Commonwealth Savings and Loan Association, Alexandria, Virginia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, P.O. Box 56527, Peachtree Center Station, Atlanta, Georgia 30343.

Dated: December 16, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-33947 Filed 12-21-83; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-314]

Liberty Federal Savings and Loan Association, Philadelphia, Pa.; Final Action; Approval of Conversion Application

Notice is hereby given that on November 10, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Liberty Federal Savings and Loan Association, Philadelphia, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Pittsburgh, Eleven Stanwix Street, Fourth Floor, Gateway Center, Pittsburgh, Pennsylvania 15222-1395.

Dated: December 16, 1983.
By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33950 Filed 12-21-83; 8:45 am]
BILLING CODE 6720-01-M

[No. AC-316]

Lincoln Federal Savings and Loan Association, Westfield, N.J.; Final Action; Approval of Conversion Applications

Notice is hereby given that on November 3, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Lincoln Federal Savings and Loan Association, Westfield, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

Dated: December 16, 1983.
By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-33952 Filed 12-21-83; 8:45 am]
BILLING CODE 6720-01-M

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Haenig, Vice President)
925 Grand Avenue, Kansas City, Missouri 64198:

1. Ameribanc Subsidiary Inc., St. Joseph, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of American Bancorporation, Inc., Kansas City, Missouri, and thereby indirectly acquire American Bank and Trust Company, Kansas City, Missouri. Comments on this application must be received not later than January 18, 1984.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President)
101 Market Street, San Francisco, California 94105:

1. Financial Center Bancorp, San Francisco, California; to become a bank holding company by acquiring 100 percent of the voting shares of The Financial Center Bank, N.A., San Francisco, California. Comments on this application must be received not later than January 18, 1984.

2. First Enumclaw Bancorporation, Enumclaw, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Enumclaw, Enumclaw, Washington. Comments on this application must be received not later than January 23, 1984.

Board of Governors of the Federal Reserve System, December 16, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-33955 Filed 12-21-83; 8:45 am]
BILLING CODE 6210-01-M

Trust Company of Georgia, et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President)
104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Trust Company of Georgia, Atlanta, Georgia; to acquire 100 percent of the voting shares of Peoples Bank of LaGrange, LaGrange, Georgia. Comments on this application must be received not later than January 9, 1984.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President)
925 Grand Avenue, Kansas City, Missouri 64198:

1. Ameribanc, Inc., St. Joseph, Missouri; to indirectly acquire 100 percent of the voting shares or assets of American Bancorporation, Inc., Kansas City, Missouri, and thereby acquire American Bank and Trust Co., Kansas City, Missouri. Comments on this application must be received not later than January 18, 1984.

C. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary)
Washington, D.C. 20551:

1. Town & Country Bancorp, Inc., Springfield, Illinois; to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Farmers State Bank of Buffalo, Buffalo, Illinois. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than January 16, 1984.

FEDERAL RESERVE SYSTEM

Ameribanc Subsidiary Inc., et al.,
Formation of Bank Holding Companies

Board of Governors of the Federal Reserve System, December 16, 1983.
James McAfee,
Associate Secretary of the Board.
 [FR Doc. 83-33936 Filed 12-21-83; 8:45 am]
 BILLING CODE 6210-01-M

**Fleet Financial Group, Inc., et al.;
 Proposed de Novo Nonbank Activities
 by Bank Holding Companies**

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston
 (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island (consumer finance and credit related insurance agency activities; Illinois): To engage *de novo* through its direct subsidiary, Fleet Mortgage Corp., Milwaukee, Wisconsin, in the following activities: consumer finance and insurance agency for the sale of credit life and credit accident and health insurance related to

extensions of credit. These activities would be conducted from a new office to be located in Homewood, Illinois, serving the counties of Champaign, Coles, southern half of Cook, De Witt, Douglas, Edgar, Ford, Grundy, Iroquois, Kankakee, Kendall, LaSalle, Livingston, Logan, McLean, Macon, Moultrie, Piatt, Vermilion and Will in Illinois. Comments on this application must be received not later than January 16, 1984.

B. **Federal Reserve Bank of New York**
 (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Bank of New York Company, Inc.*, New York, New York (lending and loan servicing activities; New England): To engage, through its wholly-owned subsidiary, B.N.Y. Financial Corporation, in the following activities: making or acquiring, for its own account or for the account of others, extensions of credit (including issuing letter of credit and accepting drafts) such as would be made, for example, by a mortgage, finance, credit card, or factoring company and servicing loans and other extensions of credit for any person. Such activities would be conducted at its branch located in Stamford, Connecticut, serving the New England region. Comments on this application must be received not later than January 16, 1984.

C. **Federal Reserve Bank of Chicago**
 (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Wisconsin Corporation*, Milwaukee, Wisconsin (securities brokerage services and related securities credit activities; Wisconsin, Illinois, Michigan, Minnesota, Iowa, Indiana, Arizona, Florida): To engage, through its subsidiary, Elanco Investment Services, Inc., in providing securities brokerage services, related securities credit activities pursuant to the Federal Reserve Board's Regulation T, and incidental activities such as offering custodial services and individual retirement accounts. These activities would be performed through an office located in Milwaukee, Wisconsin, serving the geographic area comprised of the States of Wisconsin, Illinois, Michigan, Minnesota, Iowa, Indiana, Arizona, and Florida.

Comments on this application must be received not later than January 11, 1984.

2. *Jefferson Holding Corp.*, Chicago, Illinois (commercial lending activities; Illinois): To participate with Jefferson State Bank in commercial lending activities in the City of Chicago and its surrounding metropolitan area. Comments on this application must be received not later than January 11, 1984.

3. **Marshall & Ilsley Corporation**, Milwaukee, Wisconsin (credit life, credit accident and health reinsurance; Arizona): To engage *de novo* through its subsidiary, M&I Insurance of Arizona, Inc., in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's credit-granting subsidiaries located in Wisconsin. These activities would be conducted from an office in Phoenix, Arizona, serving the State of Wisconsin. Comments on this application must be received not later than January 4, 1984.

Board of Governors of the Federal Reserve System, December 16, 1983.

James McAfee,
Associate Secretary of the Board.
 [FR Doc. 83-33937 Filed 12-21-83; 8:45 am]
 BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of January 1984.

Rape Prevention and Control Advisory Committee

January 12-13; 9:00 a.m., Parklawn Building, Conference Room "L", 5600 Fishers Lane, Rockville, Maryland 20857.

Open—January 12-13. Contact: Mary Lystad, Ph. D., Executive Secretary, Rape Prevention and Control Advisory Committee, 5600 Fishers Lane, Room 6C-12, Rockville, Maryland 20857. (301) 443-1910.

Purpose: The Committee advises the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. It will include discussions of current activities of the National Center for the Prevention and Control of Rape, the Annual Report of

the Rape Prevention and Control Advisory Committee, and prevention/intervention program in the field of sexual assault.

Mental Health Small Grant Review Committee

January 19-21: 1:30 p.m., The Canterbury Hotel, 1733 N Street, NW, Washington, D.C. 20036.

Open—January 19: 1:30—2:30 p.m. Closed—Otherwise. Contact: Virginia Harter, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443-4843.

Purpose: The Committee is charged with the initial review of applications for research in all disciplines pertaining to alcohol, drug abuse, and mental health for support of research in the areas of psychology, psychiatry, and the behavioral and biological sciences, with recommendations to the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Council on Drug Abuse.

Agenda: From 1:30-2:30 p.m., January 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 522b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

National Advisory Council on Drug Abuse

January 25-26: 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205.

Open—January 25: 9:00 a.m.-12 noon, January 26: 9:00 a.m.-5:00 p.m. Closed—Otherwise. Contact: Ms. Sheila Gardner, Room 10A-53, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443-6720.

Purpose: The Council advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

Agenda: From 9:00 a.m.-12 noon, January 25, and from 9:00 a.m.-5:00 p.m., January 26, the meeting will be open for discussion of administrative announcements, program development and policy issues. Otherwise, the Council will be performing final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 522b(c)(6), and Section 12(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIDA: Ms. Claudette Wright, Committee Management Officer, Room 10-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443-1644. NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room 17C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. (301) 443-4333.

Dated: December 16, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83-33674 Filed 12-21-83; 8:45 am]

BILLING CODE 4160-20-M

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of New System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, Evaluation of the Medicare Competition Demonstrations, HHS/HCFA/ORD No. 09-70-0029. We have provided background information about the proposed system in the "Supplementary Information" section below. HCFA invites public comments by January 23, 1984, with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget (OMB) on December 16, 1983. The new system of records, including routine uses, will become effective 60 days from December 16, 1983, unless HCFA receives comments which would

convince us to make a contrary determination.

ADDRESS: The public should address comments to Shirley Mulhall, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room G-C-3, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Alan S. Friedlob, Evaluative Studies Staff, Office of Research and Demonstrations, Health Care Financing Administration, Room 2-F-3 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207. Telephone 301-597-2364.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records collecting data under the authority of section 402 of the 1967 Amendments to the Social Security Act, Pub. L. 90-248 as amended by section 222(b) of the Amendments to the Social Security Act, Pub. L. 92-603. The purpose of this system of records is to provide data necessary to evaluate HCFA's Medicare competition demonstration projects. The system will furnish information necessary to study the marketing effectiveness of alternative health plans (AHPs) enrolling Medicare beneficiaries under the demonstration projects and the potential selection bias in Medicare AHP enrollment that may be associated with an enrollee's health status. The system of records will include data collected through sample surveys of Medicare beneficiaries who join the AHPs participating in the demonstration and control group beneficiaries choosing not to enroll. HCFA is particularly interested in studying locations where two or more AHPs compete for beneficiary enrollment. Demonstration contractors included in the evaluation are: Affiliated Professionals, Detroit, Michigan; Altcare, Inc., St. Paul, Minnesota; American Association of Foundations for Medical Care, Bethesda, Maryland; Av-Med Health Plan, Miami, Florida; Blue Cross of California, Van Nuys, California; Blue Cross of Massachusetts, Boston, Massachusetts; Blue Cross and Blue Shield of Michigan, Detroit, Michigan; Capital Area Community Health Plan, Latham, New York; Clinica Association Cubana (CAC), Inc., Miami, Florida; Family Health Plan, Inc., Fountain Valley, California; French Hospital Medical Center, San Francisco, California; Genesee Valley Group Health Association, Rochester, New York;

Group Health, Inc., St. Paul, Minnesota; Group Health Plan of Greater St. Louis, St. Louis, Missouri; Group Health Services Plan, Sacramento, California; Group Health Plan of Southeast Michigan, Troy, Michigan; Harvard Community Health Plan, Boston, Massachusetts; Health America, Nashville, Tennessee; Health Care Network, Oak Park, Michigan; Health Care of Broward, Inc., Plantation, Florida; Health Choice, Portland, Oregon; International Medical Centers, Inc., Miami, Florida; Maricopa County Department of Health Services, Phoenix, Arizona; Maxicare, Inc., Hawthorne, California; MD-IPA, Inc., Rockville, Maryland; Metropolitan Health Council of Indianapolis, Indianapolis, Indiana; Presbyterian/St. Luke's Health Plan, Denver, Colorado; Rhode Island Group Health Association, Inc., Providence, Rhode Island; SHARE Health Plan, Bloomington, Minnesota; U.S. Health Care Systems, Inc., Willow Grove, Pennsylvania; Watts Health Foundation (d.b.a. United Health Plan), Los Angeles, California; Westchester Community Health Plan, White Plains, New York.

This information will be collected by Mathematica Policy Research, Inc., Princeton, New Jersey, the contractor HCFA has chosen to perform this evaluation.

In order to fulfill the objective and complete tasks in this project, the contractor must have individually-identified records. Since we are proposing to establish this system of records in accordance with the requirements and principles of the Privacy Act, we do not anticipate that it will have an unfavorable effect on the privacy or other personal rights of individuals.

The Privacy Act permits us to disclose information without the consent of the individual for "routine uses"—that is, disclosures for purposes that are compatible with the purpose for which we collected the information. The proposed routine uses in the new system meet the compatibility criteria since the information is collected for administering the Medicare program for which we are responsible. We anticipate that disclosures under the routine uses will not result in any clearly unwarranted adverse effects on personal privacy.

Dated: December 16, 1983.

Caroline K. Davis,
Administrator.

09-70-0029

SYSTEM NAME:

Evaluation of Medicare Competition Demonstrations, HHS/HCFA/ORD.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mathematica Policy Research Inc.,
P.O. Box 2393, Princeton, New Jersey
08540.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries residing in the following states and counties who join the alternative health plans (AHPs) participating in the demonstration and control group beneficiaries who choose not to enroll: *Arizona*: Maricopa; *California*: Alameda, Contra Costa, El Dorado, Fresno, Los Angeles, Marin, Orange, Placer, Riverside, Sacramento, Santa Barbara, San Diego, San Francisco, San Mateo, Ventura, Yolo; *Colorado*: Adams, Arapaho, Boulder, Clear Creek, Denver, Douglas, Gilpin, and Jefferson; *District of Columbia*; *Florida*: Broward, Dade, Hillsborough, Manatee, Orange, Palm Beach, Pasco, Pinellas, Sarasota, Volusia; *Illinois*: Cook; *Indiana*: Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby; *Maryland*: Caroline, Cecil, Dorchester, Frederick, Howard, Kent, Montgomery, Prince Georges, Queen Anne's, Somerset, Talbot, Wicomico, Worcester; *Massachusetts*: Berkshire, Bristol, Essex, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, Worcester; *Michigan*: Genesee, Lapeer, Macomb, Oakland, Shiawassee, Wayne; *Minnesota*: Anoka, Carver, Dakota, Hennepin, Ramsey, St. Louis, Scott, Sherburne, Stearns, Washington, Wright; *Missouri*: Franklin, Jefferson, St. Louis City, St. Louis County; *New Jersey*: Burlington, Camden, Essex, Gloucester, Monmouth, Mercer, Middlesex; *New York*: Albany, Columbia, Greene, Livingston, Monroe, Rensselaer, Saratoga, Schenectady, Washington, Ohio: Brown, Butler, Clermont, Crawford, Cuyahoga, Delaware, Franklin, Geauga, Hamilton, Hardin, Lake, Lorain, Lucas, Marion, Medina, Morrow, Portage, Summit, Warren, Wayne, Wyandot, Union; *Oregon*: Clackamas, Multnomah, Washington; *Pennsylvania*: Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, Philadelphia; *Rhode Island*: Bristol, Kent, Newport, Providence, Washington; *Texas*: Galveston, Harris, Montgomery; *Vermont*: Bennington; *Washington*: Clark.

CATEGORIES OF RECORDS IN THE SYSTEM:

Demographic characteristics (e.g., age, education, source of medical care), factors related to choice of alternative health plans, data on satisfaction with alternative health plans, and health status measures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 402 of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, 42 U.S.C. 1395b-1.

PURPOSE:

To provide data necessary to evaluate HCFA's Medicare competition demonstration projects, including information to study the marketing effectiveness of alternative health plans enrolling Medicare beneficiaries in these demonstrations, the potential selection bias in alternative health plan enrollment that may be associated with an enrollee's health status, and beneficiary satisfaction with the AHP option.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Disclosure may be made:

1. To the contractor, Mathematica Policy Research, Inc., who will use this information to evaluate HCFA's Medicare competition demonstration projects.

2. 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.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and magnetic tape.

RETRIEVABILITY:

Information will be retrieved by beneficiary name or other unique identifier assigned by the contractor.

SAFEGUARDS:

The contractor, Mathematica Policy Research, Inc., will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. For computerized records, the contractor will initiate automated data processing (ADP) system security procedures required by DHHS ADP System Manual, Part 8, ADP Systems Security (e.g., use of passwords), and the National Bureau of Standards Federal Information Processing Standards.

RETENTION AND DISPOSAL:

Hardcopy data collection forms and magnetic tapes with identifiers will be retained in secure storage areas. The disposal technique of degaussing will be used to strip magnetic tape of all identifying names and numbers in December 1988. Hardcopy will be destroyed at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research and Demonstration, Health Care Financing Administration, Room 4228, HHS Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Management at the address indicated above, specify name, address, and Health Insurance number.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the System Manager named above, and reasonably identify the record and specify the information to be contested. State the reason for contesting it (e.g., why it is inaccurate, irrelevant, incomplete, or not current).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include surveys to be conducted of Medicare beneficiaries by the evaluation contractor, Mathematica Policy Research, Inc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-33473 Filed 12-21-83; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration**Application Announcement for Advanced Nurse Training Grants, Nurse Practitioner Training Grants, Nursing Special Project Grants, and Professional Nurse Traineeships**

The Bureau of Health Professions, Health Resources and Services Administration announces that

applications for the following nursing program will be accepted in 1984:

- (1) Advanced Nurse Training Grants;
- (2) Nurse Practitioner Training Grants;
- (3) Nursing Special Project Grants; and
- (4) Professional Nurse Traineeships.

Advanced Nurse Training Grants

Section 821, Public Health Service Act, and 42 CFR Part 57, Subpart Z, authorize assistance to meet the costs of projects to (a) plan, develop and operate, (b) significantly expand, or (c) maintain existing programs for advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians).

Eligible Applicants: Public and nonprofit private collegiate schools of nursing.

The program is listed at 13.299 in the Catalog of Federal Domestic Assistance.

Nurse Practitioner Training Grants

Section 822, PHS Act, and 42 CFR Part 57, Subpart Y, authorize assistance to plan, develop and operate, significantly expand or maintain existing programs for the training of nurse practitioners.

Eligible Applicants: Public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals and other public or nonprofit private entities.

This program is listed at 13.298 in the Catalog of Federal Domestic Assistance.

Nursing Special Project Grants

Section 820, PHS Act, and 42 CFR Part 57, Subpart T, authorize assistance in meeting the costs of special projects to carry out one or more of the following designated purposes:

(1) To increase nursing education opportunities for individuals from disadvantaged backgrounds as determined in accordance with criteria prescribed by the Secretary of Health and Human Services by:

(i) Identifying, recruiting, and selecting such individuals.

(ii) Facilitating the entry of such individuals into schools of nursing.

(iii) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education.

(iv) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education.

(v) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons who are enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools.

(2) To provide continuing education for nurses;

(3) To provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(4) To help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

(5) To provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Eligible Applicants: Public and nonprofit private schools of nursing or other public or nonprofit private entities.

This program is listed at 13.359 in the Catalog of Federal Domestic Assistance.

Professional Nurse Traineeships

Section 830, PHS Act, authorizes grants for traineeships to prepare registered nurses as administrators, supervisors, teachers, nursing specialists and nurse practitioners for positions in hospitals and related institutions in public health agencies, in schools of nursing, and in other roles requiring advanced training.

Eligible Applicants: Public or private nonprofit institutions providing registered nurses with advanced training leading to a graduate degree.

This program is listed at 13.358 in the Catalog of Federal Domestic Assistance.

Application Deadlines

Three review cycles are held annually for Advanced Nurse Training Grants, Nurse Practitioner Training Grants and Nursing Special Project Grants. The

application deadline dates are March 1, July 1, and November 1.

Applications for Professional Nurse Traineeships are reviewed once a year. The deadline date for receipt of applications is February 24, 1984.

Applications sent by mail will be considered on time if postmarked on or before the deadline date and received within five working days of the deadline. The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter machine impression, that is readily identifiable as having been affixed on the date of mailing by an employee of the U.S. Postal Service. All hand delivered applications must be received by the deadline date.

Amounts Available

The following amounts are expected to be available for Fiscal Year 1984 competing awards:

Advanced Nurse Training Program
\$3,955,000

Nurse Practitioner Training Program
\$1,900,000

Nursing Special Project Grants
\$2,162,000

Professional Nurse Traineeships
\$9,504,000

For Specific Guidelines and Information Regarding the Program Aspects, Contact: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 5C-28, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-5786.

Questions Regarding Grants Policy Should Be Directed to: Grants Management Officer, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-6880.

These programs are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 42 CFR Part 100.

Dated: December 16, 1983.

John H. Kelso,

Acting Administrator.

[FR Doc. 83-33876 Filed 12-21-83; 8:45am]

BILLING CODE 4160-15-M

Grant Application Cycles; Health Systems Agency Grants and State Health Planning and Development Agency Grants

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice regarding grant application cycle in accordance with new intergovernmental review requirements.

SUMMARY: This Notice is issued in accordance with Executive Order 12372, Intergovernmental Review of Federal Programs as implemented by HHS in 45 CFR Part 100. The scheduled application due dates and funding dates for health systems agencies (HSAs) and State Health Planning and Development Agencies (SHPDAs) are provided below to assist States and other entities within a State in determining the comment period as required under 45 CFR Part 100.

SUPPLEMENTARY INFORMATION: States which have selected these programs for review will have 60 days to complete their review. The 60-day comment period begins on the receipt date of the application in the HHS regional office, which is 90 days prior to the funding date. States should contact HSAs and SHPDAs if they do not receive applications approximately 90 days from the funding dates as shown.

Applicants should contact their State Governor's Office to determine if the State has selected the program for review and the procedures to be followed. Also, applicants are encouraged to discuss projects with, and provide copies of their applications to, State contact points as early as possible. At the latest, an applicant must provide the application to the State for review at the same time it is submitted to the regional office. If no State comments are received within the 60-day comment period, the applicant should notify the regional office.

The application submitted to the regional office must contain either State comments, if completed, or documentation indicating the date the application was submitted to the State for review. If not included with the application, State comments are provided by the State, the applicant should submit those comments and its reaction to them to the regional office, and, if applicable, any revisions to the applications. Regional offices will notify States if an application is received without an indication that it was submitted to the State for review. All SHPDA applications are due in the regional office April 1, 1984 and have funding dates of July 1, 1984. The following is a list of the health systems agencies to be funded in Fiscal Year 1984 along with their application due dates and funding dates.

Health System Agencies	Application due date in regional office	Funding date
HSA of Southeastern Penn., Philadelphia, PA	12/1/83	3/1/84
Alameda-Contra Costa HSA, Oakland, CA	12/2/83	3/2/84
East Central Georgia HSA, Augusta, GA	1/1/84	4/1/84
HSA of Northeast Kansas, Topeka, KS	1/1/84	4/1/84
HSA of Southeast Kansas, Wichita, KS	1/1/84	4/1/84
Central Maryland HSA, Baltimore, MD	1/1/84	4/1/84
Capital HSA, Durham, NC	1/1/84	4/1/84
New Mexico HSA, Albuquerque, NM	1/1/84	4/1/84
Oklahoma HSA, Oklahoma City, OK	1/1/84	4/1/84
Three Rivers HSA, Columbia, SC	1/1/84	4/1/84
Pee Dee HSA, Florence, SC	1/1/84	4/1/84
Palmetto-Lowcountry HSA, Summerville, SC	1/1/84	4/1/84
ARCHA HSA, Johnson City, TN	1/1/84	4/1/84
Northwestern Virginia HSA, Charlottesville, VA	1/1/84	4/1/84
HSA of South Central Conn., Woodbridge, CT	1/1/84	4/1/84
HSA of Eastern Conn., Norwich, CT	1/1/84	4/1/84
HSA of North Central Conn., Hartford, CT	1/1/84	4/1/84
Northwest Connecticut HSA, Waterbury, CT	1/1/84	4/1/84
Western Massachusetts HPC, West Springfield, MA	1/1/84	4/1/84
Memmack Valley HPC, Lawrence, MA	1/1/84	4/1/84
HPC for Greater Boston, Boston, MA	1/1/84	4/1/84
North Shore HPC, Peabody, MA	1/1/84	4/1/84
Bergen-Passaic HSA, Hackensack, NJ	1/1/84	4/1/84
Regional HPC, Newark, NJ	1/1/84	4/1/84
Central Health Planning Council, Princeton, NJ	1/1/84	4/1/84
Fingerlakes HSA, Rochester, NY	1/1/84	4/1/84
HSA of Northeastern New York, Albany, NY	1/1/84	4/1/84
Hudson Valley HSA, Tuxedo, NY	1/1/84	4/1/84
HSA of New York City, New York, NY	1/1/84	4/1/84
Agassiz HSA, Grand Forks, ND	1/1/84	4/1/84
Southern New Jersey HSA, Bellmawr, NJ	1/30/84	4/30/84
North Central Georgia HSA, Atlanta, GA	2/1/84	5/1/84
Central Georgia HSA, Warner Robins, GA	2/1/84	5/1/84
Iowa HSA, Des Moines, IA	2/1/84	5/1/84
Clark County Health Coalition, Las Vegas, NV	2/1/84	5/1/84
Western North Carolina HSA, Morganton, NC	2/1/84	5/1/84
Piedmont HSA, Greensboro, NC	2/1/84	5/1/84
HSA of Northeastern Pennsylvania, Avoca, PA	2/1/84	5/1/84
Health Resources Plan. & Dev, Harrisburg, PA	2/1/84	5/1/84
East TN Health Improv. Council, Knoxville, TN	2/1/84	5/1/84
Northern Virginia HSA, Falls Church, VA	2/1/84	5/1/84
Southwest Virginia HSA, Roanoke, VA	2/1/84	5/1/84
Central Virginia HSA, Richmond, VA	2/1/84	5/1/84
Eastern Virginia HSA, Norfolk, VA	2/1/84	5/1/84
CHP of Northwest Illinois, Rockford, IL	2/1/84	5/1/84
East Central Illinois HSA, Champaign, IL	2/1/84	5/1/84
HSA for Kane, Lake and McHenry Counties, Cary, IL	2/1/84	5/1/84
Iowa-Illinois Health Alliance, Davenport, IA	2/1/84	5/1/84
CHPC of Southeast Michigan, Detroit, MI	2/1/84	5/1/84
Michigan Mid-South HSA, Mason, MI	2/1/84	5/1/84
Southwest Michigan HSA, Kalamazoo, MI	2/1/84	5/1/84
West Michigan HSA, Grand Rapids, MI	2/1/84	5/1/84
Genesee, Lapeer & Shiawassee HSA, Flint, MI	2/1/84	5/1/84
East Central Michigan HSA, Saginaw, MI	2/1/84	5/1/84

Health System Agencies	Application due date in regional office	Funding date	Health System Agencies	Application due date in regional office	Funding date
Upper Peninsula HSA, Marquette, MI	2/1/84	5/1/84	North Bay HSA, Petaluma, CA	6/1/84	9/1/84
Central Minnesota HSA, Sauk Rapids, MN	2/1/84	5/1/84	Western Maryland HSA, Cumberland, MD	6/1/84	9/1/84
Southeastern Wisconsin HSA, Milwaukee, WI	2/1/84	5/1/84	HSA of Eastern Pennsylvania, Allentown, PA	6/1/84	9/1/84
Western Wisconsin HSA, Lacrosse, WI	2/1/84	5/1/84	Northern Alaska HSA, Fairbanks, AK	6/1/84	9/1/84
Northwest Oregon HSA, Portland, OR	2/1/84	5/1/84	Western Oregon HSA, Eugene, OR	6/1/84	9/1/84
Puget Sound HSA, Seattle, WA	2/1/84	5/1/84	Eastern Washington HSA, Spokane, WA	6/1/84	9/1/84
Southwest Washington HSA, Olympia, WA	2/1/84	5/1/84	Suburban Cook/DuPage HSA, Oak Park IL	6/13/84	9/13/84
Hudson HSA, Jersey City, NJ	2/17/84	5/17/84	Santa Clara HSA, San Jose, CA	6/21/84	9/21/84
Southern Piedmont HSA, Charlotte, NC	2/27/84	5/27/84	Greater Nevada HSA, Reno, NV	6/23/84	9/23/84
Central Arizona HSA, Phoenix, AZ	3/1/84	6/1/84	HSA of San Diego & Imperial Counties, CA	6/24/84	9/24/84
Navajo HSA, Window Rock, AZ	3/1/84	6/1/84	North San Joaquin Valley HSA, Modesto, CA	6/28/84	9/29/84
Northern California HSA, Chico, CA	3/1/84	6/1/84	Orange County HPC, Tustin, CA	6/29/84	9/29/84
Central California HSA, Visalia, CA	3/1/84	6/1/84	Northern Arizona HSA, Flagstaff, AZ	7/1/84	10/1/84
Appalachian Georgia HSA, Cartersville, GA	3/1/84	6/1/84	Eastern Carolina HSA, Greenville, NC	7/1/84	10/1/84
Southwestern Pennsylvania HSA, Pittsburgh, PA	3/1/84	6/1/84	Region IX HSA, Joliet, IL	7/1/84	10/1/84
SC Appalachian Health Council, Greenville, SC	3/1/84	6/1/84	West Arkansas HSA, Russellville, AR	9/1/84	12/1/84
Mid-Atlantic HSA, Nashville, TN	3/1/84	6/1/84	Delta-Hills HSA, Newport, AR	9/1/84	12/1/84
Western New York HSA, Buffalo, NY	3/1/84	6/1/84	Central Arkansas HSA, Little Rock, AR	9/1/84	12/1/84
Nassau-Suffolk HSA, Plainview, NY	3/3/84	6/1/84	South Arkansas HSA, El Dorado, AR	9/1/84	12/1/84
Illinois Central HSA, Peoria, IL	3/1/84	6/1/84			
West Central Illinois HSA, Springfield, IL	3/1/84	6/1/84			
Commission for Health Planning, Chicago, IL	3/1/84	6/1/84			
South Central Health Plan & Dev., Anchorage, AK	3/1/84	6/1/84			
HSA of Southeastern Arizona, Tucson, AZ	3/1/84	6/1/84			
Golden Empire HSA, Sacramento, CA	4/1/84	7/1/84			
Mid-Coast HSA, Salinas, CA	4/1/84	7/1/84			
Ventura-Santa Barbara HSA, Ventura, CA	4/1/84	7/1/84			
Delaware HSA, Wilmington, DE	4/1/84	7/1/84			
Montgomery County HSA, Rockville, MD	4/1/84	7/1/84			
Southern Maryland HSA, Clinton, MD	4/1/84	7/1/84			
HPC of the Eastern Shore, Cambridge, MD	4/1/84	7/1/84			
Cardinal Health Agency, Lumberton, NC	4/1/84	7/1/84			
Central Pennsylvania HSA, Lewisburg, PA	4/1/84	7/1/84			
Keystone HSA, Altoona, PA	4/1/84	7/1/84			
Central Massachusetts HSA, Shrewsbury, MA	4/1/84	7/1/84			
Southeastern Mass. HSA, Middleboro, MA	4/1/84	7/1/84			
Vermont HSA, Waterbury, VT	4/1/84	7/1/84			
Central New York HSA, Syracuse, NY	4/1/84	7/1/84			
New York-Penn HSA, Binghamton, NY	4/1/84	7/1/84			
Comprehensive Health Plan, Cattaraugus, NY	4/1/84	7/1/84			
Northern Michigan HSA, Petoskey, MI	4/1/84	7/1/84			
HSA of Western Lake Superior, Duluth, MN	4/1/84	7/1/84			
Metropolitan Council, St. Paul, MN	4/1/84	7/1/84			
Health Planning Council, Madison, WI	4/1/84	7/1/84			
N. Central Health Planning Assoc., Wausau, WI	4/1/84	7/1/84			
Southeast Colorado HSA, Colorado Springs, CO	4/1/84	7/1/84			
Utah HSA, Salt Lake City, UT	4/1/84	7/1/84			
MIN-DAK HAS Inc., Moorhead, MN	4/1/84	7/1/84			
Idaho HSA, Boise, ID	4/1/84	7/1/84			
Eastern Oregon HSA, Redmond, OR	4/1/84	7/1/84			
Central Washington HSA, Ellensburg, WA	4/1/84	7/1/84			
Western Arizona HSA, Yuma, AZ	4/1/84	7/1/84			
Inland Counties HSA, Riverside, CA	4/1/84	7/1/84			
Mississippi HSA, Jackson, MS	4/1/84	7/1/84			
Minnesota HSA, St. Paul, Redwood Falls, MN	4/1/84	7/1/84			
Montana HSA, Helena, MT	4/1/84	7/1/84			
Southeast Alaska HSA, Ketchikan, AK	4/1/84	7/1/84			

FOR FURTHER INFORMATION CONTACT:

G. Lee Teets, Grants Management Officer, BHMORD, 5600 Fishers Lane, Room 8A-35, Rockville, Maryland 20857, 301-443-6340.

Dated: December 16, 1983.

John H. Kelso,
Acting Administrator.

[PR Doc. 83-3387 Filed 12-21-83 8:45 am]
BILLING CODE 4160-16-M

National Institutes of Health**National Arthritis Advisory Board; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Arthritis Advisory Board on January 9-10, 1984, at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland 20814. The meeting will be held from 1:00 p.m. to adjournment on January 9, and from 9:00 a.m. to adjournment on January 10. The meeting which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat arthritis. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Certain subcommittees of the Board will meet January 10, 1984, either before or after the Board meeting. Further information, times and meeting locations of the subcommittees may be obtained by contacting Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20205, (301) 948-

1991. The agenda and rosters of the members can also be obtained from his office. Summaries of the meeting may be obtained by contacting Carole A. Frank, Committee Management Office, NIADDK, National Institutes of Health, Room 9A47, Building 31A, Bethesda, Maryland, 20205, (301) 496-6917.

December 16, 1983.

Betty J. Beveridge,

NIH, Committee Management Officer.
[FR Doc. 83-33912 Filed 12-21-83 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Wapato Irrigation Project, Wash.**

This notice of proposed operation and maintenance rates and related information is published under the authority delegated to the Assistant Secretary—Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Director in 10 BIAM 3.

This notice is given in accordance with § 171.1(e) of Part 171, Subchapter I, Chapter I of Title 25 of the Code of Federal Regulations, which provides for the Area Director to fix and announce the rates for annual operation and maintenance assessments and related information on the Wapato Irrigation Project for Calendar Year 1984 and subsequent years. This notice is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) March 7, 1938 (45 Stat. 210).

The purpose of this notice is to announce an increase in the assessment rates commensurate with actual operation and maintenance costs on the Wapato Irrigation Project. The proposed assessment increases for 1984 amount to \$2.00 per acre on the Wapato-Status Unit and \$0.75 per acre on the Ahtanum and Toppenish Simcoe Units.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates and related regulations to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, within 30 calendar days of this publication.

Wapato Irrigation Project—General Administration

The Wapato Irrigation Project, which consists of the Ahtanum Unit, Toppenish-Simcoe Unit, and Wapato-Satus Unit within the Yakima Indian Reservation, Washington, is administered by the Bureau of Indian Affairs. The Project Engineer of the Wapato Irrigation Project is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 171, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations (42 FR 30362, June 14, 1977).

Irrigation Season

Water will be available for irrigation purposes from April 1 to September 30 each year. These dates may be varied as much as 20 days when weather conditions and the necessity for doing maintenance work warrants doing so.

Request for Water Delivery and Changes

Requests for water delivery and changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditchrider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Time for Payment of Water Charges

The assessments fixed by these regulations shall become due April 1 of each year and are payable on or before that date. To all charges assessed against lands in patent in fee ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1 following the due date, there shall be added a penalty of one and one-half percent for each month, or fraction thereof, from the due date until the charges are paid.

Charges for Special Services

Charges will be collected for various special services requested by the general public, water users and other organizations during the Calendar Year 1984 and subsequent years until further notice, as detailed below:

(1) Requests for Irrigation Accounts and Status Reports, Per Report	\$15.00
(2) Requests for Verification of Account Delinquency Status, Per report	10.00
(3) Requests for Splitting of Operation and Maintenance Bills (in addition to minimum billing fee) Per Bill	10.00
(4) Requests for Billing of Operation and Maintenance to Other than Owner or Lessee of Record (in addition to minimum billing fee), Per Bill	10.00
(5) Requests for Other Special Services Similar to the above, when appropriate, Per Report	10.00
(6) Requests for elimination of lands from the Project. In the event that the elimination is approved, a portion of the fee will be used to pay the Yakima County Recording Fee	(10.00)

Ahtanum Unit

Charges

(a) The operation and maintenance rate on lands of the Ahtanum Irrigation Unit for the Calendar Year 1984 and subsequent years until further notice, is fixed at \$7.00 per acre per annum for land to which water can be delivered from the project works.

(b) In addition to the foregoing charges there shall be collected a billing charge of \$5 for each tract of land for which operation and maintenance bills are prepared. The bill issued for any area will, therefore, be the basic rate per acre times the number of acres plus \$5.

Toppenish-Simcoe Unit

Charges

(a) The operation and maintenance rate for the lands under the Toppenish-Simcoe Irrigation Unit for the Calendar Year 1984 and subsequent years until further notice, is fixed at \$7.00 per acre per annum for land for which an application for water is approved by the Project Engineer.

(b) In addition to the foregoing charges there shall be collected a billing charge of \$5 for each tract of land for which operation and maintenance bills are prepared. The bill issued for any area will, therefore, be the basic rate per acre times the number of acres plus \$5.

Wapato-Satus Unit

Charges

(a) The basic operation and maintenance rates on assessable lands under the Wapato-Satus Unit are fixed for the Calendar Year 1984 and subsequent years until further notice as follows:

(1) Minimum charge for all tracts	\$22.50
(2) Basic rate upon all farm units or tracts for each assessable acre except Additional Works lands	22.50
(3) Rate per assessable acre for all lands with a storage water rights, known as "B" lands, in addition to other charges per acre	2.20
(4) Basic rate upon all farm units or tracts for each assessable acre of Additional Works lands	23.80

(b) In addition to the foregoing charges there shall be collected a billing

charge of \$5 for each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre times the number of acres plus 5.00

Assessable Lands

The assessable lands of the Wapato-Satus Unit are classified under these regulations as follows:

(a) All Indian trust (A and B) land designated as assessable by the Secretary of the Interior, except land which has never been cultivated if in the opinion of the Project Engineer the cost of preparing such land for irrigation is so high as to preclude its being leased at this time for agricultural purposes.

(b) All Indian trust (A or B) land not designated as assessable by the Secretary of the Interior for which application for water is pending or on which assessments had been charged the preceding year.

(c) All patent in fee land covered by a water right contract, except on land that because of inadequate drainage is no longer productive. The adequacy of the drainage is determined by the Project Engineer.

(d) At the discretion of Project Engineer and upon the payment of charges, patent in fee land for which an application for a water right or modification of a water right contract is pending.

Stanley Speaks,

Area Director.

[FR Doc. 83-33825 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14852-A; F-14852-B]

Alaska Native Claims Selection; Dot Lake Native 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. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)) (ANCSA), will be issued to Dot Lake Native Corporation, for approximately 46 acres. The lands involved are within the Copper River Meridian, Alaska:

T. 21 N., R. 7 E.,
T. 22 N., R. 7 E.,
T. 21 N., R. 8 E.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the TUNDRA TIMES upon issuance of the decision.

For information on how to obtain copies, contact the 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 the 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 in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 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 23, 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 appeal. 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:

Retained Lands Unit—Easements, Division of Land and Water Management, Alaska Department of Natural Resources, Pouch 7-005, Anchorage, Alaska 99510
Bureau of Indian Affairs, Juneau Area Office, P.O. Box 3-8000, Juneau, Alaska 99801

Dot Lake Native Corporation, P.O. Box 441, Tok, Alaska 99780
Doyon, Limited, Land Department, Doyon Building, 201 First Avenue, Fairbanks, Alaska 99701.

Helen Burleson,
Section Chief, Branch of ANCSA
Adjudication.

[FR Doc. 83-33858 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-JA-M

Conveyance of Public Lands In Cheyenne, Custer, Eagle, and Yuma Counties, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Conveyance of Public Lands in Cheyenne, Custer, Eagle, and Yuma Counties, Colorado.

SUMMARY: Notice is hereby given that, pursuant to section 203 of the Act of October 21, 1976 (43 U.S.C. 1701, 1713), the following-described lands have been conveyed to the patentees as shown:

BLM serial No.	Legal description	Patentee(s)
C-35465-PS Pat. No. 05-84-0003.	T. 45, R. 12 E, 6th P.M., sec. 12, lot 1, containing 13.80 acres in Custer County, Colorado.	Paul C. Hutton III.
C-5210-PS Pat. No 05-84-0004.	T. 4 S., R. 84, 6th P.M., sec. 19, lots 8, 9, and 10, sec. 20, lot 4; containing 14.69 acres in Eagle County, Colorado.	Buff Partners, Ltd.
C-35054-PS Pat. No. 05-84-0008.	T. 16 S., R. 45 W., 6th P.M., sec. 4, lot 12, containing 65.23 acres in Cheyenne County, Colorado.	Bette Primm Doffi.
C-35057-PS Pat. No. 05-84-0007.	T. 16 S., R. 47 W., 6th P.M., sec. 2, lot 5, containing 76.70 acres in Cheyenne County, Colorado.	Roades Brothers, Inc.
C-35448-PS Pat. No. 05-84-0009.	T. 5 S., R. 45 W., 6th P.M., sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$, containing 40.00 acres in Yuma County, Colorado.	Morris M. McDonald and Nola L. McDonald.

The purpose of this notice is to inform the public and interested state and local government officials of the issuance of these conveyance documents. All minerals in the above-described lands have been retained by the United States.

Robert D. Dinsmore,
Chief, Branch of Lands and Minerals Operations, Colorado State Office.

Dated: December 13, 1983.

[FR Doc. 83-33858 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-JB-M

[M-58101]

MONTANA; CONVEYANCE OF PUBLIC LANDS

December 14, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of conveyance.

SUMMARY: Pursuant to Section 203 of the Act of October 21, 1978, (43 U.S.C. 1713), the surface estate only in the following described lands has been conveyed to the Alzada Roping Club, Inc., Alzada, Montana:

Principal Meridian, Montana

T. 9 S., R. 59 E.,
Sec. 24, S $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Containing 10.00 acres.

John Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-33858 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-DN-M

[M-57954]

Montana; Realty Action; Exchange of Public and Private Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action M-57954—Exchange of public and private lands, Valley County, Montana.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian

T. 30 N., R. 40 E.,
Sec. 3, Lots 1-4, S $\frac{1}{4}$ 2N $\frac{1}{4}$ 2
Sec. 4, Lots 1-3, S $\frac{1}{4}$ 2NE $\frac{1}{4}$ 1/4, SE $\frac{1}{4}$ 1/4NW $\frac{1}{4}$ 1/4
T. 31 N., R. 40 E.,
Sec. 35, Lots 2 & 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1/4, N $\frac{1}{4}$ 2SE $\frac{1}{4}$ 4.

Containing 922.18 acres of public land.

In exchange for these lands, the United States Government will acquire the surface estate in the following described land:

Principal Meridian

T. 34 N., R. 39 E.,
Sec. 16, SE $\frac{1}{4}$ 1/4NW $\frac{1}{4}$ 1/4, NE $\frac{1}{4}$ 1/4SW $\frac{1}{4}$ 1/4,
Sec. 17, S $\frac{1}{2}$ 1/2;
Sec. 20, N $\frac{1}{4}$ 1/2W $\frac{1}{4}$ 1/4, E $\frac{1}{4}$ 1/2SE $\frac{1}{4}$ 1/4NW $\frac{1}{4}$ 1/4.
T. 35 N., R. 325 E.,
Sec. 19, SW $\frac{1}{4}$ 1/4NE $\frac{1}{4}$ 1/4, SE $\frac{1}{4}$ 1/4.
T. 30 N., R. 35 E.,
Sec. 11, Lots 1, 2, 3, SW $\frac{1}{4}$ 1/4NE $\frac{1}{4}$ 1/4, SE $\frac{1}{4}$ 1/4NW $\frac{1}{4}$ 1/4.

Containing 978.48 acres of private land.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, at the address below. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action

and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report is available for review at the Valley Resource Area Office, Route 1-775, Glasgow, Montana 59230, or the Lewistown District Office, Airport Road, Lewistown, Montana 59457.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g. rights-of-way, easements, and leases of record).

4. Value equalization by cash payment.

5. The exchange must meet the requirements of 43 CFR 4110.4-2(b).

This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with local officials. The public interest will be served by completion of this exchange.

Dated: December 12, 1983.

David E. Little,
Acting District Manager.

[FR Doc. 83-33962 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-DN-M

[4-21460-ILM]

Oregon; Realty Action; Exchange of Public Land for Private Land in Harney County, Oregon

The following described public lands have been examined and determined to be suitable for transfer out of Federal ownership by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 USC 1716):

Willamette Meridian

T. 28 S., R. 31 E.

Sec. 30: Lots 3, 6 and 7;

Sec. 31: Lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$; Sec. 32: SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 27 S., R. 31 E.

Sec. 6: Lots 4.

The area described aggregates approximately 575.56 acres in Harney County. In exchange for all or some of these lands the United States will acquire the following described private land from Mr. Rex Taylor:

Willamette Meridian

T. 27 S., R. 31 E.,
Sec. 5: S $\frac{1}{2}$;
Sec. 8: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 28 S., R. 29 $\frac{1}{2}$ E.,
Sec. 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates approximately 600 acres in Harney County.

The purpose of the exchange is to facilitate the resource management program of the Bureau of Land Management and to enhance the range management potential for the area. The Federal lands to be exchanged are hard to manage parcels mostly surrounded by the private lands of the exchange proponent.

This proposal is consistent with Bureau planning for the lands involved and has been discussed with State and local officials. The public interest will be well served by making this exchange. The comparative values of the lands exchanged are approximately equal and the acreage will be adjusted and/or money will be used to equalize the values upon completion of the final appraisal of the lands. Any monetary adjustments made will be for no more than 25% of the appraised value of Federal lands involved.

The exchange will be subject to:
(1) A reservation to the United States of a right-of-way for ditches or canals under the Act of August 30, 1890.

(2) Valid, existing rights including but not limited to any right-of-way, easement, or lease of record.

Publication of this notice has the effect of segregating all of the above described Federal land from appropriation, under the public land laws and these lands are further segregated from appropriation under the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years from the date of the publication of this notice, whichever occurs first.

Detailed information concerning the exchange is available for review at the Burns District Office of the Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720.

For a period of 45 days, interested parties may submit comments to the Burns District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, BLM, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: December 1, 1983.

Joshua L. Warburton,
District Manager.

[FR Doc. 83-33891 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-33-M

Non-competitive Lease of Public Land in Garfield County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-competitive Lease of Public Land in Garfield County, Colorado.

SUMMARY: The following described land is being considered for lease under section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762, 43 U.S.C. 1732) at no less than the appraised fair market rental estimated to be approximately \$20,040 annually, or \$1,670 per month.

Sixth Principal Meridian

T. 5 S., R. 90 W.,
Section 35: S $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 6 S., R. 90 W.,
Section 4: Lots 2, 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Section 5: Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 410.41 acres in Garfield County, Colorado. The land is located approximately 7 miles west of Glenwood Springs, Colorado, and lies immediately south of the Colorado River.

Lease of the above described lands has been proposed by Storm King Mines of Denver, Colorado, for the disposal of refuge generated by their proposed coal mining operations. Their proposed mine involves non-federal lands and minerals and is located immediately south and west of the proposed refuge area.

The Bureau of Land Management is considering the long-term non-competitive lease to Storm King Mines to authorize and collect rental at the appraised fair market value of the use. The lease would be dependent upon the organization filing a lease application including information required by Title 43 Code of Federal Regulations, part 2920.52. The terms and conditions applicable to any lease issued under this

notice are those in 43 CFR 2920.7. Information about the proposal can be reviewed in the Bureau of Land Management, Glenwood Springs Resource Area Office, 50629 Hwy. 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602, telephone (303) 945-2341.

The lessee would be required to reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs would be in accordance with the provisions of 43 CFR 2920.6.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: December 15, 1983.

Wright Sheldon,

District Manager, Grand Junction District Office.

[FR Doc. 83-33824 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

[M-55148]

Montana; Order Providing for Opening of Public Land

December 12, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening of Public Lands.

SUMMARY: In an exchange of land made under Sec. 206 of the Act of October 21, 1976, the surface estate only in the following described lands has been conveyed to the United States:

Principal Meridian, Montana

T. 20 N., R. 27 E., P.M.M.

Sec. 5, lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Aggregating 426.57 acres.

DATE: Effective January 20, 1984.

SUPPLEMENTARY INFORMATION: At 9 a.m. on January 20, 1984, these lands will be open to the operation of the public land laws generally, subject to valid existing

rights, the provision of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 9 a.m. on January 20, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The government has always owned the minerals in lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{4}$ NW $\frac{1}{4}$ of sec. 5.

ADDRESS: Inquiries should be addressed to Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107 (406-657-6082).

John Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-33882 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-DN-M

[M-57980, M-57980-A]

Montana; Order Providing for Opening of Public Lands

December 16, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Termination of Classification and Opening of Public Lands.

SUMMARY: In **Federal Register** Volume 48, Number 79, Pages 17400-17403, dated April 22, 1983, 21,560.24 acres were proposed as suitable for classification for transfer to the State of Montana under the State Indemnity Selection program. All the lands have been transferred to the State of Montana with the exception of 5,814.37 acres which have been deleted from the State's application and are described as follows:

Principal Meridian

T. 37 N., R. 32 E.,

Sec. 5, all;

Sec. 7, all;

Sec. 10, W $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{4}$;

Sec. 14, N $\frac{1}{4}$ and SW $\frac{1}{4}$;

Sec. 17, E $\frac{1}{4}$ and S $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 20, all;

Sec. 23, NW $\frac{1}{4}$;

T. 12 N., R. 50 E.,

Sec. 27, lots 1, 2, and E $\frac{1}{2}$ of lot 3, NE $\frac{1}{4}$,

E $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 8 N., R. 56 E.,

Sec. 13, all;

Sec. 14, N $\frac{1}{4}$ and SW $\frac{1}{4}$ (less 1 acre in

NW $\frac{1}{4}$ NW $\frac{1}{4}$);

Sec. 24, S $\frac{1}{4}$.

T. 8 N., R. 57 E.,

Sec. 19, all;

Sec. 24, SW $\frac{1}{4}$.

The areas described aggregate 5,814.27 acres in Phillips, Prairie and Fallon Counties.

DATE: Effective January 31, 1984.

SUPPLEMENTARY INFORMATION: Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands above-described are hereby open to the operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.). All valid applications on or prior to 9:00 a.m. on January 31, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107 (406-657-6082).

John Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-33923 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-DN-M

Proposed Reinstatement of Terminated Oil and Gas Lease; North Dakota

AGENCY: Bureau of Land Management, Interior.

SUMMARY: Under the provisions of Pub. L. 97-451, a petition for reinstatement of oil and gas lease M 54987(ND), Williams County, North Dakota, was timely filed and accompanied by the required rental accruing from the date of termination, October 1, 1983.

No valid lease has been issued affecting the lands. The lessees have agreed to new lease terms for rentals and royalties at rates of \$5 per acre and 16-2/3% respectively. Payment of a \$500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Date: December 14, 1983.

Cynthia L. Embretson,

Chief, Fluids Adjudication Section.

[FR Doc. 83-33883 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-DN-M

[Group 38]

Oklahoma; Filing of Plat of Survey

December 9, 1983.

The plats of survey described below were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10:00 a.m. on December 9, 1983.

Indian Meridian

T. 13 N., R. 7 W.

A dependent resurvey of a portion of the west boundary, a portion of the subdivision lines, the subdivision of section 7, and the survey of lots in section 7, T. 13 N., R. 7 W., IM, Oklahoma, Group 38, was accepted November 29, 1983.

T. 13 N., R. 8 W.

A dependent resurvey of a portion of the east boundary, a portion of the subdivision lines, lot 2 in section 13 and the subdivision of sections 12 and 13 and the survey of lot 1 in section 12, T. 13 N., R. 8 W., IM, Oklahoma, Group 38, was accepted November 29, 1983.

These surveys were executed to meet certain administrative needs of the Bureau of Indian Affairs.

The plats will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plats may be obtained from that office upon payment of \$2.50 per sheet.

Notice of Cancellation of Small Holding Claims; New Mexico Principal Meridian

Tps. 4 and 5 S., R. 1 E.

Small Holding Claim 6130, Tract 1 in section 9, T. 4 S., R. 1 E., surveyed in 1914 by Guy P. Harrington, and Small Holding Claims 2823, Tract 5 in section 32, T. 4 S., R. 1 E. and section 5, T. 5 S., R. 1 E., NMPM, NM, surveyed in 1911 by George Lynch, were cancelled December 2, 1983. The areas of the cancelled small holding claims are restored to the public domain by this action.

Leroy C. Montoya,

Deputy State Director, Operations.

[FR Doc. 83-33678 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Noncompetitive Sale of Public Land in Eagle County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action C-36792, Noncompetitive Sale of Public Land in Eagle County, Colorado.

SUMMARY: The following described lands 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. 1701, 1713) at the appraised fair market value of \$197,800.

Sixth Principal Meridian

Township 3 South, Range 83 West,
Sec. 4: Lot 2, SW 1/4 NE 1/4, S 1/2 NW 1/4,
N 1/2 W 1/4, NW 1/4 SE 1/4.

Containing 282.57 acres in Eagle County, Colorado.

The land is being offered to Gillies, Ltd., by direct sale at the appraised fair market value. No other bids or bidders will be considered.

The land has not been used for and is not required for any Federal purpose. The location and physical characteristic of the parcel make it difficult and uneconomical to manage as public land. Disposal would best serve the public interest. The disposal would be consistent with the Bureau's planning recommendations.

All minerals except oil and gas beneath the parcel will also be offered for conveyance. These mineral interests being offered have no known mineral value. A bid on the parcel will also constitute application for conveyance of those mineral interests offered under the authority of section 209(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719(b)).

The patent issued as the result of the sale will be subject to all valid existing rights and reservations of record and will contain a reservation to the United States for a right-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), and for oil and gas under the Act of July 17, 1914.

Sale Procedures

The designated bidder, Gillies, Ltd., will be required to submit payment of at least 20 percent of the fair market value by cash, certified or cashier check, or money order to the BLM at 50629 Highway 6 and 24, Glenwood Springs, Colorado, on the 16th day of March 1984. On this same date, the bidder will be required to deposit an additional \$50.00 nonrefundable filing fee and application for the conveyance offered minerals pursuant to 43 CFR 2720.1-2(c).

The balance of the appraised fair market value will be due within 30 days, payable in the same form at the same location. Failure to submit the remainder of the payment within 30 days of receipt of the decision notice accepting the bid deposit will result in cancellation of the sale offering and forfeiture of the deposit.

Further Information and Public Comment

Additional information concerning this sale offering, including the planning documents and environmental assessment, is available for review in the Glenwood Springs Resource Area Office at 50629 Highway 6 and 24, P.O. Box 1009, Glenwood Springs, Colorado 81602. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the District Manager, Grand Junction District Office, Bureau of Land Management, 784 Horizon Drive, Grand Junction, Colorado 81501. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: December 13, 1983.

Wright Sheldon,

District Manager, Grand Junction District Office.

[FR Doc. 83-33894 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80909]

Wyoming; Conveyance; Sale of Public Land in Johnson County, Wyoming

December 15, 1983.

Notice is hereby given that pursuant to Section 203 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1713 (1976), Edwin J. Streeter, Velma E. Streeter, Walter F. Streeter, and Dixie L. Streeter have purchased and received a patent for the following described land in Johnson County, Wyoming.

Sixth Principal Meridian, Wyoming

T. 45 N., R. 78 W.,

Sec. 34, SW 1/4 NW 1/4 SE 1/4.

Containing 10.00 acres.

David Pomerinke,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-33846 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action, Sale of Public Land in Lemhi County, Idaho

AGENCY: Bureau of Land Management.**ACTION:** Modification of Notice of Realty Action—Sale of Public Land in Lemhi County, Idaho.

SUMMARY: The Notice of Realty Action—Sale of Public Lands in Lemhi County, Idaho published in the Federal Register, Volume 48, No. 196, on October

7, 1983, at page 45854 is hereby modified. The modification is the termination of the sale offer for parcels I-19632A (Tract I-4(19)) and I-19632B (Tract I-4(20)) on the close of business on December 15, 1983 rather than the March 9, 1984 date.

The lands within these two parcels may be utilized as selected lands in an exchange with the adjacent land owner. Completion of the exchange would better serve the public interest. There is also some difficulty with disposal of the property and management of the allotment. Time is necessary to analyze the situation and afford a solution.

Dated: December 15, 1983.

Kenneth G. Walker,
District Manager.

[FR Doc. 83-33820 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Sale of Public Lands in Lemhi County, Idaho

AGENCY: Bureau of Land Management.

ACTION: Notice of Realty Action; sale of public lands in Lemhi County, Idaho.

DATE: The bid opening will be held on Thursday, March 1, 1984, beginning at 10:00 a.m.

SUMMARY: Based on public supported land use plans the following described land has been examined and identified as suitable for disposal by public sale under Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2750, U.S.C. 1713), at no less than the appraised fair market value.

Parcel No.	Legal description	Acres
I-19629, Tract I-4(15)	T. 20 N., R. 23 E., Section 10: NW $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$	10.00
I-19630, Tract I-4(9)	T. 18 N., R. 24 E., Section 20: SE $\frac{1}{4}$, SW $\frac{1}{4}$	40.00
I-19631, Tract I-4(5)	T. 17 N., R. 24 E., Section 27: SW $\frac{1}{4}$, NW $\frac{1}{4}$	40.00
I-20378, Tract I-4(11)	T. 18 N., R. 24 E., Section 29: NW $\frac{1}{4}$, NW $\frac{1}{4}$	40.00

The appraised values will be available at the Salmon District Office after February 15, 1984.

Sealed bids are being solicited for each parcel offered for sale. Acceptable bids must be at the appraised value or higher.

Sale Parcel I-19629 will be offered for Direct Sale to William Sager, based on historic use and value of added improvements. Failure of the proponent to submit the required amount within 30 days from the date of the sale will result in cancellation of the sale to him. This parcel would then be readvertised at a later date or dropped from the sales program.

Sale Parcel I-19630 & I-20378 will be offered for sale through Modified Competitive Bidding. Mr. Edwin W. Schlehuber, the adjoining landowner, will be given preference to meet the high bid or the appraised fair market value which ever is higher. Refusal or failure by Mr. Schlehuber to meet the high bid within 30 days from the date of sale shall constitute a waiver of such right and the land will be sold to the successful bidder.

Sale Parcel I-19631 will be offered for sale through Competitive Bidding.

"Sealed bids only will be accepted" and no bids will be accepted for less than the appraised value. Bids must include all the lands contained in the tract. Each bid must be accompanied by a certified check, postal money order, bank draft or cashier's check made payable to the Bureau of Land Management for not less than 20% of the amount of the bid. The successful bidder must realize that this 20% bid deposit is non-refundable, and the balance can be paid in full on the date of the sale or must be paid within 30 days from the date of the sale or forfeit the 20% non-refundable deposit.

Unsold tracts will continue to be offered for sale on each succeeding Thursday at the same time and place. Sealed bids will be accepted anytime prior to 10:00 a.m. M.S.T. on each sale day. This notice terminates on May 31, 1984 close of business and the unsold land will not be available after that date.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

3. All valid existing rights and reservations of record on the date of patenting.

4. *Restrictions or Covenants.* I-19631 Tract I-4(5).

"Pursuant to the authority contained in Section 4 of Executive Order 11990 of May 24, 1977 and Section 203 of Public Law 94-579 (Federal Land Policy and Management Act of 1976) October 21, 1976. The patent to this tract is subject to a restriction which constitutes a covenant running with the land, that the portion of the land lying within 25 feet on either side of the center of Zeph Creek (50 feet total), containing riparian habitat must be managed to protect and

maintain the riparian habitat on a continuing basis."

These parcels are difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal agency. There are no significant resource values which will be affected by the sale of these parcels.

The BLM may, within 30 days of receipt of any offer, accept or reject any or all offers or withdraw any land or interest in land from sale, at the discretion of the authorized officer (Section 203(a) FLPMA).

ADDRESS: The bid opening will be held at the Salmon District Office, Bureau of Land Management, South Highway 93 (P.O. Box 430), Salmon, Idaho 83467.

Additional information concerning the land, terms and conditions of the sale and bidding instructions can be obtained from Chuck Keller at the above address or by calling 208-756-2201.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the Salmon District Manager at the above address. Any adverse comments 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 the final determination of the Department of the Interior.

Dated: December 12, 1983.

Kenneth G. Walker,
District Manager.

[FR Doc. 83-33932 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-84-M

[W-75663]

Wyoming; Conveyance; Sale of Public Land in Uinta County, Wyoming

Notice is hereby given that pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (1976). Double D Enterprises has purchased and received a patent for the following described public land in Uinta County, Wyoming:

Sixth Principal Meridian

T. 16 N., R. 121 W.,
Sec. 12, E $\frac{1}{4}$, SE $\frac{1}{4}$.

Containing 80.00 acres.

Dated: December 16, 1983.

David Pomerinke,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-33933 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-84-M

[N-36838]

Nevada; Realty Action; Competitive Sale of Public Lands in Nye County**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Sale of public land in Nye County, Nevada.**SUMMARY:** Certain public lands in Nye County, Nevada, will be offered for sale to the public, by sealed bid, on 29 February 1984.

The following described lands have been examined and determined suitable for 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.

T. 10 N., R. 47 E., M.D.M., Sec. 34.71 acres—Parcel B-1
7, Lot 4.

T. 12 N., R. 47 E., M.D.M., Sec. 238.38 acres
7, Lot 4, N 1/4 NE 1/4,
SW 1/4 NE 1/4, SE 1/4 NW 1/4,
NE 1/4 SW 1/4.

Sec. 18, Lots 1 & 2 78.84 acres.

315.32 acres—Parcel C
Sec. 30, SE 1/4 SW 1/4, SE 1/4 SE 1/4 40 acres—Parcel D
40 acres—Parcel E-1

The minimum bid for each parcel will be its appraised fair market value. The proposed sale does not conflict with the Bureau's Tonopah Resource Area Management Framework Plan or with the Nye County Master Plan. The lands are being offered to facilitate land use planning and to enhance management of public and adjoining private lands. These lands have potential for agricultural, commercial, and other uses, and their sale would serve the public interest.

Modified competitive bidding procedures will be in effect for parcels D and E, allowing the adjacent landowner to meet the highest acceptable bid offered. Opening of bids will be at 10:00 a.m., Pacific Standard Time, on February 29, 1984 at the BLM Tonopah Resource Area Office, Building 102, Military Circle, P.O. Box 911, Tonopah, Nevada 89049. Detailed information concerning the sale is available from this office, including specific information regarding bidder qualifications, bidding procedures, payment, etc. Also available are detailed physical descriptions of the parcels, site maps, and details of reservations and encumbrances affecting each parcel.

The following reservations to the United States will affect all parcels:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1980 (26 Stat. 391); 43 U.S.C. 945.

2. Reserved to the United States, all mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

3. Other valid existing rights.

In addition to the parcels included in sale N-36838, bids will be accepted at this sale for any remaining unsold parcels previously offered in sale actions N-36831 and N-36832.

DATE: Under no circumstances will these parcels be offered for sale sooner than 60 days after publication of this notice. The scheduled sale is 29 February 1984. Interested parties may submit comments for a period of 45 days from the publication of this notice.

ADDRESS: Comments should be sent to: District Manager, Battle Mountain District, Bureau of Land Management, N. 2nd and Scott Streets, P.O. Box 1420, Battle Mountain, Nevada 89820.

Any adverse comments will be evaluated by the District Manager and forwarded to the Nevada State Director, Bureau of Land Management, who may vacate or modify this reality action and issue a final determination. In the absence of any action by the State Director, this reality action will become the final determination of the Department of the Interior.

BLM may accept or reject any and all offers, or withdraw any land or interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Michael C. Mitchel,

Acting District Manager, Battle Mountain District.

[FR Doc. 83-30928 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-HC-M

Alternative	Phase I		Phase II	
	Approximate acres	Blocks	Approximate acres	Location
A	90,000	B, C, D, E, F, G, H	448,500	Remaining land in authorized project.
B	110,000	A, B, C, D, E, F, G, H	426,500	Remaining land in authorized project.
C	90,000 plus 30-50,000	B, C, D, E, F, G, H (Quincy district deferred and bypassed lands)	396,500 to 418,500	Remaining land in authorized project.
D	110,000 plus 30-50,000	A, B, C, D, E, F, G, H (Quincy district deferred and bypassed lands)	378,500 to 398,500	Remaining land in authorized project.
E	(No action alternative)			

The purpose of the proposed development is to: (1) Alleviate problems created by continued withdrawal of ground waters from a declining aquifer; (2) create socio-

Bureau of Reclamation**Continued Development of Columbia Basin Project, Ephrata, Washington; Intent to Prepare an Environmental Impact Statement**

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior plans to prepare an Environmental Impact Statement on continuation of the orderly phased development of the authorized Columbia Basin Project. Irrigation development of the authorized project is approximately one-half complete.

Construction of the Columbia Basin Project began with the allocation of funds for Grand Coulee Dam in 1933. Since then, some 333 miles of main canals, 1,993 miles of laterals, and 2,223 miles of drains and wasteways have been constructed. Irrigation water service is currently available to 556,500 acres within the project, with 538,500 acres yet to be served.

The proposal is to enlarge approximately 51 miles of existing canals and construct approximately 250 miles of new canals along with laterals and pumping plants sufficient to irrigate the remaining 538,500 acres through phased development.

Four alternatives, in addition to a No Action alternative, have been developed which differ basically in the location of lands and number of acres to be served. Each of these presents a first and second phase. They are:

economic opportunities for dryland farmers and future farm families; (3) create additional fish, wildlife and recreational opportunities; (4) stimulate economic development; and (5) fulfill

previous commitments to the State and the irrigation districts.

Some of the major issues concerning further irrigation development on the Columbia Basin Project are: (1) Effects and implications of the trade-offs associated with use of Columbia River waters presently being reserved by the United States under State law for future development; (2) how much can water users pay toward construction of distribution facilities and who besides the water users should share in the cost

of construction; (3) should the United States provide facilities to serve additional irrigation lands; (4) what measures should be taken to protect and enhance fish and wildlife and provide suitable recreation facilities in the area to be developed; and (5) extent and requirements of existing agreements.

To insure that the full range of issues and alternatives related to this proposal are discussed and all significant issues are identified, scoping meetings will be held as follows:

Location	Date	Time	Place
Pasco, WA	Jan. 16, 1984	7:30 p.m.	
Moses Lake, WA	Jan. 17, 1984	7:30 p.m.	
Spokane, WA	Jan. 18, 1984	7:30 p.m.	Franklin Co. P.U.D. Auditorium, Big Bend Community College—Student Center,
Seattle, WA	Jan. 19, 1984	7:30 p.m.	Whitworth College—Little Theater, Seattle Center, Mercer Forum I and II

Interested agencies, organizations, and individuals should write to or contact the Bureau of Reclamation at the address provided below. The contact person will be: Mr. Cline Sweet, Columbia Basin Project Office, Bureau of Reclamation, 32 C Street NW, P.O. Box 815, Ephrata, Washington 98823, Telephone: (509) 754-4611, Extension 209.

Dated: December 16, 1983.

James Furse, Jr.,

Acting Commissioner of Reclamation.

[FR Doc. 83-32910 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-09-M

Operating Policy for Green Mountain Reservoir; Colorado-Big Thompson Project, Colorado

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final notice of operating policy for Green Mountain Reservoir.

EFFECTIVE DATE: January 23, 1984.

FOR FURTHER INFORMATION CONTACT:

Robert Berling, Project Manager, Bureau of Reclamation, South Platte River Projects Office, P.O. Box 449, Loveland, Colorado 80539, telephone (303) 667-4410.

SUMMARY: The Bureau of Reclamation has the responsibility to operate and maintain the CBT (Colorado-Big Thompson) Project in accordance with the provisions of Senate Document 80 (Act of August 9, 1937, 50 Stat. 564). The policy defines the water supply and water service available and sets forth the procedures whereby water users may subordinate power generation for their water supply needs and provides a solution for repayment of reimbursable costs for the dam and reservoir. A

proposed policy was published in the *Federal Register* on March 26, 1981, with a public review and comment period of 45 days. This policy, issued by the Regional Director, Lower Missouri Region, reflects the comments received.

The Bureau constructed Green Mountain Dam and Powerplant as features of the CBT Project. Green Mountain Dam and Powerplant are located on the Blue River, a tributary of the Colorado River in north-central Colorado. The CBT Project was recommended by the Secretary of the Interior and approved by the President on December 21, 1937, pursuant to section 4 of the Act of June 25, 1910 (36 Stat. 8300), and subsection B of section 4 of the Fact Finders' Act (Act of December 5, 1924, 43 Stat. 672). Funds for construction of the project were appropriated by the Interior Department Appropriation Act of 1938 (Act of August 9, 1937, 50 Stat. 564).

Notices will be published in the *Federal Register* prior to negotiations for any potential water service contracts. Actual operation of Green Mountain Reservoir under the policy will commence in 1984 on the date fixed by the Secretary of the Interior as specified in paragraph 3 of the operating policy.

Background

The Bureau of Reclamation constructed Green Mountain Dam and Powerplant as feature of the CBT (Colorado-Big Thompson) Project. Green Mountain Dam and Reservoir were completed in 1943.

The use and disposition of the water stored in Green Mountain Reservoir are under the jurisdiction of the Secretary of the Interior as set forth in Senate Document 80 (Act of August 9, 1937, 50 Stat. 564) and reaffirmed in the

Consolidated Cases (Civil Actions Nos. 2782, 5016, and 5017); United States District Court for the District of Colorado, (hereinafter referred to as Consolidated Cases). This authority has been delegated to the Regional Director, LMR (Lower Missouri Region), to be exercised in consultation with the Regional Director, UCR (Upper Colorado Region). The Consolidated Cases remain under the continuing jurisdiction of the District Court (United States District Court for the District of Colorado).

The purposes for adopting a policy for the operation of Green Mountain Reservoir at this time are to quantify the presently perfected uses of water dependent upon the reservoir and to provide an orderly means of disposition of the remaining water in the reservoir for beneficial consumptive uses in the geographic area of Colorado west of the Continental Divide (hereinafter referred to as western Colorado). The policy provided that upon release, either pursuant to the provisions of Senate Document 80, subsequent court decrees and stipulations, or contractual arrangements entered into in accordance with this policy, the administration of all released waters shall be by the Colorado State Engineer, Colorado Division of Water Resources. The policy specifically defines the water supply and water service available and sets forth the procedures whereby water may be made available for beneficial consumptive use. Nothing herein contained shall be deemed to alter or change the duties and obligations of the Department of the Interior under the judgments and decrees entered in the Consolidated Cases, Senate Document 80, above referred to, the applicable provisions of the Constitution of the State of Colorado regarding water, and the State of Colorado laws regarding the adjudication and administration of water.

The reservoir has been in operation since 1943. Since the commencement of operations, there have been several years of below-average river flows, necessitating release of water to meet irrigation and domestic uses in western Colorado not satisfied by natural flows. Under Senate Document 80, the first obligation of the reservoir in such a circumstance is to augment irrigation and domestic uses existing in 1937 and, if stored water is thereafter available for release, to augment all such subsequent similar needs arising to the extent stored water therefor is available. The release of approximately 66,000 acre-feet of water from storage to supplement natural flow shortage in western Colorado was necessary in 1977.

Policy

The operating policy for Green Mountain Reservoir is set forth in the nine policy statements that follow.

1. Green Mountain Reservoir has a total storage capacity of 153,639 acre-feet of water. Of that total capacity, 52,000 acre-feet are available to provide replacement water in western Colorado when water is diverted to the eastern slope through the CBT Project. The yield from remaining capacity (commonly referred to as the 100,000 acre-foot power pool), including the refill right, will to the extent feasible be released through the powerplant, and the water so released shall be available for other beneficial consumptive uses in western Colorado as hereinafter set out.

2. Water will be released from Green Mountain Reservoir for western Colorado use from the 52,000 acre-foot CBT replacement pool to the extent necessary to replace CBT diversions which would otherwise be curtailed by a legal call on the river. When the administration of water under the priority system established by the laws of the State of Colorado would result in curtailment in whole or in part of a water right for irrigation or domestic uses (as hereinafter defined) within western Colorado, which was perfected by use on or before October 15, 1977, and the water need is not met by the foregoing, water will be released without charge from Green Mountain Reservoir from the 100,000 acre-foot power pool to the extent necessary to permit diversions to the full amount of said decrees; *Provided, however,* That releases from the power pool for these purposes shall not exceed 68,000 acre-feet of water per annum (measured at Green Mountain Dam), which quantity shall be deemed adequate to satisfy all such so perfected uses with a priority date senior to October 16, 1977. All such releases made pursuant to this paragraph shall be administered by the State Engineer under the priority system.

3. The releases required by paragraph 2 above shall be made within a 12-month period following the date fixed by the Secretary of Interior in accordance with paragraph 4(a) in the 1955 Stipulation in the Consolidated Cases.

4. When water is released for purposes other than those specified in paragraph 2 to meet certain western Colorado users' needs rather than for power generation at Green Mountain Powerplant (although power may be generated with such releases), an agreement will be required between the user and the Regional Director, LMR. Water service charges, including power interference charges when appropriate,

relative to such agreements will be established by the Regional Director, LMR, after consultation with the Regional Director, UCR.

5. Differential water service charges will be charged for water released for domestic, irrigation (charges for domestic and irrigation uses shall be nominal), and industrial purposes. For the purposes of this operating policy, the following definition of the uses of water will apply.

a. *Domestic Use*—The use of water by individuals, cities, towns, public or quasi-public districts, private corporations, homeowners' associations, or other entities for domestic, municipal, and miscellaneous related purposes as those terms are traditionally and commonly construed, excepting only the irrigation and industrial uses of water as defined below.

b. *Irrigation Use*—The use of water for the commercial production of agricultural crops and livestock and other uses consistent with any water right decreed for irrigation purposes.

c. *Industrial Use*—The use of water for purposes of producing or processing a nonagricultural product or service for sale, including without limitation such uses as manufacturing, mining, milling, land reclamation, snowmaking, and nonhydroelectric power generation.

To the extent water is diverted by an individual, corporation, or other entity for uses heretofore described in 5 (a) and (b), such uses shall be so classified for water service charge purposes. All other uses by such an individual, corporation or entity, even if such use predates October 16, 1977, shall be subject to the requirements of paragraph 4 hereof.

6. Agreements as described in paragraph 4 with the water service charge based on the use as described in paragraph 5 may be consummated with water users in the geographic area of the Colorado River Basin. The water may be used in accordance with Colorado State law directly, by exchange, or by augmentation of water development to enable water to be beneficially used in western Colorado. Any agreements for such use and any agreements provided for in paragraph 8 hereof shall be referred to the State Engineer for review as to administration feasibility prior to execution. Such water service agreements shall be provided to the Division Engineer of the State of Colorado for administration of releases and deliveries.

7. Upon request by the Division Engineer of the State of Colorado, the Bureau shall release water from the 100,000 acre-foot power pool: First, to satisfy the needs of users pursuant to

paragraph 2 and second, to satisfy the contract needs of users pursuant to paragraph 4. The Bureau, based upon water supply information developed pursuant to the Stipulation, Judgment, and Decrees in the Consolidated Cases, will take reasonable and prudent actions to insure that water released pursuant to paragraph 4 does not impair or diminish the availability of water for release pursuant to paragraph 2 hereof.

8. In order that no waste of water results from the unnecessary storage thereof and in order to maximize the beneficial use of water stored in Green Mountain Reservoir, the Regional Director, LMR, on a yearly basis between April 1 and May 15 will determine the anticipated amount and uses of stored water reasonably necessary to meet the objectives of paragraphs 2 and 4 hereof. Any stored water in excess thereof may be disposed of on a short-term basis by agreement as provided in paragraphs 4 and 6 hereof.

9. Revenues resulting from any agreements provided for herein will be credited to the operation and maintenance costs of Green Mountain Dam and Reservoir, to power replacement, and to appropriate project costs.

Dated: December 16, 1983.

James Furse, Jr.,

Acting Commissioner of Reclamation.

[FR Doc. 83-33909 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service**Information Collection Submitted for Review**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the information collection requirement and supporting documentation may be obtained by contacting Jane A. Roberts at (703) 800-7916. Comments and suggestions on the collection of information should be made directly to the Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, Office of Management and Budget, Washington, D.C. 20503, with copies to Jane A. Roberts; Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Nondiscrimination in Offshore Activities.

Bureau Form Number: N/A

Frequency: Annual.

Description of Respondents: Federal offshore lessees and permittees and their contractors and subcontractors.

Annual Responses: 1,350.

Annual Burden Hours: 270,000.

Dated: October 31, 1983.

John B. Rigg,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-33888 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

San Antonio Missions Advisory Commission; Renewal

Pursuant to the authority contained in section 14(a) of the Federal Advisory Committee Act (Pub. L. 92-463), the Secretary of the Interior has determined that renewal of the San Antonio Missions Advisory Commission is necessary and in the public interest. The purpose of the Commission is to advise the Secretary of the Interior on matters relating to the San Antonio Missions National Historical Park. The General Services Administration concurred in the renewal of this committee on December 16, 1983. Further information regarding this committee may be obtained from Shirley M. Luikins, Advisory Boards and Commissions, National Park Service, Department of the Interior, Washington, D.C. (202-343-2012).

Dated: December 18, 1983.

David G. Wright,

Associate Director, Planning and Development, National Park Service.

[FR Doc. 83-33888 Filed 12-21-83; 8:45 am]

BILLING CODE 4310-7D-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-32 (Sub-No. 27X)]

Boston and Maine Corp.; Abandonment in Middlesex County, MA; Exemption

Boston and Maine Corporation (B&M) has filed a notice of exemption for an abandonment under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is B&M's Watertown Branch between milepost B-8.72 and milepost B-8.92 in Watertown, Middlesex County, MA, a distance of approximately 0.2 miles.

M&M has certified (1) that no local traffic has moved over the line for at

least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (3) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Massachusetts has been notified in writing at least 10 days prior to the filing of this notice. See *Exemption of Out of Service Rail Lines* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on January 23, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 3, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by January 11, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

A copy of any petition filed with the Commission should be sent to B&M's representative: Sidney Weinberg, Iron Horse Park, North Billerica, MA 01862-1685.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice, to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 13, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33906 Filed 12-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-No. 52X)]

Chesapeake and Ohio Railway Co.; Abandonment in St. Clair County, MI; Exemption

The Chesapeake and Ohio Railway (C&O) has filed a notice of exemption for an abandonment under 49 CFR Part 1152; Subpart F—*Exempt Abandonments*. The line to be abandoned is a portion of C&O's Port Huron Subdivision between Valuation Station 6+55— and Valuation Station 11+15, a distance of 0.09 mile, in St. Clair County, MI.

C&O has certified (1) that no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Public Service Commission (or equivalent agency) in Michigan has been notified in writing at least 10 days prior to the filing of this notice. See *Exemption of Out of Service Rail Lines*, 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on January 23, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 3, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by January 11, 1984 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to C&O's representatives:

Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201

Peter J. Shudtz, P.O. Box 6419, Cleveland, OH 44101.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33906 Filed 12-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 Sub No. 2]

Railroad Cost Recovery Procedures

Decided: December 16, 1983.

The Commission has voted to change its rules for the computation of the labor portion of the Interim Mid-Quarter Index of railroad costs in order to satisfy the provisions of the Northeast Rail Service Act of 1982. The labor portion of the index shall be computed including labor costs for the Consolidated Railroad Corporation (Conrail) restated at

national contract levels, and actual labor costs for all other railroads included in the index. The labor index figures for the first quarter of 1984 will be restated to include Conrail at the national contract level. This would have the effect of computing the index in a manner similar to that proposed by the Commission in its decision served June 20, 1983 and by the AAR in its petition for reconsideration dated October 7, 1983.

A decision fully explaining this change will be issued shortly.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gladson.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33907 Filed 12-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30400]

Railroads; Santa Fe Southern Pacific Corp.; Control of Southern Pacific Transportation Co.; Merger; Atchison, Topeka and Santa Fe Railway Co. and Southern Pacific Transportation Co.

Decided: December 19, 1983.

On November 22, 1983, Santa Fe Southern Pacific Corporation (SFSP), The Atchison, Topeka and Santa Fe Railway Company (ATSF), and the Southern Pacific Transportation Company (SPT), jointly filed, pursuant to 49 CFR 1180.4(b), a prefiling notification of intent to file an application under 49 U.S.C. 11343 *et seq.*, seeking authorization of SFSP's proposed acquisition of control of SPT and the merger of ATSF and SPT, within approximately three months.

Pursuant to a "Combination Agreement and Plan of Reorganization" entered into on October 4, 1983, SFSP intends to acquire all issued and outstanding stock of Santa Fe Industries, Inc. (SFI), and Southern Pacific Company (SPC). SPC intends first to place all of its stock in SPT, a rail carrier also owning a motor carrier subsidiary, in an irrevocable, independent voting trust pursuant to 49 CFR Part 1013 to preclude SFSP's control over SPT. SFSP will acquire control over the common carrier subsidiaries of SFI, which are operated as a single system. *See* Finance Docket No. 25906, *ATSF, Inc.—Merger—Atchison Inc. and Atchison, Topeka and Santa Fe Ry*, (not printed) served February 12, 1970.

SFSP and SPT state that calendar year 1982 will be used for any impact analysis or other studies including costing and financial data submissions.

Because the application involves the control of and merger of two class 1 railroads, the transaction is a major transaction under 49 CFR 1180.2(a) and will be filed under the requirements of 49 CFR Part 1180 relating to major transactions, subject to any modifications that may be ordered in response to appropriate requests or on our motion. An order delineating what additional information must be filed in order to complete the application will be issued subsequent to the publication of this notice. *See* 49 CFR 1180.4(b)(2)(v). A procedural schedule will be issued after an application is filed and accepted as complete.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gladson.

James H. Bayne,
Acting Secretary.

[FR Doc. 83-33907 Filed 12-21-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, the Clean Water Act, and the Refuse Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 15, 1983 a proposed consent decree in *United States v. Petro Processors, Inc., et al.*, Civil Action Number 80-358-B, was lodged with the United States District Court for the Middle District of Louisiana. The proposed decree requires ten generators of hazardous wastes to abate an imminent and substantial endangerment to human health and the environment created by two inactive hazardous waste sites, by implementation of a closure plan on the sites or on contiguous property, and monitoring, and to pay enforcement and investigation costs. Defendants must comply with the substantive provisions of the Resource Conservation and Recovery Act, but are not required to obtain a permit for the remedial work.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Petro*

Processors of Louisiana, Inc., et al., D.J. Ref. 90-7-1-100.

The proposed consent decree may be examined at the Office of the United States Attorney, 352 Florida Street, 2nd Floor, Baton Rouge, Louisiana 70801, and at the Region VI office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to *United States v. Petro Processors of Louisiana, Inc., D.J. Ref. 90-7-1-100*, and include a check in the amount of \$4.10 (\$0.10 per page reproduction charge) payable to the United States Treasury.

F. Henry Habicht II,

Land and Natural Resources Division.

[FR Doc. 83-33915 Filed 12-21-83; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 21-83]

Privacy Act of 1974; Modified System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice, Justice Management Division proposes to modify a system of records entitled "Accounting System for the Offices, Boards and Divisions and the United States Marshals Service" pursuant to certain provisions of the Debt Collection Act (DCA) of 1982. (The system was most recently published on February 18, 1983, in *Federal Register* Volume 48, page 7333.)

The enactment of the DCA was a major step toward improving the collection of debts owed to the Federal Government. Specifically, the DCA created a statutory authority to satisfy the conditions the Privacy Act establishes under which agencies can make certain routine use disclosures under subsection (b)(3). The routine use disclosures include disclosure of taxpayer mailing addresses in certain instances, as well as disclosure of debtor information to effect administrative or salary offsets. Further, the DCA amended the Privacy Act to provide a new general disclosure authority, subsection (b)(12). The new disclosure authority allows agencies to disclose personal information necessary

to establish the identity of the individual, as well as information relating to the history of the claim, to consumer reporting agencies. The above-named system is being modified to include both the routine use disclosures permitted under subsection (b)(3) and the personal information disclosure allowed under subsection (b)(12) of the Privacy Act. The modifications have been italicized for the convenience of the public.

Title 5 U.S.C. 552(e)(4) and (11) provide that the public be given a 30-day period in which to comment. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6314, 10th and Constitution Avenue NW., Washington, D.C. 20530. The amended system is reprinted below in its entirety.

Dated: December 12, 1983.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

JUSTICE/JMD-007

SYSTEM NAME:

Accounting System for the Offices, Boards and Divisions and the United States Marshals Service.

SYSTEM LOCATION:

United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals on whom vouchers are submitted requesting payment for goods or services rendered (except payroll vouchers for Department of Justice employees), including vendors, contractors, experts, witnesses, court reporters, travelers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All vouchers processed, i.e., all documents required to reserve, obligate, process and effect collection or payment of funds. (Excluded from the system are payroll vouchers.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

After processing the vouchers, the records are used to maintain individual financial accountability; to furnish statistical data (not identified by

personal identifiers) to meet both internal and external audit and reporting requirements; and to provide Administrative Officers from the Offices, Boards and Divisions and the United States Marshals Service with information on vouchers by name and social security number.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from system of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Release of taxpayer mailing address information. Information contained in the system of records may be disclosed to the Internal Revenue Service (IRS) to obtain taxpayer mailing addresses for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer.

Release of information to consumer reporting agencies. Information directly related to the identity of debtors and the history of claims contained in the system of records may be disclosed to consumer reporting agencies for the purpose of encouraging repayment of overdue debts. Such disclosures will be made only when a claim is overdue and only after due process steps have been taken to notify the debtor and give him or her a chance to meet the terms of the debt. Addresses of taxpayers obtained from the Department of the Treasury will be disclosed to consumer reporting agencies only for the purpose of allowing such agencies to prepare a commercial credit report on the taxpayer for use by the Department.

Release of information about debtors. Information contained in the system of records may be disclosed in order to

effect salary or administrative offsets to satisfy a debt owed the United States by that person. Such disclosures will be made only when all procedural steps established by the Debt Collection act have been taken.

Release of information to debt collection agencies. Information contained in the system of records may be disclosed to a person or organization with whom the head of the agency has contracted for collection services to recover indebtedness owed to the United States. Addresses of taxpayers obtained from the Department of the Treasury will also be disclosed, but only where necessary to locate such taxpayer to collect or compromise a Federal claim.

Release of information to United States Attorneys. Information contained in the system of records may be disclosed to United States Attorneys' offices for litigation and enforced collection.

STORAGE:

Magnetic disks, magnetic tapes, and file folders.

RETRIEVABILITY:

Records on magnetic tapes and disks are primarily retrieved by social security number or digital identifiers. Records in paper form are retrieved primarily by payee name from file folders which prior to Fiscal Year 1976 were maintained by payee name and since Fiscal Year 1976 have been kept by batch and controlled by schedule on which paid.

SAFEGUARDS:

Information contained in the system is unclassified. Operational access to information maintained on magnetic disks is controlled by the convention of the operating system utilized. This is normally by password key. These passwords are issued only to employees who have a need to know in order to perform job functions relating to financial management and accountability. Records are also safeguarded in accordance with organizational rules and procedures. Access is limited to personnel of the Department of Justice who have a need for the records in the performance of their official duties.

RETENTION AND DISPOSAL:

Magnetic tapes and disks are retained indefinitely. Payment documents are retained for three fiscal years (current and two prior years). The payment documents are then shipped to a General Services Administration's Federal Records Center for storage and subsequent destruction in accordance

with instructions of the General Accounting Office.

SYSTEM MANAGER(S) AND ADDRESS:

Director; Finance Staff; Office of the Controller; Justice Management Division; U.S. Department of Justice; 10th & Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURE:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Submitted by operating accounting personnel or individual of record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-33881 Filed 12-21-83; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 20-83]

Privacy Act of 1974; Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify the system of records entitled "Administrative Files, Justice/USA-001" maintained by the Executive Office for United States Attorneys and ninety-four United States Attorneys' Offices.

Justice/USA-001 was last published on August 23, 1983, in Federal Register Volume 48, No. 164, beginning on page 38327.

This system is being modified to reflect a new category of records in the system. The new category of records is the Assistant United States Attorneys' Skills Inventory. The information will be available to the United States Attorneys, Assistant United States Attorneys, and the Executive Office for United States Attorneys to locate Assistant United States Attorneys who have particular expertise, skills, or specific experience in an area in which advice or assistance is sought. The following category will be inserted in the Administrative Files, Justice/USA-001 system of records at the end of the section listing the categories of records in the system:

"(aa) Assistant United States Attorneys' Skills Inventory."

The amended system is reprinted below in its entirety.

Dated: December 9, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/USA-001

SYSTEM NAME:

Administrative File.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Office (See appendix identified as JUSTICE/USA-999); Executive Office for United States Attorneys, U.S. Department of Justice, 10th & Constitution Avenue NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Office Personnel (present and past); (b) Expert professionals whose services are used by the office; (c) Applicants for office positions; (d) Witnesses in Court proceedings; (e) Prisoners-In-Custody; (f) Defendants; (g) Debtors; (h) Vendors; (i) Citizens making inquiries; (j) Members of local and State Bar Associations.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Personnel Files (official/unofficial); (b) Applicant Files; (c) Employee Record cards (SF-7B); (d) Office Rosters; (e) Tickler File System for Promotions; (f) Personnel Address and Telephone Number Lists; (g) Sign In/Out Sheets; (h) Time and Attendance Records (OMF-44); (i) Wage Earnings Statement (DOJ-296); (j) Travel Authorizations and Vouchers (OBD-1 and SF-1012); (k) Advice of Obligations incurred (DJ-60); (l) Telephone Records and Logs; (m) Fiscal Vouchers; (n) Witness Records (LAA-3); (o) Lists of Records at Federal Records Center; (p) In-House Statistical Reports; (q) Internal Meetings Records; (r) Equal Employment Opportunity (EEO) Records; (s) Employees: Organizations and Unions Records; (t) Federal Woman's Program Records; (u) Address and Telephone Indexes; (v) Lists of State and Local Bar Members; (w) Lists of Expert Professionals; (x) Requests for Expert Witnesses; (y) Telephone Files; (z) Correspondence Files; and (aa) Assistant United States Attorneys' Skills Inventory.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law or legal obligation, criminal, civil, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law or civil remedy;

(b) In the course of investigating the potential or actual violation of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, or to any individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional substantive or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or

extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person:

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement:

(i) A record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency:

(j) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policymaking provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.80; and

(n) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function.

RELEASE OF INFORMATION TO THE NEWS MEDIA:

Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

RELEASE OF INFORMATION TO MEMBER OF CONGRESS:

Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

RELEASE OF INFORMATION TO THE NATIONAL ARCHIVES AND RECORDS SERVICE:

A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is stored in file cabinets in the United States Attorney's offices. Some materials are located in locked file drawers and safes, and others in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal

Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorneys' offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of Justice retention plans.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district (See appendix identified as JUSTICE/USA-999).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See appendix identified as JUSTICE/USA-999).

RECORD ACCESS PROCEDURE:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager (See appendix identified as JUSTICE/USA-999).

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System manager (See appendix identified as JUSTICE/USA-999) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are limited to, investigative reports of federal, state and local law enforcement agencies, client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties, data, memoranda and reports from the Courts and agencies thereof; and the work product of Assistant United States

Attorneys, Department of Justice attorneys and administrative staff of the divisions, offices and bureaus, work product of secretarial and administrative staff within the U.S. Attorneys office and the Executive Office for U.S. Attorneys, from general public referral sources or as provided by members of the public who participate, assist or observe in pending cases or matters, or commercial establishments which provide goods or services, publications and reports from the Department's other offices, divisions and bureaus and internal U.S. Attorney work product.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None

[FR Doc. 83-33894 Filed 12-21-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Information Collection Requirements Submitted to OMB for Review

AGENCY: Institute of Museum Services.

ACTION: Notice of Information Collections.

SUMMARY: The Institute of Museum Services (IMS) has submitted the following collection requirements to OMB for Review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Copies of these submissions are available at IMS from Kristine Ramaekers, (202) 786-0539. Send comments to Joe Lackey, Office of Management and Budget, Room 3208 NEOB, Washington, D.C. 20503.

Title: 1984 Special Project Grant Application and Information

Form No.: IMS 103

Action: Revision

Respondents: Non-Profit Institutions

Estimated Annual Burden: 200

Respondents: 3,400 Hours.

Title: 1984 Conservation Program Grant Application and Information

Form No.: IMS 106

Action: New Collection

Respondents: Non-Profit Institutions

Estimated Annual Burden: 600

Respondents: 9,000 Hours.

Susan E. Phillips,

Director, Institute of Museum Services.

[FR Doc. 83-33811 Filed 12-21-83; 8:45 am]

BILLING CODE 7036-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-374]

Commonwealth Edison Co.; Notice of Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-18, to Commonwealth Edison Company (the licensee) which authorizes operation of the La Salle County Station, Unit 2 (the facility), by Commonwealth Edison Company at reactor core power levels not in excess of 3323 megawatts thermal (100 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan. However, the license contains a condition currently limiting operation to 5 percent of full power (186 megawatts thermal). Authorization to operate beyond 5 percent of full power will require specific Commission approval.

La Salle County Station, Unit 2, is a boiling water nuclear reactor located at the licensee's site in Brookfield Township, La Salle County, Illinois approximately 65 miles southwest of Chicago, Illinois. The license is effective as of the date of issuance.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the *Federal Register* on June 9, 1977 (42 FR 29576-29577).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement and its Addendum since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement and its Addendum.

For further details with respect to this action, see (1) Facility Operating License No. NPF-18, complete with Technical Specifications and Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards dated April 16, 1981; (3) the Commission's Safety Evaluation Report dated March 1981, Supplement No. 1 dated June 1981, Supplement No. 2 dated February 1982, Supplement No. 3 dated

April 1982, Supplement No. 4 dated July 1982, Supplement No. 5 dated August 1983, Supplement No. 6 dated November 1983, and Supplement No. 7 dated December 1983; (4) the Final Safety Analysis Report and amendments thereto; (5) the Environmental Report and supplements thereto; (6) the Final Environmental Statement dated November 1978 and the Addendum to the Final Environmental Statement dated May 1981; and (7) NRC Flood Plain Review of La Salle Nuclear Plant Site dated January 29, 1981.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and the Public Library of Illinois Valley Community College, Rural Route No. 1 Oglesby, Illinois 61348. A copy of Facility Operating License No. NPF-18 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Licensing. Copies of the Safety Evaluation Report and its Supplements, 1, 2, 3, 4, 5, 6 and 7 (NUREG-0519) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission Attention: Sales Manager, Washington, DC 20555. GPO deposit account holders can call (301) 492-9530.

Dated at Bethesda, Maryland, this 16th day of December 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-33899 Filed 12-21-83; 8:45 am]

BILLING CODE 7550-01-M

[Docket Nos. 50-352 and 50-353]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Resumption of Hearing

December 19, 1983.

Please take notice the Atomic Safety and Licensing Board will convene an evidentiary hearing in this operating license proceeding on January 9, 1984, at 1:30 p.m. at Commonwealth of Pennsylvania Courtroom No. 5, Old Federal Courthouse, Ninth and Market Streets, Philadelphia, Pennsylvania 19107.

The hearing is expected to continue through January 13, 1984 and, if necessary, the following week.

The issues to be litigated at this hearing session are Friends of the Earth in the Delaware Valley Contentions V-3a & 3b (effect of postulated petroleum or natural gas pipeline rupture), and Air and Water Pollution Patrol Contention V-4 (effect of cooling tower plumes on aircraft carburetor icing).

The public is invited to attend, but there will be no opportunity for members of the public to participate during this evidentiary hearing session.

It is so ordered.

Bethesda, Maryland, December 19, 1983.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

[FR Doc. 83-34000 Filed 12-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No.: 50-353/353]

Philadelphia Electric Co.; Availability of Supplement No. 1 to the Draft Environmental Statement for Limerick Generating Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that Supplement No. 1 to the Draft Environmental statement (NUREG-0974) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Limerick Generating Station, Units 1 and 2, located on the Schuylkill River, near Pottstown, in Limerick Township, Montgomery County, Pennsylvania.

The Supplement No 1 to the Draft Environmental Statement (DES) addresses postulated severe station accidents, their likelihood of occurrence and their consequences. Comments of the cost/benefit balance reflecting the consideration of station accidents may be submitted following the issuance of this supplement.

Copies of NUREG-0974 (Supplement No. 1) are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555, and at the Pottstown Public Library, 500 High street, Pottstown, Pennsylvania 19464. The document is also being made available at the Pennsylvania State Clearinghouse, Governor's Budget Office, P.O. Box 1323, Harrisburg, Pennsylvania 17120 and at the Delaware Valley Regional Planning Commission, Penn Towers Building, Third Floor, 1819 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103. Requests for copies of the Supplement No. 1 to the DES should be addressed to

the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this Supplement No. 1 to the DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the Supplement. Other local agencies may obtain these documents upon request.

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Pottstown Public Library. Comments are due by February 6, 1984. After consideration of the comments submitted on the Supplement, the Commission's staff will prepare a Final Environmental statement, the availability of which will be published in the *Federal Register*.

Comments on Supplement No. 1 to the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 16th day of December 1983.

For the Nuclear Regulatory Commission.

A Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-34001 Filed 12-21-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Class-9 Accidents; Meeting Time Change

The ACRS Subcommittee on Class-9 Accidents scheduled for January 11, 1984, Room 1167, at 1717 H Street, NW., Washington, DC *time has been changed to 1:00 p.m.-7:00 p.m.*

All other items regarding this meeting remain the same as announced in the *Federal Register* published Wednesday, December 14, 1983 (48 FR 55647).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Alan B. Wang (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., est.

Dated: December 19, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-33908 Filed 12-21-83; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-0170]

American 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 § 107.102 of the SBA Regulations (13 CFR 107.102 (1983)) by American Capital, Inc., 300 North Kanawha Street, Beckley, West Virginia 25801 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	Percent of ownership
Darryl J. Roberts, 117 Phil Avenue, Beckley, West Virginia 25801.	President and director	
Stephen D. Howard, 10980 C.R. 180, Findlay, Ohio 45840.	Investment adviser	
Thomas B. Briers, 203 Brookwood Lane, Beckley, West Virginia 25801.	Vice president and director	
Mary F. Roop, 105 North Ridge Road, Beckley, West Virginia 25801.	Secretary, treasurer, and director	
Blue Ridge Memorial Gardens, Inc., P.O. Box 260, Prosperity, West Virginia 25909.	Stockholder	40
CGR, Inc. d.b.a. Tyler Mountain Memory Gardens, 5233 Rocky Fork Road, Charleston, West Virginia.	Stockholder	20
Grandview Memory Gardens, Inc., P.O. Box 111, Bluefield, Virginia 24650.	Stockholder	20
Greenhills Memory Gardens, Inc., P.O. Box 456, Richlands, Virginia 24641.	Stockholder	20

Ownership of the above companies follows:

		Percent
Blue Ridge Memorial Gardens, Inc.	Estate of Chester G. Roberts, Associated Cemetery Estates, Inc.	50
CGR, Inc. d.b.a. Tyler Mountain Memory Gardens.	Estate of Chester G. Roberts, Darryl J. Roberts	50

		Percent
Grandview Memory Gardens, Inc.	Estate of Chester G. Roberts Daryl J. Roberts Associated Cemetery Estates, Inc.	33% 33% 33%
Greenhills Memory Gardens, Inc.	Estate of Chester G. Roberts Daryl J. Roberts Associated Cemetery Estates, Inc. Blue Ridge Memorial Gardens, Inc.	25 25 25

The names, addresses, and percentage ownership of all beneficial owners of 10% or more of the voting securities of Associate Cemetery Estates, Inc. are as follows:

Name and address	Percent Ownership of total stock outstanding
Estate of Chester G. Roberts, Post Office Box 1586, Beckley, West Virginia 25801	31.17
Marzetta Roberts, 1019 Woodlawn Avenue, Beckley, West Virginia 25801	38.96

American Capital, Inc. will conduct its activities principally in West Virginia and Ohio.

The Applicant will begin operations with a capitalization of \$725,000 and will be a source of equity capital and long term loan funds for qualified funeral service businesses 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 management, and the probability of successful operations of the new company under their management, including adequate

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 Beckley, West Virginia.

[Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies]

Dated: December 19, 1983.

*Robert G. Lineberry,
Deputy Associate Administrator for
Investment.*

[FIR Doc. 83-33940 Filed 12-21-83 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 891]

Applications for Permits To Fish in the United States Fishery Conservation Zone; Italy et al.

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) requires all foreign vessels fishing in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1984 have been received from the Governments of Italy, Norway,

Japan, Korea, Spain, Portugal, Denmark (the Faroe Islands) and Taiwan.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: December 14, 1983.

*James A. Storer,
Director, Office of Fisheries Affairs.*

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS

Code	Fishery	Regional Council
ABS	Atlantic Billfishes And Sharks.	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England, Mid-Atlantic
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNA	Seals (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific
PBS	Pacific Billfish and Sharks.	West Pacific

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR ARE AS FOLLOWS

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Portugal			
Horizonia, Medium Stern Trawler	PO-84-0019	NWA	1, 2
Tropical, Medium Stern Trawler	PO-84-0020	NWA	1, 2
Italy			
Tontini Pesca Terzo, Medium Stern Trawler	IT-84-0002	NWA	1
Tonbri Pesca Quarto, Large Stern Trawler	IT-84-0003	NWA	1
De Giosa T., Medium Stern Trawler	IT-84-0004	NWA	1
Bekka, Medium Stern Trawler	IT-84-0006	NWA	1
Airona, Medium Stern Trawler	IT-84-0008	NWA	1
Corrado Secondo, Large Stern Trawler	IT-84-0012	NWA	1
Antonetta Madre, Medium Stern Trawler	IT-84-0013	NWA	1
Carlo Di Fazio, Medium Stern Trawler	IT-84-0015	NWA	1
De Giosa Giuseppe, Medium Stern Trawler	IT-84-0016	NWA	1
Stanislava, Large Stern Trawler	IT-84-0019	NWA	1
Mani C., Medium Stern Trawler	IT-84-0021	NWA	1
Gabonella C., Medium Stern Trawler	IT-84-0010	NWA	1
Giovanni C., Medium Stern Trawler	IT-84-0022	NWA	1
De Giosa L., Medium Stern Trawler	IT-84-0023	NWA	1
Maria Michela, Medium Stern Trawler	IT-84-0024	NWA	1
Sagitta, Medium Stern Trawler	IT-84-0007	NWA	1
Norway			
Ole Saethreym, Medium Stern Trawler	IT-84-0003	BSA	1, 2
Japan			
Jin Po Maru No. 3, Cargo Transport Vessel	JA-84-3825	BSA, GOA, NWA, SMT, SNA	3
Tassei Maru No. 58, Medium Stern Trawler	JA-84-0411	BSA	1, 2
Mesho Maru No. 81, Medium Stern Trawler	JA-84-0550	BSA	1, 2
Sachishio Maru, Cargo/Transport Vessel	JA-84-0097	NWA, BSA, GOA, SMT	3
Paloma, Cargo/Transport Vessel	JA-84-0098	NWA, BSA, GOA, SMT	3
Tenryu Maru, Tanker Fuel/Water/Fish Oil	JA-84-2024	BSA, GOA, SMT	3
Kashiwahana Maru No. 1, Cargo Transport Vessel	JA-84-0884	BSA, GOA, SMT	3

#Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Tenkai Maru, Tanker Fuel/Water/Fish Oil	JA-84-0695	BSA, GOA, SMT	3
Sachikaze Maru, Tanker/Cargo/Yarsport VSL	JA-84-1057	BSA, GOA, SMT	3
Suzukaze Maru, Tanker/Cargo/Transport VSL	JA-84-1058	BSA, GOA, SMT	3
Hyoei Maru No. 58, Longliner	JA-84-1415	ABS	1
Tomi Maru No. 21, Longline Fishing Vessel	JA-84-1478	ABS	1
Shinsei Maru No. 18, Longline Fishing Vessel	JA-84-1481	ABS	1
Kashima Maru, Factory/Mothership	JA-84-0001	BSA, NWA, GOA, SNA	2, 3
Aso Maru, Large Stern Trawler	JA-84-0289	BSA, GOA, SMT	1, 2
Nitaka Maru, Large Stern Trawler	JA-84-0289	BSA, GOA, SMT	1, 2
Takachiho Maru, Large Stern Trawler	JA-84-0291	BSA, GOA, SMT	1, 2
Kitakami Maru, Medium Stern Trawler	JA-84-0321	BSA, GOA, SMT	1, 2
Akabono Maru No. 31, Medium Stern Trawler	JA-84-0306	BSA, GOA, SMT	1, 2
Akabono Maru No. 3, Medium Stern Trawler	JA-84-0105	BSA, GOA, SMT	1, 2
Dashin Maru No. 12, Large Stern Trawler	JA-84-0285	BSA, GOA, SMT	1, 2
Dashin Maru No. 22 Large Stern Trawler	JA-84-0286	BSA, GOA, SMT	1, 2, 3
Ryuso Maru, Large Stern Trawler	JA-84-0280	BSA, GOA, SMT	1, 2, 3
Zoyo Maru, Large Stern Trawler	JA-84-0335	BSA, GOA, SMT	1, 2
Sekishu Maru, Medium Stern Trawler	JA-84-1138	BSA, GOA, SMT	1, 2
Hakuyo Maru, Cargo/Transport Vessel	JA-84-0570	BSA, GOA	1, 2
Tokachi Maru, Large Stern Trawler	JA-84-0360	BSA, GOA, NWA, SMT SNA	3
Zai Maru, Large Stern Trawler	JA-84-0361	NWA	1, 2
Shirane Maru, Large Stern Trawler	JA-84-0362	NWA	1, 2
Suzuka Maru, Large Stern Trawler	JA-84-0363	NWA	1, 2
Koyo Maru, Large Stern Trawler	JA-84-0365	NWA	1, 2
Teshio Maru, Large Stern Trawler	JA-84-1169	NWA	1, 2
Banshu Maru No. 3, Large Stern Trawler	JA-84-0372	NWA	1, 2
Banshu Maru No. 6, Large Stern Trawler	JA-84-0373	NWA	1, 2
Banshu Maru No. 7, Large Stern Trawler	JA-84-0374	NWA	1, 2
Taiyo Maru No. 83, Medium Stern Trawler	JA-84-0380	NWA	1, 2
Dashin Maru, No. 16, Large Stern Trawler	JA-84-0376	NWA	1, 2
Mikami Maru, Large Stern Trawler	JA-84-0368	NWA	1, 2
Nihonkai Maru, Medium Stern Trawler	JA-84-0309	NWA	1, 2
Ryusei Maru, Cargo/Transport Vessel	JA-84-0083	BSA, GOA	3
Eitoku Maru, Cargo/Transport Vessel	JA-84-1094	BSA, GOA	3
M/V Santiago, Tanker	JA-84-1528	BSA	3
White Arrow, Cargo/Transport Vessel	JA-84-0084	BSA, GOA	3
Daiwa Maru No. 5, Tanker Fuel/Water	JA-84-0007	BSA, GOA, SNA	3
Tenyoshi Maru, Tanker Fuel/Water	JA-84-0098	BSA, GOA, SNA	3
Tenkai Maru, Tanker Fuel/Water	JA-84-0894	BSA, GOA, SNA	3
Marine Shouji, Tanker Fuel/Water	JA-84-0106	BSA, GOA, SNA	3
Nika Maru, Cargo/Transport Vessel	JA-84-0927	BSA, GOA	3
Sanei Maru, Cargo/Transport Vessel	JA-84-0568	BSA, GOA	3
Yuwatsu Maru, Cargo/Transport Vessel	JA-84-0005	BSA, GOA	3
Yachio Maru No. 26 Cargo/Transport Vessel	JA-84-1079	BSA, GOA, SNA	3
Ehiko Maru, Cargo/Transport Vessel	JA-84-0107	BSA, GOA, SNA	3
Suzunari Maru, Cargo/Transport Vessel	JA-84-1152	BSA, GOA, SNA, NWA	3
Akashia Maru, Cargo/Transport Vessel	JA-84-1155	BSA, GOA, SNA, NWA	3
Manno Fellow, Cargo/Transport Vessel	JA-84-0003	BSA, GOA, SNA, NWA	3
Yayoi Maru, Cargo/Transport Vessel	JA-84-0018	BSA, GOA, SNA, NWA	3
Shinashii Maru, Cargo/Transport Vessel	JA-84-0578	BSA, GOA, SNA, NWA	3
Tokura Maru, Cargo/Transport Vessel	JA-84-0931	BSA, GOA, SNA, NWA	3
Seishio Maru, Cargo/Transport Vessel	JA-84-0640	BSA, GOA, SNA, NWA	3
Hamamatsu Maru, Cargo/Transport Vessel	JA-84-0683	BSA, GOA, SNA, NWA	3
Hokkai Maru, Cargo/Transport Vessel	JA-84-0922	BSA, GOA, SNA, NWA	3
Hayatsuki Maru, Cargo/Transport Vessel	JA-84-1037	BSA, GOA, SNA, NWA	3
Hoko Maru, No. 31, Cargo/Transport Vessel	JA-84-1083	BSA, GOA, SNA, NWA	3
Shenyu Maru No. 38, Cargo/Transport Vessel	JA-84-0905	BSA, GOA, SNA, NWA	3
Cambridge Reefer, Cargo/Transport Vessel	JA-84-0036	BSA, GOA, SNA, NWA	3
Shenyu Maru No. 18, Cargo/Transport Vessel	JA-84-0905	BSA, GOA, SNA, NWA	3
Mizuno Reefer, Cargo/Transport Vessel	JA-84-0016 GOA	BSA, GOA, SNA, NWA	3
Shoutoku Maru, Cargo/Transport Vessel	JA-84-0026 GOA	BSA, SNA, NWA	3
Takuyo Maru, Cargo/Transport Vessel	JA-84-0029 GOA	BSA, SNA, NWA	3
Shikashima Reefer, Cargo/Transport Vessel	JA-84-0889 GOA	BSA, SNA, NWA	3
Sky Reefer, Cargo/Transport Vessel	JA-84-0907 GOA	BSA, SNA, NWA	3
Fuji Reefer, Cargo/Transport Vessel	JA-84-0908 GOA	BSA, SNA, NWA	3
Sakura Reefer, Cargo/Transport Vessel	JA-84-0909 GOA	BSA, SNA, NWA	3
Ariake Reefer, Cargo/Transport Vessel	JA-84-0910 GOA	BSA, SNA, NWA	3
Akabono Reefer, Cargo/Transport Vessel	JA-84-0911 GOA	BSA, SNA, NWA	3
Kentoku Maru, Cargo/Transport Vessel	JA-84-1021 GOA	BSA, SNA, NWA	3
Niko Maru, Cargo/Transport Vessel	JA-84-1077 GOA	BSA, SNA, NWA	3
Yamato Resilia, Cargo/Transport Vessel	JA-84-2019 GOA	BSA, SNA, NWA	3
Bizen Reefer, Cargo/Transport Vessel	JA-84-0037 GOA	BSA, SNA, NWA	3
Bungo Reefer, Cargo/Transport Vessel	JA-84-0038 GOA	BSA, SNA, NWA	3
Yoshino Reefer, Cargo/Transport Vessel	JA-84-0039 GOA	BSA, SNA, NWA	3
Asuka Reefer, Cargo/Transport Vessel	JA-84-0045 GOA	BSA, SNA, NWA	3
Eitoku Maru, Cargo/Transport Vessel	JA-84-1094 GOA	BSA, SNA, NWA	3
Tensei Maru, Cargo/Transport Vessel	JA-84-0898 GOA	BSA, SNA, NWA	3
Kunisaki, Cargo/Transport Vessel	JA-84-0899	BSA, GOA, NWA	3
Shokan Maru, Cargo/Transport Vessel	JA-84-0930	BSA, GOA, NWA	3
Seta Maru, Cargo/Transport Vessel	JA-84-1010	BSA, GOA, NWA	3
Shiga Maru, Cargo/Transport Vessel	JA-84-1012	BSA, GOA, NWA	3
Datsoku Maru No. 31, Cargo/Transport Vessel	JA-84-1092	BSA, GOA, NWA	3
Shintakara Maru, Cargo/Transport Vessel	JA-84-0046	BSA, GOA, NWA	3
Shinbunpo Maru, Cargo/Transport Vessel	JA-84-0047	BSA, GOA, NWA	3
Era Maru, Cargo/Transport Vessel	JA-84-0577	BSA, GOA, NWA	3
Tsurusaki, Cargo/Transport Vessel	JA-84-0630	BSA, GOA, NWA	3
Shinsei Maru, Cargo/Transport Vessel	JA-84-0890	BSA, GOA, NWA	3
Yamato Maru, Large Stern Trawler	JA-84-0309	BSA, GOA, NWA	3
Rikuzen Maru, Large Stern Trawler	JA-84-9340	BSA, GOA	1, 2
Kongo Maru, Large Stern Trawler	JA-84-0341	BSA, GOA	1, 2
Haruna Maru, Large Stern Trawler	JA-84-0950	BSA, GOA	1, 2
Tenyu Maru No. 2, Large Stern Trawler	JA-84-0332	BSA, GOA	1, 2
Tenyu Maru No. 3, Large Stern Trawler	JA-84-0333	BSA, GOA	1, 2
Tenyu Maru No. 5, Large Stern Trawler	JA-84-0334	BSA, GOA	1, 2

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Tenyo Maru, Large Stern Trawler	JA-84-0352	BSA, GOA	1, 2
Akebono Maru No. 32, Medium Stern Trawler	JA-84-0307	BSA, GOA	1, 2
Akebono Maru No. 27, Medium Stern Trawler	JA-84-0308	BSA, GOA	1, 2
Akebono Maru No. 11, Medium Stern Trawler	JA-84-0310	BSA, GOA	1, 2
Akebono Maru No. 15, Medium Stern Trawler	JA-84-0312	BSA	1, 2
Akebono Maru No. 17, Medium Stern Trawler	JA-84-0314	BSA	1, 2
Akebono Maru No. 18, Medium Stern Trawler	JA-84-0315	BSA	1, 2
Akebono Maru No. 21, Medium Stern Trawler	JA-84-0316	BSA	1, 2
Akebono Maru No. 22, Medium Stern Trawler	JA-84-0317	BSA, GOA	1, 2
Shizuka Maru, Medium Stern Trawler	JA-84-0318	BSA, GOA	1, 2
Akebono Maru No. 72, Large Stern Trawler	JA-84-0338	BSA, GOA	1, 2
Dien Maru No. 188, Medium Stern Trawler	JA-84-0553	BSA	1, 2
Shinnichi Maru No. 38, Medium Stern Trawler	JA-84-0563	BSA	1, 2
Shunyo Maru No. 118, Medium Stern Trawler	JA-84-0564	BSA	1, 2
Zuho Maru No. 28 Medium Stern Trawler	JA-84-0565	BSA	1, 2
Akebono Maru No. 1 Medium Stern Trawler	JA-84-1153	BSA, GOA	1, 2
Akebono Maru No. 2, Medium Stern Trawler	JA-84-1154	BSA, GOA	1, 2
Daijin Maru No. 28, Large Stern Trawler	JA-84-0569	BSA, GOA	1, 2, 3
Chion Maru, Large Stern Trawler	JA-84-0342	BSA, GOA	1, 2, 3
Chikubu Maru, Large Stern Trawler	JA-84-0336	BSA, GOA	1, 2
Tsuda Maru, Large Stern Trawler	JA-84-0337	BSA, GOA	1, 2
Kyo Maru No. 2, Large Stern Trawler	JA-84-0297	BSA, GOA	1, 2
Kyo Maru No. 3 Large Stern Trawler	JA-84-0343	BSA, GOA	1, 2
Zujo Maru No. 3, Large Stern Trawler	JA-84-0331	BSA, GOA	1, 2
Zujo Maru No. 2, Large Stern Trawler	JA-84-0351	BSA, GOA	1, 2
Anjo Maru No. 6, Medium Stern Trawler	JA-84-0263	BSA	1, 2
Anjo Maru No. 12, Medium Stern Trawler	JA-84-0500	BSA	1, 2
Anjo Maru No. 18, Medium Stern Trawler	JA-84-1175	BSA, GOA	1, 2, 3
Anjo Maru No. 15, Medium Stern Trawler	JA-84-0104	BSA	1, 2
Tomi Maru No. 85, Medium Stern Trawler	JA-84-0282	BSA, GOA	1, 2
Tomi Maru No. 83, Medium Stern Trawler	JA-84-1170	BSA, GOA	1, 2
Eikyu Maru No. 81, Medium Stern Trawler	JA-84-0082	BSA	1, 2
Eikyu Maru No. 2, Medium Stern Trawler	JA-84-0299	BSA	1, 2
Eikyu Maru No. 11, Medium Stern Trawler	JA-84-0300	BSA	1, 2
Eikyu Maru No. 3, Medium Stern Trawler	JA-84-1174	BSA	1, 2
Koshin Maru No. 11, Medium Stern Trawler	JA-84-0303	BSA, GOA	1, 2
Fukuyoshi Maru No. 38, Medium Stern Trawler	JA-84-0304	BSA, GOA	1, 2
Kyowa Maru No. 11, Medium Stern Trawler	JA-84-0568	BSA, GOA	1, 2
Tsune Maru No. 31, Longliner/Gillnet	JA-84-0601	BSA, GOA	1, 2
Kyo Maru No. 55, Longliner/Gillnet	JA-84-0602	BSA, GOA	1, 2
Fukuyoshi Maru No. 85, Longliner/Gillnet	JA-84-0603	BSA, GOA	1, 2
Fukuyoshi Maru No. 8, Longliner/Gillnet	JA-84-0624	BSA, GOA	1, 2
Hatsue Maru No. 38, Longliner/Gillnet	JA-84-0605	BSA, GOA	1, 2
Hatsue Maru No. 86, Longliner/Gillnet	JA-84-0562	BSA, GOA	1, 2
Eikyu Maru No. 82, Longliner/Gillnet	JA-84-0607	BSA, GOA	1, 2
Sunmyoshi Maru No. 53, Longliner/Gillnet	JA-84-0608	BSA, GOA	1, 2
Matsuue Maru No. 88, Longliner/Gillnet	JA-84-0609	BSA, GOA	1, 2
Ebisu Maru No. 88, Longliner/Gillnet	JA-84-0610	BSA, GOA	1, 2
Mito Maru No. 82, Longliner/Gillnet	JA-84-0611	BSA, GOA	1, 2
Tomi Maru No. 88, Longliner/Gillnet	JA-84-0612	BSA, GOA	1, 2
Shintoku Maru No. 25, Longliner/Gillnet	JA-84-0613	BSA, GOA	1, 2
Shinko Maru No. 3, Longliner/Gillnet	JA-84-0614	BSA, GOA	1, 2
Chojo Maru No. 81, Longliner/Gillnet	JA-84-0615	BSA, GOA	1, 2
Tenyo Maru No. 37, Longliner/Gillnet	JA-84-0616	BSA, GOA	1, 2
Ryoho Maru No. 38, Longliner/Gillnet	JA-84-0657	BSA, GOA	1, 2
Tenyo Maru No. 25, Longliner/Gillnet	JA-84-0618	GOA, BSA	1, 2
Ryusho Maru No. 15, Longliner/Gillnet	JA-84-0619	GOA, BSA	1, 2
Ryusho Maru No. 16, Longliner/Gillnet	JA-84-0620	GOA, BSA	1, 2
Anjo Maru No. 21, Longliner/Gillnet	JA-84-0621	GOA, BSA	1, 2
Anjo Maru No. 22, Longliner/Gillnet	JA-84-0622	GOA, BSA	1, 2
Mineshima Maru, Factory/Mothership	JA-84-0080	BSA	2, 3
Kaum Maru No. 78, Danish Seiner	JA-84-0092	BSA	1
Shuyo Maru, Pair Trawler	JA-84-0110	BSA	1
Eiyo Maru, Pair Trawler	JA-84-0111	BSA	1
Kyo Maru, Pair Trawler	JA-84-0112	BSA	1
Fukuyo Maru, Pair Trawler	JA-84-0113	BSA	1
Koton Maru, Pair Trawler	JA-84-0114	BSA	1
Katsuki Maru, Pair Trawler	JA-84-0115	BSA	1
Aoba Maru, Pair Trawler	JA-84-0116	BSA	1
Wakabi Maru, Pair Trawler	JA-84-0117	BSA	1
Washim Maru, Pair Trawler	JA-84-0122	BSA	1
Toyoshima Maru, Pair Trawler	JA-84-0123	BSA	1
Shosei Maru No. 30, Danish Seiner	JA-84-0556	BSA	1
Heikyu Maru No. 35, Danish Seiner (Stern Chute)	JA-84-0567	BSA	1
Katajuyama Maru, Pair Trawler	JA-84-0833	BSA	1
Tateyama Maru, Pair Trawler	JA-84-0836	BSA	1
Nishiyama Maru, Pair Trawler	JA-84-0836	BSA	1
Matsuyama Maru, Pair Trawler	JA-84-1157	BSA	1
Mitsu Maru No. 51, Danish Seiner (Stern Chute)	JA-84-1559	BSA	1
Kaliko Maru No. 8, Danish Seiner (Stern Chute)	JA-84-1560	BSA	1
Ebisu Maru No. 5, Danish Seiner	JA-84-1163	BSA	1
Shikishima Maru, Factory/Mothership	JA-84-0030	BSA	2, 3
Ebisu Maru No. 11, Danish Seiner	JA-84-0042	BSA	1
Seiho Maru No. 15, Danish Seiner	JA-84-0043	BSA	1
Hokko Maru No. 17, Danish Seiner	JA-84-0050	BSA	1
Mizuho Maru, Pair Trawler	JA-84-0060	BSA	1
Akiko Maru, Pair Trawler	JA-84-0061	BSA	1
Syuno Maru, Pair Trawler	JA-84-0062	BSA	1
Rakuyo Maru, Pair Trawler	JA-84-0063	BSA	1
Wayo Maru, Pair Trawler	JA-84-0064	BSA	1
Junyo Maru, Pair Trawler	JA-84-0065	BSA	1
Yashima Maru, Pair Trawler	JA-84-0070	BSA	1
Tsushima Maru, Pair Trawler	JA-84-0071	BSA	1
Dejima Maru, Pair Trawler	JA-84-1179	BSA	1

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Hirado Maru, Pair Trawler	JA-84-1180	BSA	1
Kaun Maru No. 62, Danish Seiner	JA-84-1482	BSA	1
Hoyo Maru, Factory Ship	JA-84-9190	BSA	2, 3
Yuryo Maru No. 35, Danish Seiner	JA-84-0201	BSA	1
Soho Maru No. 68, Danish Seiner	JA-84-0204	BSA	1
Kakuyyo Maru No. 1, Pair Trawler	JA-84-0210	BSA	1
Kakuyyo Maru No. 2, Pair Trawler	JA-84-0211	BSA	1
Kakuyyo Maru No. 3, Pair Trawler	JA-84-0212	BSA	1
Kakuyyo Maru No. 5, Pair Trawler	JA-84-0213	BSA	1
Kakuyyo Maru No. 7, Pair Trawler	JA-84-0214	BSA	1
Kakuyyo Maru No. 8, Pair Trawler	JA-84-0215	BSA	1
Nito Maru No. 35, Pair Trawler	JA-84-0220	BSA	1
Nito Maru No. 36, Pair Trawler	JA-84-0221	BSA	1
Tenyu Maru No. 26, Danish Seiner (Stain Chute)	JA-84-1483	BSA	1
Soho Maru No. 32, Danish Seiner	JA-84-2007	BSA	1
Kakuyyo Maru No. 11, Pair Trawler	JA-84-2008	BSA	1
Kakuyyo Maru No. 12, Pair Trawler	JA-84-2009	BSA	1
Soyo Maru, Factory Ship	JA-84-0240	BSA	2, 3
Taisei Maru No. 51, Medium Stern Trawler	JA-84-0250	BSA	1
Mitsui Maru No. 52, Medium Stern Trawler	JA-84-0251	BSA	1
Tora Maru No. 18, Medium Stern Trawler	JA-84-0252	BSA	1
Zerpe Maru No. 21, Medium Stern Trawler	JA-84-0253	BSA	1
Kakudai Maru No. 25, Medium Stern Trawler	JA-84-0254	BSA	1
Fuji Maru No. 1, Medium Stern Trawler	JA-84-0255	BSA	1
Kaiko Maru No. 3, Medium Stern Trawler	JA-84-0258	BSA	1
Akashi Maru No. 19, Pair Trawler	JA-84-1136	BSA	1
Hokken Maru No. 38, Medium Stern Trawler	JA-84-1164	BSA	1
Nishin Maru No. 2, Factory Ship	JA-84-0140	BSA	2, 3
Akashi Maru No. 51, Pair Trawler	JA-84-0162	BSA	1
Akashi Maru No. 52, Pair Trawler	JA-84-0163	BSA	1
Akashi Maru No. 58, Pair Trawler	JA-84-0164	BSA	1
Akashi Maru No. 59, Pair Trawler	JA-84-0165	BSA	1
Akashi Maru No. 63, Pair Trawler	JA-84-0166	BSA	1
Akashi Maru No. 65, Pair Trawler	JA-84-0167	BSA	1
Akashi Maru No. 66, Pair Trawler	JA-84-0168	BSA	1
Akashi Maru No. 67, Pair Trawler	JA-84-0169	BSA	1
Akashi Maru No. 68, Pair Trawler	JA-84-0170	BSA	1
Akashi Maru No. 69, Pair Trawler	JA-84-0171	BSA	1
Akashi Maru No. 71, Pair Trawler	JA-84-0172	BSA	1
Akashi Maru No. 72, Pair Trawler	JA-84-0173	BSA	1
Akashi Maru No. 73, Pair Trawler	JA-84-0174	BSA	1
Akashi Maru No. 75, Pair Trawler	JA-84-0175	BSA	1
Akashi Maru No. 76, Pair Trawler	JA-84-0176	BSA	1
Akashi Maru No. 77, Pair Trawler	JA-84-0177	BSA	1
Akashi Maru No. 78, Pair Trawler	JA-84-0178	BSA	1
Otoba Maru Pair Trawler	JA-84-0010	BSA	1
Kureha Maru Pair Trawler	JA-84-0011	BSA	1
Hokkai Maru Pair Trawler	JA-84-0012	BSA	1
Hakurei Maru Pair Trawler	JA-84-0013	BSA	1
Hokushin Maru Pair Trawler	JA-84-0014	BSA	1
Hokuto Maru Pair Trawler	JA-84-0015	BSA	1
Nito Maru No. 75, Medium Stern Trawler	JA-84-0406	NWA, BSA, GOA, EMT	3
Sunbird Cargo/Transport Vessel	JA-84-0578	NWA, BSA, GOA, SMT	3
Tokucho Maru Cargo/Transport Vessel	JA-84-0593	NWA, BSA, GOA, SMT	3
Orion Cargo/Transport Vessel	JA-84-0591	NWA, BSA, GOA, SMT	3
Tokucho Maru Cargo/Transport Vessel	JA-84-0592	NWA, BSA, GOA, SMT	3
Swallow Cargo/Transport Vessel	JA-84-0032	NWA, BSA, GOA, SMT	3
Deikan Maru Cargo/Transport Vessel	JA-84-0033	NWA, BSA, GOA, SMT	3
Seiguli Cargo/Transport Vessel	JA-84-0034	NWA, BSA, GOA, SMT	3
Dasho Maru Cargo/Transport Vessel	JA-84-0035	NWA, BSA, GOA, SMT	3
Altabross Cargo/Transport Vessel	JA-84-0061	NWA, BSA, GOA, SMT	3
Kaihikyo Maru Cargo/Transport Vessel	JA-84-0019	NWA, BSA, GOA, SMT	3
Dekoh Maru Cargo/Transport Vessel	JA-84-0021	NWA, BSA, GOA, SMT	3
Stevens Cargo/Transport Vessel	JA-84-0022	NWA, BSA, GOA, SMT	3
Skylark Cargo/Transport Vessel	JA-84-0023	NWA, BSA, GOA, SMT	3
Starling Cargo/Transport Vessel	JA-84-0024	NWA, BSA, GOA, SMT	3
James Cargo/Transport Vessel	JA-84-0584	NWA, BSA, GOA, SMT	3
Heiko Arrow Cargo/Transport Vessel	JA-84-0860	NWA, BSA, GOA, SMT	3
Heiko Boomerang Cargo/Transport Vessel	JA-84-0881	NWA, BSA, GOA, SMT	3
Hakko Cardiodid, Cargo/Transport Vessel	JA-84-0882	NWA, BSA, GOA, SMT	3
Shinsu Maru, Cargo/Transport Vessel	JA-84-0904	NWA, BSA, GOA, SMT	3
Kendrick, Cargo/Transport Vessel	JA-84-0912	NWA, BSA, GOA, SMT	3
Nissei Maru, Cargo/Transport Vessel	JA-84-0914	NWA, BSA, GOA, SMT	3
Sanuki Maru, Cargo/Transport Vessel	JA-84-0915	NWA, BSA, GOA, SMT	3
Phoenix, Cargo/Transport Vessel	JA-84-0917	NWA, BSA, GOA, SMT	3
Falcon, Cargo/Transport Vessel	JA-84-0918	NWA, BSA, GOA, SMT	3
Myoshima Maru, Cargo/Transport Vessel	JA-84-0919	NWA, BSA, GOA, SMT	3
Matsushima Maru, Cargo/Transport Vessel	JA-84-0920	NWA, BSA, GOA, SMT	3
Takeshima Maru, Cargo/Transport Vessel	JA-84-0921	NWA, BSA, GOA, SMT	3
Kisaragi Maru, Cargo/Transport Vessel	JA-84-0929	NWA, BSA, GOA, SMT	3
Sakura Maru, Cargo/Transport Vessel	JA-84-1001	NWA, BSA, GOA, SMT	3
Daiyo Maru, Cargo/Transport Vessel	JA-84-1002	NWA, BSA, GOA, SMT	3
Miho Maru, Cargo/Transport Vessel	JA-84-1069	NWA, BSA, GOA, SMT	3
Tenyu Maru, Cargo/Transport Vessel	JA-84-1104	NWA, BSA, GOA, SMT	3
Hirotoku Maru, Cargo/Transport Vessel	JA-84-1148	NWA, BSA, GOA, SMT	3
Daijigen Maru, Cargo/Transport Vessel	JA-84-1147	NWA, BSA, GOA, SMT	3
Wakatsuki Maru, Cargo/Transport Vessel	JA-84-1150	NWA, BSA, GOA, SMT	3
Komeshima Maru, Cargo/Transport Vessel	JA-84-2021	NWA, BSA, GOA, SMT	3
Takatsuki Maru, Cargo/Transport Vessel	JA-84-2022	NWA, BSA, GOA, SMT	3
Akizuki Maru, Cargo/Transport Vessel	JA-84-2023	NWA, BSA, GOA, SMT	3
Kurashima Maru, Cargo/Transport Vessel	JA-84-2027	NWA, BSA, GOA, SMT	3
Douglas, Cargo/Transport Vessel	JA-84-2028	NWA, BSA, GOA, SMT	3
Uno Maru No. 8, Cargo/Transport Vessel	JA-84-1032	NWA, BSA, GOA, SMT	3
Uno Maru No. 7, Cargo/Transport Vessel	JA-84-1166	BSA, GOA, NWA, SMT, SNA	3
		BSA, GOA, NWA, SMT, SNA	3

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Uno Maru No. 17, Cargo/Transport Vessel	JA-84-1208	BSA, GOA, NWA, SMT, SNA	3
Jin Po Maru No. 65, Cargo/Transport Vessel	JA-84-1142	BSA, GOA, NWA, SMT, SNA	3
Singapone Fontaine, Cargo/Transport Vessel	JA-84-0586	BSA, GOA, NWA, SMT	3
Heikko Fontaine, Cargo/Transport Vessel	JA-84-0587	BSA, GOA, NWA, SMT	3
World Fontaine, Cargo/Transport Vessel	JA-84-0588	BSA, GOA, NWA, SMT	3
Ebisu Fontaine, Cargo/Transport Vessel	JA-84-0589	BSA, GOA, NWA, SMT	3
Sanwa Fontaine, Cargo/Transport Vessel	JA-84-0590	BSA, GOA, NWA, SMT	3
Taisei Maru No. 16, Cargo/Transport Vessel	JA-84-1052	NWA, BSA, SNA, GOA, SMT	3
Taisei Maru No. 87, Cargo/Transport Vessel	JA-84-1053	NWA, BSA, SNA, GOA, SMT	3
Taisei Maru No. 98, Cargo/Transport Vessel	JA-84-1054	NWA, BSA, SNA, GOA, SMT	3
Taisei Maru No. 52, Cargo/Transport Vessel	JA-84-1055	NWA, BSA, SNA, GOA, SMT	3
Taisei Maru No. 41, Cargo/Transport Vessel	JA-84-1056	NWA, BSA, SNA, GOA, SMT	3
Taisei Maru No. 101, Cargo/Transport Vessel	JA-84-1144	NWA, BSA, SNA, GOA, SMT	3
Eiho Maru Cargo/Transport Vessel	JA-84-1062	BSA, GOA, NWA, SMT, SNA	3
Suoh, Cargo/Transport Vessel	JA-84-0893	BSA, GOA, NWA, SNA, SMT	3
Tosa Maru Cargo/Transport Vessel	JA-84-1071	BSA, GOA, NWA, SMT, SNA	3
Daiho Maru, Cargo/Transport Vessel	JA-84-1000	BSA, GOA, NWA, SMT, SNA	3
Ryoyo Maru, Cargo/Transport Vessel	JA-84-1024	BSA, GOA, NWA, SMT, SNA	3
Fukuyo Maru Cargo/Transport Vessel	JA-84-1025	BSA, GOA, NWA, SMT, SNA	3
Kyo Maru, Cargo/Transport Vessel	JA-84-1026	BSA, GOA, NWA, SMT, SNA	3
Shuya Maru, Cargo/Transport Vessel	JA-84-1028	BSA, GOA, NWA, SMT, SNA	3
Hoyo Maru, Cargo/Transport Vessel	JA-84-1029	BSA, GOA, NWA, SMT, SNA	3
Kotoku Maru, Cargo/Transport Vessel	JA-84-1035	BSA, GOA, NWA, SMT, SNA	3
Reijo Maru, Cargo/Transport Vessel	JA-84-1067	BSA, GOA, NWA, SMT, SNA	3
Juyo Maru, Cargo/Transport Vessel	JA-84-1068	BSA, GOA, NWA, SMT, SNA	3
Itcham Maru, Cargo/Transport Vessel	JA-84-1072	BSA, GOA, NWA, SMT, SNA	3
Nipponham Maru No. 1, Cargo/Transport Vessel	JA-84-1082	BSA, GOA, NWA, SMT, SNA	3
Hayashikane Maru No. 1, Cargo/Transport Vessel	JA-84-1102	BSA, GOA, NWA, SMT, SNA	3
Hayashikane Maru No. 2, Cargo/Transport Vessel	JA-84-1103	BSA, GOA, NWA, SMT, SNA	3
Taihaku Maru, Cargo/Transport Vessel	JA-84-1106	BSA, GOA, NWA, SMT, SNA	3
Jinyo Maru, Cargo/Transport Vessel	JA-84-1132	BSA, GOA, NWA, SMT, SNA	3
Meijo Maru, Cargo/Transport Vessel	JA-84-1133	BSA, GOA, NWA, SMT, SNA	3
Kunisahri, Cargo/Transport Vessel	JA-84-1151	BSA, GOA, NWA, SMT, SNA	3
Kyokushin Maru, Cargo/Transport Vessel	JA-84-1161	BSA, GOA, NWA, SMT, SNA	3
Hyio Maru, Cargo/Transport Vessel	JA-84-2025	BSA, GOA, NWA, SMT, SNA	3
Seki Rex, Cargo/Transport Vessel	JA-84-1148	BSA, GOA, NWA, SMT, SNA	3
Kiryo Maru, Cargo/Transport Vessel	JA-84-0103	BSA, GOA, NWA, SMT, SNA	3
Keifu Maru, Cargo/Transport Vessel	JA-84-0572	BSA, GOA, NWA, SMT, SNA	3
Choyoh Maru, Cargo/Transport Vessel	JA-84-0574	BSA, GOA, NWA, SMT, SNA	3
Suiyo Maru, Cargo/Transport Vessel	JA-84-0575	BSA, GOA, NWA, SMT, SNA	3
Okushiri, Cargo/Transport Vessel	JA-84-0580	BSA, GOA, NWA, SMT, SNA	3
Yagashiri, Cargo/Transport Vessel	JA-84-0581	BSA, GOA, NWA, SNA, SMT	3
Harushio Maru, Cargo/Transport Vessel	JA-84-0582	BSA, GOA, NWA, SNA, SMT	3
Seiyoh Maru, Cargo/Transport Vessel	JA-84-0583	BSA, GOA, NWA, SNA, SMT	3
Tohru Maru, Cargo/Transport Vessel	JA-84-0916	BSA, GOA, NWA, SMT, SNA	3
Sanyo Maru, Cargo/Transport Vessel	JA-84-0924	BSA, GOA, NWA, SMT, SNA	3
Fuyo Maru, Cargo/Transport Vessel	JA-84-0925	BSA, GOA, NWA, SMT, SNA	3
Rishiri, Cargo/Transportant Vessel	JA-84-0027	BSA, GOA, NWA, SMT, SNA	3
Keijo Maru, Cargo/Transportant Vessel	JA-84-0102	BSA, GOA, NWA, SMT, SNA	3
Nojima Maru, Cargo/Transportant Vessel	JA-84-1096	BSA, GOA, NWA, SNA, SMT	3
Miyajima Maru, Cargo/Transportant Vessel	JA-84-1101	BSA, GOA, NWA, SNA, SMT	3
Berme Maru, Cargo/Transportant Vessel	JA-84-1159	BSA, GOA, NWA, SNA, SMT	3
Nichiyu Maru, Cargo/Transportant Vessel	JA-84-1167	BSA, GOA, NWA, SNA, SMT	3
Suruga Maru, Cargo/Transportant Vessel	JA-84-2014	BSA, GOA, NWA, SNA, SMT	3
Marine Ace, Cargo/Transportant Vessel	JA-84-0002	BSA, GOA, NWA, SNA, SMT	3
Miyoshima Maru, Cargo/Transportant Vessel	JA-84-0025	BSA, GOA, NWA, SNA, SMT	3
Aoyagi Maru, Cargo/Transportant Vessel	JA-84-0026	BSA, GOA, NWA, SNA, SMT	3
Kohsho Maru, Cargo/Transportant Vessel	JA-84-0579	BSA, GOA, NWA, SNA, SMT	3
Sapporo Maru, Cargo/Transportant Vessel	JA-84-0585	BSA, GOA, NWA, SNA, SMT	3
Ryusei Maru, Cargo/Transportant Vessel	JA-84-0626	BSA, GOA, NWA, SNA, SMT	3
Ryusho Maru, Cargo/Transportant Vessel	JA-84-0627	BSA, GOA, NWA, SNA, SMT	3
Sun Happiness, Cargo/Transportant Vessel	JA-84-0891	BSA, GOA, NWA, SNA, SMT	3
Hakubesan Maru, Cargo/Transportant Vessel	JA-84-1027	BSA, GOA, NWA, SNA, SMT	3
Isokaze Maru, Cargo/Transportant Vessel	JA-84-1038	BSA, GOA, NWA, SNA, SMT	3
Sayokaze Maru, Cargo/Transportant Vessel	JA-84-1040	BSA, GOA, NWA, SNA, SMT	3
Matsukaze Maru, Cargo/Transportant Vessel	JA-84-1045	BSA, GOA, NWA, SNA, SMT	3
Harukaze Maru, Cargo/Transportant Vessel	JA-84-1049	BSA, GOA, NWA, SNA, SMT	3
Asakaze Maru, Cargo/Transportant Vessel	JA-84-1089	BSA, GOA, NWA, SNA, SMT	3
No. 2 Chil Bo San, Cargo/Transportant Vessel	JA-84-0125	BSA, GOA, NWA, SNA, SMT	3
Jukyu Maru, No. 15, Medium Stern Trawler	JA-84-0402	BSA, GOA, NWA, SNA, SMT	1, 2
Kaiyo Maru, No. 7, Medium Stern Trawler	JA-84-0431	BSA	1, 2
Kaiyo Maru, No. 8, Medium Stern Trawler	JA-84-0432	BSA	1, 2
Daito Maru, No. 38, Medium Stern Trawler	JA-84-0413	BSA	1, 2
Daito Maru, No. 58, Medium Stern Trawler	JA-84-1176	BSA	1, 2
Yamasan Maru, No. 101 Medium Stern Trawler	JA-84-1184	BSA	1, 2
Yamasan Maru, No. 102, Medium Stern Trawler	JA-84-1185	BSA	1, 2
Shoyo Maru, Medium Stern Trawler	JA-84-1394	BSA	1, 2
Yahata Maru, No. 56, Medium Stern Trawler	JA-84-0441	BSA	1, 2
Yahata Maru, No. 58, Medium Stern Trawler	JA-84-0632	BSA	1, 2
Tomi Maru, No. 51 Medium Stern Trawler	JA-84-0897	BSA	1, 2
Tomi Maru, No. 53 Medium Stern Trawler	JA-84-0433	BSA	1, 2
Tomi Maru, No. 58, Medium Stern Trawler	JA-84-0467	BSA	1, 2
Koryu Maru, No. 108, Medium Stern Trawler	JA-84-0421	BSA	1, 2
Seitoku Maru No. 105, Medium Stern Trawler	JA-84-0447	BSA	1, 2
Eikyu Maru 86, Medium Stern Trawler	JA-84-1186	BSA	1, 2
Kohoku Maru No. 17, Medium Stern Trawler	JA-84-0443	BSA	1, 2
Kaius Maru No. 65, Medium Stern Trawler	JA-84-2010	BSA	1, 2
Manyro Maru No. 31, Medium Stern Trawler	JA-84-0445	BSA	1, 2
Hoken Maru No. 8, Medium Stern Trawler	JA-84-0425	BSA	1, 2
Hattue Maru No. 62, Medium Stern Trawler	JA-84-0403	BSA	1, 2
Hokko Maru No. 77, Medium Stern Trawler	JA-84-0100	BSA	1, 2
Hokko Maru No. 57, Medium Stern Trawler	JA-84-0407	BSA	1, 2
Hokuya Maru No. 68, Medium Stern Trawler	JA-84-1177	BSA	1, 2
Kyoyo Maru No. 8, Medium Stern Trawler	JA-84-0635	BSA	1, 2

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Chuyo Maru No. 22, Medium Stern Trawler	JA-84-0419	BSA	1, 2
Nisshin Maru No. 51, Medium Stern Trawler	JA-84-1165	BSA	1, 2
Manyu Maru No. 52, Medium Stern Trawler	JA-84-1169	BSA	1, 2
Tora Maru No. 58, Medium Stern Trawler	JA-84-1190	BSA	1, 2
Kohoku Maru No. 7, Medium Stern Trawler	JA-84-1191	BSA	1, 2
Tomi Maru No. 81, Medium Stern Trawler	JA-84-1192	BSA	1, 2
Tom Maru No. 82, Medium Stern Trawler	JA-84-1193	BSA	1, 2
Shokoku Maru No. 63, Medium Stern Trawler	JA-84-1194	BSA	1, 2
Hamayoshi Maru No. 53, Medium Stern Trawler	JA-84-1187	BSA	1, 2
Taipei Maru No. 3, Medium Stern Trawler	JA-84-0449	BSA	1, 2
Taipei Maru No. 35, Medium Stern Trawler	JA-84-0636	BSA	1, 2
Taipei Maru No. 16, Medium Stern Trawler	JA-84-0450	BSA	1, 2
Yashio Maru No. 11, Medium Stern Trawler	JA-84-0452	BSA	1, 2
Shoshin Maru No. 16, Medium Stern Trawler	JA-84-0454	BSA	1, 2
Shoshin Maru No. 21, Medium Stern Trawler	JA-84-0453	BSA	1, 2
Narita Maru No. 35, Medium Stern Trawler	JA-84-0456	BSA	1, 2
Hokuso Maru No. 25, Medium Stern Trawler	JA-84-0457	BSA	1, 2
Yuryo Maru No. 31, Medium Stern Trawler	JA-84-0466	BSA	1, 2
Kaiyo Maru No. 53, Medium Stern Trawler	JA-84-0464	BSA	1, 2
Seijo Maru No. 28, Medium Stern Trawler	JA-84-0465	BSA	1, 2
Soho Maru No. 52, Medium Stern Trawler	JA-84-0633	BSA	1, 2
Ryoji Maru No. 38, Medium Stern Trawler	JA-84-0634	BSA	1, 2
Kashima Maru No. 23, Medium Stern Trawler	JA-84-0508	BSA	1, 2
Ekyu Maru No. 35, Medium Stern Trawler	JA-84-0511	BSA	1, 2
Ryoan Maru No. 29, Medium Stern Trawler	JA-84-0426	BSA	1, 2
Yakushi Maru No. 51, Medium Stern Trawler	JA-84-0638	BSA	1, 2
Yakushi Maru No. 31, Medium Stern Trawler	JA-84-0496	BSA	1, 2
Dainichi Maru No. 31, Medium Stern Trawler	JA-84-0514	BSA	1, 2
Ryujin Maru No. 11, Medium Stern Trawler	JA-84-1172	BSA	1, 2
Hakuryu Maru No. 72, Medium Stern Trawler	JA-84-1178	BSA	1, 2
Fukuchou Maru No. 23, Medium Stern Trawler	JA-84-0495	BSA	1, 2
Sechi Maru No. 22, Medium Stern Trawler	JA-84-0477	BSA	1, 2
Tenyu Maru No. 57, Small Stern Trawler	JA-84-0637	BSA	1, 2
Ryujin Maru No. 52, Medium Stern Trawler	JA-84-0548	BSA	1, 2
Chou Maru No. 21, Medium Stern Trawler	JA-84-0519	BSA	1, 2
Ryujin Maru No. 8, Medium Stern Trawler	JA-84-0488	BSA	1, 2
Koshin Maru No. 21, Medium Stern Trawler	JA-84-0525	BSA	1, 2
Ryoan Maru No. 31, Medium Stern Trawler	JA-84-0459	BSA	1, 2
Koie Maru No. 35, Medium Stern Trawler	JA-84-0489	BSA	1, 2
Meisho Maru No. 35, Medium Stern Trawler	JA-84-0522	BSA	1, 2
Koie Maru No. 51, Medium Stern Trawler	JA-84-0488	BSA	1, 2
Koie Maru No. 15, Medium Stern Trawler	JA-84-1396	BSA	1, 2
Ryoho Maru No. 31, Medium Stern Trawler	JA-84-0506	BSA	1, 2
Ryoho Maru No. 37, Medium Stern Trawler	JA-84-0480	BSA	1, 2
Ginyo Maru No. 5, Medium Stern Trawler	JA-84-1171	BSA	1, 2
Dakichi Maru No. 32, Medium Stern Trawler	JA-84-0554	BSA	1, 2
Dakichi Maru No. 51, Medium Stern Trawler	JA-84-0484	BSA	1, 2
Dakichi Maru No. 37, Medium Stern Trawler	JA-84-0483	BSA	1, 2
Deltoku Maru No. 31, Medium Stern Trawler	JA-84-0516	BSA	1, 2
Shinon Maru No. 8, Medium Stern Trawler	JA-84-0484	BSA	1, 2
Dairin Maru No. 26, Medium Stern Trawler	JA-84-0524	BSA	1, 2
Kotobuki Maru No. 25, Medium Stern Trawler	JA-84-0502	BSA	1, 2
Fukuyoshi Maru No. 28, Medium Stern Trawler	JA-84-0472	BSA	1, 2
Koryo Maru No. 23, Medium Stern Trawler	JA-84-0423	BSA	1, 2
Ryoan Maru No. 35, Medium Stern Trawler	JA-84-1195	BSA	1, 2
Shinei Maru No. 63, Medium Stern Trawler	JA-84-1196	BSA	1, 2
Fukuhou Maru No. 18, Medium Stern Trawler	JA-84-0528	BSA	1, 2
Kaiun Maru No. 38, Medium Stern Trawler	JA-84-0533	BSA	1, 2
Kumano Maru No. 15, Medium Stern Trawler	JA-84-0534	BSA	1, 2
Taisho Maru No. 18, Medium Stern Trawler	JA-84-0535	BSA	1, 2
Shinei Maru No. 21, Medium Stern Trawler	JA-84-0537	BSA	1, 2
Fukuzhin Maru No. 5, Medium Stern Trawler	JA-84-0531	BSA	1, 2
Yoshi Maru No. 81, Medium Stern Trawler	JA-84-0555	BSA	1, 2
Kyoto Maru No. 15, Medium Stern Trawler	JA-84-0305	BSA	1, 2
Shoie Maru No. 5, Medium Stern Trawler	JA-84-0639	BSA	1, 2
Orient Maru No. 3, Medium Stern Trawler	JA-84-0551	BSA	1, 2
Daiji Maru No. 2, Medium Stern Trawler	JA-84-0544	BSA	1, 2
Fukui Maru No. 18, Medium Stern Trawler	JA-84-1173	BSA	1, 2
Anjo Maru No. 11, Medium Stern Trawler	JA-84-0541	BSA	1, 2
No. 32 Mio Maru, Medium Stern Trawler	JA-84-1197	BSA	1, 2
Dakichi Maru No. 1, Medium Stern Trawler	JA-84-1198	BSA	1, 2
Hamazari Maru No. 35, Medium Stern Trawler	JA-84-0461	BSA	1, 2
Taiwan			
Chef Dragon 101, Medium Stern Trawler	TW-84-0001	BSA, GOA	1, 2
Golden Dragon No. 1, Large Stern Trawler	TW-84-0004	BSA, GOA	1, 2
Chef Dragon 737, Medium Stern Trawler	TW-84-0055	BSA, GOA	1, 2
Chef Dragon 777, Cargo/Transport Vessel	TW-84-0056	BSA, GOA	3
Highly No. 707, Cargo/Transport Vessel	TW-84-0061	BSA, GOA	3
Highly No. 303, Cargo/Transport Vessel	TW-84-0054	BSA, GOA	3
Shya Sheng, Long Liner	TW-84-3014	PBS	1
Tong Sheng, Long Liner	TW-84-3062	PBS	1
Tong Sheng 11, Long Liner	TW-84-3063	PBS	1
Yung Cheng Fu 31, Long Liner	TW-84-3061	PBS	1
Yung Chang Fu 1, Long Liner	TW-84-3094	PBS	1
Tong Chou 7, Long Liner	TW-84-3064	PBS	1
Kuo Zong 3, Long Liner	TW-84-3059	PBS	1
Kuo Zong 12, Long Liner	TW-84-3058	PBS	1
Shin Yuan Cheng 22, Long Liner	TW-84-3067	PBS	1
Min Hong 31, Long Liner	TW-84-3071	PBS	1
Chin Hwang 72, Long Liner	TW-84-3090	PBS	1
Chin Huey 21, Long Liner	TW-84-3073	PBS	1
Chien Jia 3, Long Liner	TW-84-3075	PBS	1
Hi Fwo 12, Long Liner	TW-84-3066	PBS	1
Yu Shan 7, Long Liner	TW-84-3067	PBS	1

Nation/Vessel Name/Vessel type	Application No.	Fishery	Activity
Yu Shiang 7, Long Liner	TW-84-3108	PBS	1
Heei Shyang 11, Long Liner	TW-84-3112	PBS	1
Heei Shyang 31, Long Liner	TW-84-3113	PBS	1
Chih Woei 61, Long Liner	TW-84-3114	PBS	1
Shin Jr Sheng 1, Long Liner	TW-84-3115	PBS	1
Tai Lai Cheng 12, Long Liner	TW-84-3116	PBS	1
Der Yang 1, Long Liner	TW-84-3117	PBS	1
Tong Ann 31, Long Liner	TW-84-3097	PBS	1
Chung She 1, Long Liner	TW-84-3053	PBS	1
Hong Hsing, Long Liner	TW-84-3045	PBS	1
Yih Hsing, Long Liner	TW-84-3044	PBS	1
Sur Ton 1, Long Liner	TW-84-3019	PBS	1
Sur Ton 3, Long Liner	TW-84-3020	PBS	1
Fu Pong 1, Long Liner	TW-84-3110	PBS	1
Peng Mou 6, Long Liner	TW-84-3099	PBS	1
Hai I 1, Long Liner	TW-84-3052	PBS	1
Shin Tai 7, Long Liner	TW-84-3111	PBS	1
Ying Yih Shiang, Long Liner	TW-84-3015	PBS	1
Ying Ruey Shiang 3, Long Liner	TW-84-3013	PBS	1
Yin Koo Shiang 7, Long Liner	TW-84-3012	PBS	1
Ruey Fong 3, Long Liner	TW-84-3016	PBS	1
Hui Fah, Long Liner	TW-84-3043	PBS	1
Yee Horng 1, Long Liner	TW-84-3005	PBS	1
Chia Loong 11, Long Liner	TW-84-3017	PBS	1
Chin Gem Food 3, Long Liner	TW-84-3054	PBS	1
Sheng Peng 1, Long Liner	TW-84-3049	PBS	1
Chung Ma 2, Long Liner	TW-84-3078	PBS	1
Sin Tai Cheng 31, Long Liner	TW-84-3100	PBS	1
Esther 1, Long Liner	TW-84-0070	ABS	1
Hsieh Yu 11, Long Liner	TW-84-0071	ABS	1
Hsieh Yuan 11, Long Liner	TW-84-0072	ABS	1
Hsieh Mao 21, Long Liner	TW-84-0073	ABS	1
Chien An 3, Long Liner	TW-84-0074	ABS	1
Hsieh Hung 101, Long Liner	TW-84-0075	ABS	1
Denmark (Faroe Islands)			
Bakur, Long Liner	DA-84-1005	ABS	1, 2
Korea			
Odaeyang No. 106, Cargo/Transport Vessel	KS-84-0098	BSA, GOA	3
No. 31 Dongwon, Longline Fishing Vessel	KS-84-0053	BSA, GOA	1, 2
No. 201 O Dae Yang, Longline Fishing Vessel	KS-84-0128	GOA	1, 2
Gae Yang Ho, Large Stern Trawler	KS-84-0001	BSA, GOA	1, 2
Sunflower No. 7, Large Stern Trawler	KS-84-0002	BSA, GOA	1, 2
Cheog Yang Ho, Large Stern Trawler	KS-84-0003	BSA, GOA	1, 2
Pung Yang Ho, Large Stern Trawler	KS-84-0004	BSA, GOA	1, 2
Oyang Ho, Large Stern Trawler	KS-84-0006	BSA, GOA	1, 2
Nambug, Large Stern Trawler	KS-84-0033	BSA, GOA	1, 2
Crystal Dahlia, Large Stern Trawler	KS-84-0034	BSA, GOA	1, 2
Daewin No. 52, Large Stern Trawler	KS-84-0037	BSA, GOA	1, 2
Dongsan Ho, Large Stern Trawler	KS-84-0039	BSA, GOA	1, 2
No. 7 Sang Won, Medium Stern Trawler	KS-84-0041	BSA, GOA	1, 2
Tae Bask No. 1, Large Stern Trawler	KS-84-0042	BSA, GOA	1, 2
Han Kil Ho, Large Stern Trawler	KS-84-0044	BSA, GOA	1, 2
Han Jin Ho, Large Stern Trawler	KS-84-0045	BSA, GOA	1, 2
Shin An Ho, Large Stern Trawler	KS-84-0047	BSA, GOA	1, 2
No. 70 Oyang Ho, Large Stern Trawler	KS-84-0048	BSA, GOA	1, 2
Dae Sung Ho, Large Stern Trawler	KS-84-0051	BSA, GOA	1, 2
Kyung Yang Ho, Large Stern Trawler	KS-84-0085	BSA, GOA	1, 2
No. 303 Dal Ho, Large Stern Trawler	KS-84-0095	BSA, GOA	1, 2
Salvia, Large Stern Trawler	KS-84-0103	BSA, GOA	1, 2
Yuyang Ho, Large Stern Trawler	KS-84-0104	BSA, GOA	1, 2
No. 215 Tae Baek, Medium Stern Trawler	KS-84-0105	BSA, GOA	1, 2
No. 1 Han Sung, Large Stern Trawler	KS-84-0106	BSA, GOA	1, 2
Hanil Ho, Medium Stern Trawler	KS-84-0107	BSA, GOA	1, 2
No. 315 Tae Baek, Medium Stern Trawler	KS-84-0117	BSA, GOA	1, 2
No. 71 Dong Bang, Large Stern Trawler	KS-84-0121	BSA, GOA	1, 2
Shin Yang Ho, Large Stern Trawler	KS-84-0122	BSA, GOA	1, 2
No. 707 Dal Ho, Large Stern Trawler	KS-84-0123	BSA, GOA	1, 2
No. 3 Chil-Bo San Ho, Cargo/Transport Vessel	KS-84-0074	BSA, GOA	3
No. 5 Chil-Bo San Ho, Cargo/Transport Vessel	KS-84-0075	BSA, GOA	3
No. 6 Chil-Bo San Ho, Cargo/Transport Vessel	KS-84-0076	BSA, GOA	3
Tae Yang Ho, 12, Cargo/Transport Vessel	KS-84-0081	BSA, GOA	3
Gae Cheog Ho No. 2, Cargo/Transport Vessel	KS-84-0090	BSA, GOA	3
No. 29 Tae Baek, Cargo/Transport Vessel	KS-84-0091	BSA, GOA	3
No. 77 Dong Bang, Cargo/Transport Vessel	KS-84-0118	BSA, GOA	3
501 Dong Soo, Cargo/Transport Vessel	KS-84-0119	BSA, GOA	3
No. 1 Chil-Bo San, Cargo/Transport Vessel	KS-84-0133	BSA, GOA	3
Coral Star, Cargo/Transport Vessel	KS-84-0135	BSA, GOA	3
Book Neung, Factory Ship	KS-84-0079	BSA, GOA	2, 3
Spain			
Altamar Uno, Medium Stern Trawler	SP-84-0067	NWA	1, 2
Ana Maria Gandon, Medium Stern Trawler	SP-84-0057	NWA	1, 2
Antona D'Uro, Medium Stern Trawler	SP-84-0090	NWA	1, 2
Andes, Medium Stern Trawler	SP-84-0117	NWA	1, 2
Angulacho, Medium Stern Trawler	SP-84-0118	NWA	1, 2
Area Cova, Side Trawler	SP-84-0013	NWA	1, 2
Axero, Side Trawler	SP-84-0104	NWA	1, 2
Canton De Cova, Medium Stern Trawler	SP-84-0030	NWA	1, 2
Capitan Emilio, Side Trawler	SP-84-0123	NWA	1, 2
Capitan Jorge Segundo, Side Trawler	SP-84-0068	NWA	1, 2
Chicha Touza, Medium Stern Trawler	SP-84-0025	NWA	1, 2
Codeside, Medium Stern Trawler	SP-84-0165	NWA	1, 2
Conbaroya II, Medium Stern Trawler	SP-84-0015	NWA	1, 2
Conbaroya III, Medium Stern Trawler	SP-84-0047	NWA	1, 2
Congolemar Primero, Medium Stern Trawler	SP-84-0174	NWA	1, 2

Name/Vessel Name/Vessel type	Application No.	Fishery	Activity
Congelador Segundo, Medium Stern Trawler	SP-84-0173	NWA	1, 2
Corba, Medium Stern Trawler	SP-84-0031	NWA	1, 2
Costa Del Cabo, Side Trawler	SP-84-0159	NWA	1, 2
Crana, Medium Stern Trawler	SP-84-0124	NWA	1, 2
Cudillero, Medium Stern Trawler	SP-84-0111	NWA	1, 2
Eguisentia, Medium Stern Trawler	SP-84-0062	NWA	1, 2
Farpesca Cuarto, Medium Stern Trawler	SP-84-0093	NWA	1, 2
Fragana, Medium Stern Trawler	SP-84-0046	NWA	1, 2, 3
Freire Lopez, Medium Stern Trawler	SP-84-0106	NWA	1, 2
Isla Alegreza, Medium Stern Trawler	SP-84-0126	NWA	1, 2
Isla Graciosa, Medium Stern Trawler	SP-84-0127	NWA	1, 2
Isla Montana Clara, Medium Stern Trawler	SP-84-0128	NWA	1, 2
Izarra, Medium Stern Trawler	SP-84-0064	NWA	1, 2
Kantkope, Medium Stern Trawler	SP-84-0056	NWA	1, 2
Lake Dos Picos, Medium Stern Trawler	SP-84-0035	NWA	1, 2
Madroa, Small Stern Trawler	SP-84-0024	NWA	1, 2
Manuel Noras, Medium Stern Trawler	SP-84-0107	NWA	1, 2
Maposa Cuarto, Medium Stern Trawler	SP-84-0161	NWA	1, 2
Maposa Octavo, Medium Stern Trawler	SP-84-0163	NWA	1, 2
Maposa Primero, Side Trawler	SP-84-0149	NWA	1, 2
Maposa Quinto, Medium Stern Trawler	SP-84-0072	NWA	1, 2
Maposa Segundo, Side Trawler	SP-84-0150	NWA	1, 2
Maposa Septimo, Medium Stern Trawler	SP-84-0164	NWA	1, 2
Macosa Sexto, Side Trawler	SP-84-0085	NWA	1, 2
Maposa Tercero, Medium Stern Trawler	SP-84-0166	NWA	1, 2
Mar De Galicia, Small Trawler	SP-84-0055	NWA	1, 2
Maria Eugenia G, Medium Stern Trawler	SP-84-0170	NWA	1, 2
Maria Teresa Rodriguez, Medium Stern Trawler	SP-84-0157	NWA	1, 2
Mayi Cuatro, Medium Stern Trawler	SP-84-0073	NWA	1, 2
Mirador Del Fito, Medium Stern Trawler	SP-84-0171	NWA	1, 2
Mouta, Medium Stern Trawler	SP-84-0040	NWA	1, 2
Navijosa Noveno, Medium Stern Trawler	SP-84-0168	NWA	1, 2
Navijosa Octavo, Medium Stern Trawler	SP-84-0180	NWA	1, 2
Navijosa Quinto, Side Trawler	SP-84-0152	NWA	1, 2
Navijosa VII, Side Trawler	SP-84-0154	NWA	1, 2
Navijosa Sexto, Side Trawler	SP-84-0153	NWA	1, 2
Nuska, Medium Stern Trawler	SP-84-0043	NWA	1, 2
Orballo, Medium Stern Trawler	SP-84-0036	NWA	1, 2
Pegago Cuarto, Side Trawler	SP-84-0151	NWA	1, 2
Pegago Segundo, Side Trawler	SP-84-0098	NWA	1, 2
Pegago Tercero, Medium Stern Trawler	SP-84-0070	NWA	1, 2
Pelxe Do Mar, Side Trawler	SP-84-0005	NWA	1, 2
Pekino, Medium Stern Trawler	SP-84-0168	NWA	1, 2
Perca, Medium Stern Trawler	SP-84-0045	NWA	1, 2
Pecamardo Uno, Medium Stern Trawler	SP-84-0034	NWA	1, 2
Pescapuerta Primero, Side Trawler	SP-84-0019	NWA	1, 2
Pescapuerta Segundo, Medium Stern Trawler	SP-84-0112	NWA	1, 2, 3
Pescapuerta Tercero, Medium Stern Trawler	SP-84-0020	NWA	1, 2, 3
Pivregasa Segundo, Medium Stern Trawler	SP-84-0083	NWA	1, 2
Pinero Correa, Medium Stern Trawler	SP-84-0068	NWA	1, 2
Pinzon Primero, Medium Stern Trawler	SP-84-0172	NWA	1, 2
Playa De Cadiz, Medium Stern Trawler	SP-84-0135	NWA	1, 2
Playa De Mendiura, Small Stern Trawler	SP-84-0137	NWA	1, 2
Playa De Mogor, Medium Stern Trawler	SP-84-0021	NWA	1, 2
Playa De Pescar, Medium Stern Trawler	SP-84-0113	NWA	1, 2
Puente De Gondomar, S Medium Stern Trawler	SP-84-0077	NWA	1, 2
Puente Lourido, Medium Stern Trawler	SP-84-0109	NWA	1, 2
Puente Minor, Medium Stern Trawler	SP-84-0023	NWA	1, 2
Puente Toralla, Small Stern Trawler	SP-84-0052	NWA	1, 2
Puxeron, Side Stern Trawler	SP-84-0028	NWA	1, 2
Rio Verdugo, Medium Stern Trawler	SP-84-0065	NWA	1, 2
Sumar Dos, Small Stern Trawler	SP-84-0143	NWA	1, 2
Sumar Uno, Medium Stern Trawler	SP-84-0059	NWA	1, 2
Tasante, Medium Stern Trawler	SP-84-0114	NWA	1, 2
Teucro, Medium Stern Trawler	SP-84-0101	NWA	1, 2
Tito Marquez, Medium Stern Trawler	SP-84-0038	NWA	1, 2
Toalla, Medium Stern Trawler	SP-84-0016	NWA	1, 2
Ur Errta, Medium Stern Trawler	SP-84-0110	NWA	1, 2
Vale De Asos, Side Trawler	SP-84-0102	NWA	1, 2
Wachan, Small Medium Trawler	SP-84-0078	NWA	1, 2
Vila Ana, Side Trawler	SP-84-0145	NWA	1, 2
Vila De Marin, Medium Stern Trawler	SP-84-0051	NWA	1, 2
Vilador, Medium Stern Trawler	SP-84-0039	NWA	1, 2
Xelciano, Medium Stern Trawler	SP-84-0022	NWA	1, 2
Zamanzes, Side Stern Trawler	SP-84-0053	NWA	1, 2

[FR Doc. 83-33734 Filed 12-21-83; 8:45 am]

BILLING CODE 4710-09-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980;
Forms Under Review by the Office of
Management and Budget.

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the

Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance

Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: New, regular submission

Title of Information Collection: Commercial and Industrial Technical and Design Assistance Followup

Frequency of Use: On occasion

Type of Affected Public: State or local governments, farms, businesses or other for-profits, Federal agencies or employees, non-profit institutions, and small businesses or organizations

Small Businesses or Organizations

Affected: Yes

Federal Budget Functional Category Code: 271

Estimated Number of Annual Responses: 280

Estimated Total Annual Burden Hours: 87

Estimated Annual Cost from Federal Government Appropriated Funds: 0

Need For and Uses of Information: This proposed information collection is needed to determine the effectiveness of TVA's technical and design assistance for renewable energy projects in the commercial and industrial sector. It is a followup with those organizations that have received technical and design assistance from TVA. The information will be used to determine what action has been taken toward implementing TVA's recommendations, and the attitudes toward the technical and design assistance program.

Dated: December 15, 1983.

John W. Thompson,
Assistant General Manager, Senior Agency Official.

[FR Doc. 83-33879 Filed 12-21-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Airborne Passive Thunderstorm Detection Systems; Availability of Technical Standard Order and Inquiry

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order and request for comment.

SUMMARY: The proposed TSO-C110 prescribes the minimum performance

standard that airborne passive thunderstorm detection systems must meet in order to be identified with the marking "TSO-C110."

DATES: Comments must identify the TSO file number and must be received on or before February 21, 1984.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration Policy and Procedures, AWS-110 Aircraft Engineering Division Office of Airworthiness—File No. TSO-C110 800 Independence Avenue, SW. Washington, D.C. 20591

or deliver comments to: Room 335, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Ms. Bobbie J. Smith, Policy and Procedures, AWS-110, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone (202) 426-8395.

Comments received on the draft Technical Standard order may be inspected, before and after the closing date for comments, at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How To Obtain Copies

A copy of the proposed TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C110 references Minnesota Mining and Manufacturing Company (3M) document dated July 6, 1983, for the minimum operational performance standards for airborne passive thunderstorm detection systems and Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO-160A, dated January 1980, for the environmental conditions and test procedures and DO-178, dated

November 18, 1981, for the software requirements. The minimum operational performance standard for airborne passive thunderstorm detection systems may be purchased from (Ryan) Stormscope, Weather Mapping Systems/3M, 6530 Singletree Drive, Columbus, Ohio 43229. RTCA documents DO-160A and DO-160A and DO-178 may be purchased from the Radion Technical Commission for Aeronautics, Secretariat, One McPherson Square, Suite 500, 1425 "K" Street, NW., Washington, D.C. 20005.

Issued in Washington, D.C., on December 15, 1983.

Thomas E. McSweeney,
Acting Manager, Aircraft Engineering Division.

[FR Doc. 83-33861 Filed 12-21-83; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Lowell, Chelmsford and Dracut, Massachusetts

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 Lowell, Chelmsford, and Dracut, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Frank Bracaglia, Staff Specialist of Environment, Federal Highway Administration, Transportation Systems Center—10th Floor, 55 Broadway, Cambridge, Massachusetts, 02142, Telephone: (617) 494-2255.

SUPPLEMENTARY INFORMATION:

The FHWA, in cooperation with the Massachusetts Department of Public Works, will prepare an environmental impact statement (EIS) on a proposal to improve the flow of traffic across the Merrimack River along the corridor west of downtown Lowell, in Lowell, Chelmsford and Dracut, Massachusetts. The proposed improvement would involve the construction of a new roadway in the City of Lowell extending from an interchange with Route 3 northward across the Merrimack River and finally connecting with Mammoth Road in Dracut for a distance of approximately 4 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the construction of a new

bridge across the Merrimack River in Lowell.

Alternatives under consideration include: (1) Taking no action (No Build) and (2) constructing a highway on new location, partly two-lane and partly four-lane, that would connect Mammoth Road north of the river with a new interchange at Route 3, south of the Drum Hill Rotary, via a new bridge over the Merrimack River.

Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies. Public and Agency Scoping Meetings were held in September 1981. In addition, a public hearing will be held when the Draft EIS is available for public and agency review and comment. Public notice will be given of the time and place of the public hearing.

To ensure 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 provided above.

Issued on: December 14, 1983.

Phillip Robinson,
Transportation Planner, Cambridge,
Massachusetts.

[FR Doc. 83-33885 Filed 12-21-83; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Environmental Assessment; New Castle County, Delaware

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental assessment will be prepared for a proposed highway project in New Castle County, Delaware.

FOR FURTHER INFORMATION CONTACT:

George Ostensen, Field Operations Engineer, Federal Highway Administration, Delaware Division, P.O. Box 517, Dover, Delaware, 19901. Telephone: (302) 734-5323;

Therese M. Fulmer, Environmental Planner, Environmental Studies Office, Delaware Department of Transportation, P.O. Box 778, Dover, Delaware, 19903. Telephone (302) 736-4642.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Delaware Department of Transportation, has prepared an environmental assessment (EA) for a proposal to improve Naamans Road, Delaware Route 92 in northeastern New Castle County, Delaware. The intent to process an EA differs from the original intent to prepare an Environmental Impact Statement (EIS) as announced in the August 21, 1980, *Federal Register* (Vol. 45, No. 184). This reduction in scope of the environmental document is a result of scoping and an ongoing location planning study that has enabled FHWA to conclude that the proposed action will lack any significant social, economic or environmental impacts. The location planning study is being undertaken for the proposed reconstruction of Naamans Road, Delaware Route 92 from Concord Pike (U.S. Route 202) to Philadelphia Pike (U.S. Route 13) a distance of approximately 5.8 miles. Improvements to the corridor are considered necessary to provide adequate capacity for existing and projected traffic demand and incorporate modern design features to provide safe and efficient transportation service.

Alternatives considered to date have included (1) taking no action, and (2) widening the existing two-lane highway to four lanes. Alignment and preliminary design variations have been incorporated into and studied with the various build alternatives. A series of public information meetings and formal scoping meetings were held.

Comments or questions concerning this proposed action and the EA should be directed to the FHWA address provided above.

Issued on December 14, 1983.

A. George Ostensen,
Acting Division Administrator, Dover,
Delaware.

[FR Doc. 83-33882 Filed 12-21-83; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1983 Rev., Supp. No. 11]

Acceptance Insurance Company; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the certification of authority issued by the Treasury to Acceptance Insurance Company, Omaha, Nebraska, under Sections 9304 to 9308 of Title 31 of the

United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was listed as an acceptable surety on Federal bonds at 48 FR 30528, July 1, 1983.

With respect to any bonds currently in force with Acceptance Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bond should be accepted from the company.

Questions concerning this notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-5745.

Dated: December 14, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-33886 Filed 12-21-83; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Availability of Report

Under section 13 of Pub. L. 92-463, notice is hereby given that the 1983 Report of the Advisory Committee on Former Prisoners of War has been filed with the Library of Congress.

This report presents the views of the Advisory Committee on Former Prisoners of War to the Administrator of Veterans Affairs and the Congress, and assesses the needs of former POW's with respect to compensation for service-connected disabilities, health care and rehabilitation.

Copies of this report are limited. However, it is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room, LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration Central Office, Veterans Service Unit, Room 132, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: December 15, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.

[FR Doc. 83-33880 Filed 12-21-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 247

Thursday, December 22, 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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Federal Deposit Insurance Corporation.....	3
International Trade Commission.....	4, 5
Nuclear Regulatory Commission.....	6

1

COPYRIGHT ROYALTY TRIBUNAL

TIME AND DATE: 10 a.m., January 9, 10, and 11, 1984.

PLACE: Room 458, 1111 20th Street, NW.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Evidentiary hearings in Phase II of 1981 cable television royalties distribution proceeding.

CONTACT PERSON FOR MORE INFORMATION:

Thomas C. Brennan, Chairman; Copyright Royalty Tribunal; Phone: (202) 653-5175.

Thomas C. Brennan,

Chairman.

December 19, 1983.

[S-1786-83 Filed 12-20-83; 3:46 pm]

BILLING CODE 1410-13-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:35 p.m. on Friday, December 16, 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 The Bank of Red Oak, Red Oak, Oklahoma, which was closed by the Bank Commissioner for the State of Oklahoma on Friday, December 16, 1983; (2) accept the bid for the transaction submitted by The Farmers State Bank, Quinton, Oklahoma, an insured State nonmember bank; (3) approve the application of The Farmers State Bank, Quinton, Oklahoma, for consent to purchase certain assets of and to assume the liability to pay deposits made in The Bank of Red Oak, Red Oak, Oklahoma, and to establish the sole office of The Bank of Red Oak as a branch of the resultant bank; 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 19, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1783-83 Filed 12-20-83; 2:20 pm]

BILLING CODE 6714-01-M

4

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:30 p.m., Tuesday January 3, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20438.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
 - a. Spherical roller bearings (Docket No. 1003).
5. Investigations 701-TA-209 [Preliminary] and 731-TA-157 through-160 [Preliminary] (Carbon Steel Wire Rod from Argentina, Mexico, Poland, and Spain)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary; (202) 523-0161.

[S-1784-83 Filed 12-20-83; 3:40 pm]

BILLING CODE 7020-02-M

5

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Thursday, January 5, 1984.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20438.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigations 731-TA-161 and -162 [Preliminary] (Titanium Sponge from Japan and the United Kingdom)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary; (202) 523-0161.

[S-1785-83 Filed 12-20-83; 3:40 pm]

BILLING CODE 7020-02-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 19, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW, Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Monday, December 19

10:00 a.m.

Discussion/Possible Vote on Policy and Planning Guidance (Public Meeting) (Postponed from December 18) [Replaces Discussion of GPU Proposal]

2:00 p.m.

Briefing on Development of Proposed Rule on HEU at Domestic Reactors (Public Meeting) [As Announced]

Tuesday, December 20

9:30 a.m.

Discussion/Possible Vote on Policy and Planning Guidance (Continuation) Public Meeting

11:00 a.m.

Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) (Time Change)

ADDITIONAL INFORMATION: Possible Vote on TMI Steam Generators scheduled for December 18 was *postponed*.

TO VERIFY THE STATUS OF MEETINGS

CALL: (Recording)—(202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

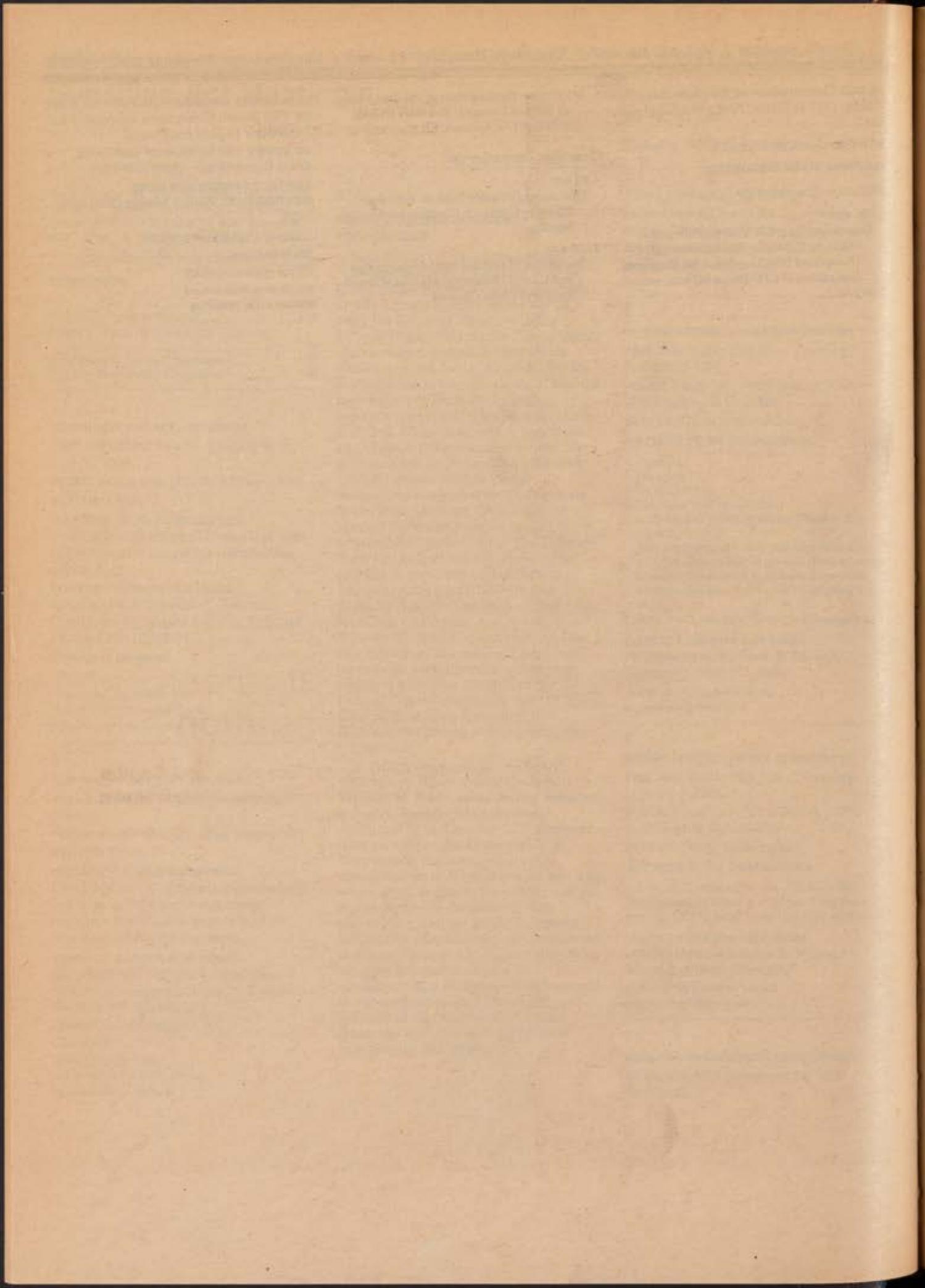
Dated: December 19, 1983.

Walter Magee,

Office of the Secretary.

[S-1762-83 12-19-83; 5:02 am]

BILLING CODE 7585-01-8



Small Business Administration

Thursday
December 22, 1983

Part II

Small Business Administration

Minority Small Business and Capital
Ownership Development Assistance;
Proposed Rule

SMALL BUSINESS ADMINISTRATION**13 CFR Part 124****Minority Small Business and Capital Ownership Development Assistance****AGENCY:** Small Business Administration.**ACTION:** Proposed rule.

SUMMARY: The Small Business Administration (SBA) is hereby proposing to amend and revise its regulations covering the section 8(a) and 7(j) programs. These programs were established by virtue of section 8(a) and 7(j) of the Small Business Act, 15 U.S.C. 637(a) and 636(j). Taken as a whole, these regulations implement the Minority Small Business and Capital Ownership Development Program of SBA, a program which is intended to provide contractual and management assistance to concerns owned and controlled by socially and economically disadvantaged persons. In some instances, these proposed regulations would, if adopted in final form, alter existing regulations covering the section 8(a) program. In other instances, these proposed regulations add additional provisions to the existing regulations. Finally, in certain other instances the existing regulations would not be either altered or added to by these regulations. It should be noted that the proposed regulations follow a numbering scheme different than that of the existing regulations. SBA believes that this scheme is easier to follow than that presently existent in its regulations. The renumbering of the regulations has not resulted in the elimination of any of the significant provision of the existing regulations.

DATE: Comments must be received February 21, 1984.

ADDRESS: Written comments should be addressed to Mr. Henry T. Wilfong, Jr., Associate Administrator for Minority Small Business And Capital Ownership Development, U.S. Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Same as above (202) 653-6407.

SUPPLEMENTARY INFORMATION: The Small Business Administration (SBA) is hereby proposing to amend and revise its regulations covering the section 8(a) and 7(j) programs. These programs were established by virtue of sections 8(a) and 7(j) of the Small Business Act, 15 U.S.C. 637(a) and 636(j). Taken as a whole, these regulations implement the Minority Small Business and Capital Ownership Development Program of SBA. In some instances, these proposed regulations would, if adopted in final

form, alter existing regulations covering the section 8(a) program. In other instances, these proposed regulations add additional provisions to the existing regulations. Finally, in certain other instances the existing regulations would not be either altered or added to by these regulations. This explanatory information will highlight instances where significant changes are proposed or where the present regulatory scheme is unaltered. It should be noted that the proposed regulations follow a numbering scheme different than that of the existing regulations. SBA believes that this scheme is easier to follow than that presently existent in its regulations. The renumbering of the regulations has not resulted in the elimination of any of the significant provisions of the existing regulations.

Sections 124.1 through 124.3 of the proposed regulations set forth general statements as to the purpose and administration of the two programs. These statements do not vary from the present regulations except insofar as § 124.2 makes clear that the Associate Administrator for Minority Small Business and Capital Ownership Development (AA/MSB-COD) is responsible for management of the program under the supervision of and responsible to the Administrator of the SBA. Clarification of this relationship is necessitated by statutory amendments which occurred subsequent to the last publication of regulations governing these programs.

Sections 124.101 through 124.109 of this proposal set forth the eligibility criteria for the section 8(a) program. Section 124.102 prescribes the applicable size standard to be used in determining the eligibility of each participant in the program. This section provides a partial departure from the existing regulations. In this regard an applicant for admission to the section 8(a) program must establish that it is small for the purposes of government procurement as set forth in 13 CFR 121.3-8. At the time of admission, the size standard to be applied will be that of the primary industry classification of the concern as expressed in its business plan. As the concern continues to participate in the section 8(a) program, however, it will be required to certify to SBA that it is small for the purpose of performing each section 8(a) subcontract which it is awarded. This is a new requirement. A firm will only be permitted to perform contracts which are classified according to the standard industrial classification code numbers which appear in its business plan as established pursuant to 124.207 of this proposal.

Section 124.103 describes ownership criteria to be applied to applicants for the program. In this regard, subsections 124.103 (c), (d), and (e) set forth criteria involving part ownership of an applicant for the 8(a) program by nondisadvantaged individuals, concerns in the same or similar lines of business, and participation in the program by a section 8(a) business concern following a change of ownership, which have not heretofore been included in SBA's regulations. The intent of these provisions is to make more clear SBA's concern that program participation be focused directly upon socially and economically disadvantaged individuals as the statute intends.

Section 124.103 also makes it clear that concerns owned and controlled by Indian Tribes and Native Alaskan Corporations are eligible for participation in the section 8(a) program under prescribed conditions.

Section 124.104 of the proposal sets forth the statutory requirement that participants in the section 8(a) program must be controlled and managed by individuals who are socially and economically disadvantaged. The proposal makes clear for the first time that individuals who are not socially and economically disadvantaged may not exercise actual control or have the power to control the operations of an applicant or participant in the program. SBA welcomes comments upon the addition of this provision to the regulations.

Section 124.105 sets forth definitional standards for the concept of social disadvantage. Subparagraph (a) of this proposed rule (124.105(a)) states that members of the statutorily designated minority groups are presumed to be socially disadvantaged, unless they have not maintained identification with the group to the extent of being commonly recognized as group members. Thus, in all but the rarest of cases, persons who are members of the designated minority groups would be deemed socially disadvantaged. SBA believes that this is consistent with the Congressional mandate that the primary beneficiaries of the 8(a) program be members of the statutorily designated minority groups.

The rule also makes it possible, however, for firms owned and controlled by persons who are not members of those groups to qualify for the section 8(a) program. Subparagraph (b) (§ 124.105(b)) outlines standards by which such individuals can, on a case-by-case basis, establish their social disadvantage. Subparagraph (c) (§ 124.105(c)) establishes a procedure by

which a minority group which has not been statutorily designated as socially disadvantaged can be administratively so designated—in which case its members will be afforded the presumption of social disadvantaged contained in subsection (b).

Subsections (b) and (c) require that social disadvantage be established on the basis of clear and convincing evidence. Given the ultimate imprecision of the concept of social disadvantage, this strict test is necessary to ensure that only the truly disadvantaged receive the benefits of the 8(a) program. Moreover, a weaker standard would have the effect of flooding the 8(a) program with firms having less claim to, or need for, its remedial benefits than those firms which Congress clearly intended as the program's primary beneficiaries. SBA believes that applying the clear and convincing test of social disadvantage to persons who are not members of statutorily designated groups fulfills the Congressional mandate that the primary beneficiaries of the 8(a) program be members of those groups.

Section 124.108 of the proposal sets forth the statutory requirement that economically disadvantaged individuals be socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business and competitive market area who are not socially disadvantaged. The proposal then sets forth factors to be considered in determining whether an individual is economically disadvantaged. These factors differ somewhat from those presently expressed in SBA's regulations. They represent an effort on SBA's part to more fully spell out the meaning of economic disadvantage as it is expressed in the statutory provisions and the legislative history thereof. SBA welcomes comments on these efforts.

Proposed § 124.107 sets forth two other statutorily required conditions for eligibility in the program, i.e., that SBA make a determination that participants will with the assistance of the program be able to successfully compete in the private sector, and that sufficient assistance is available from SBA and other sources to see to it that the concern's participation is useful.

Section 124.108 of the proposal sets forth a number of eligibility requirements which have heretofore not been expressed in SBA's regulations, but which have previously been utilized as a matter of standard procedure in evaluating applications for participation in the program. These criteria are

selfexplanatory and SBA solicits public comment on the inclusion of these provisions in its regulations.

Section 124.109 sets forth several types of businesses which are ineligible for participation in the section 8(a) program.

Section 124.110 of the proposal sets forth the standards by which a fixed program participation term and an extension thereof will be established for each participant in the section 8(a) program. In this regard, the public's attention is directed to 46 FR 57266 (Nov. 23, 1981), at which citation the fixed program participation regulations were first published in final form. The proposal does not deviate markedly from those regulations. Since fixed program participation terms have been established for all concerns presently in the program, this portion of the proposal speaks only in terms of firms which will enter the program and extensions of terms for those firms already in the program. Otherwise, criteria by which the terms are to be established are for the most part the same as those already existent in SBA's regulations.

Section 124.111 of the proposal sets forth the mechanics for obtaining extension of a fixed program participation term. These mechanics have existed in SBA's standard operating procedures prior to this time, and it is felt that by now including them in the regulations participants in the program will have a better understanding of how the extension process functions.

It should be noted that the proposed regulations delete the provisions of the present regulations dealing with program completion. In this regard, prior to the enactment of Pub. L. 96-481 in October 1980, firms approved for participation in the 8(a) program remained program participants until such time as they were terminated for cause of "substantially achieved the goals of [their] business plan(s) and attained the ability to compete in the marketplace without section 8(a) program assistance" * * * In essence, unless a firm was found to be in violation of one or more of SBA's regulations, and was terminated for such violation(s), it remained a program participant until it overcome its disadvantage.

Pub. L. 96-481, however, required that a term of program participation be fixed for each firm at the time it is approved for participation in the section 8(a) program. At the conclusion of that Fixed Program Participation Term (FPPT), or extension, if any, the firm ceases to be a program participant "regardless of whether

competitiveness is reached" * * * It is thus unnecessary to retain the concept of program completion in the regulations since a concern's participation in the section 8(a) program is concluded at the end of the FPPT, or any extension thereof.

Section 124.112 of the proposed regulations sets forth the grounds upon which a participant may be terminated from the section 8(a) program and the procedural mechanism by which such termination will take place. The proposed regulations vary only slightly from the existent regulatory scheme. In this regard, several of the criteria upon which termination may be based have been clarified. These clarifications have been proposed as a result of our experience in implementing and proceeding under the present standards. Public comment is invited as to the clarity and legal sufficiency of the standards as they are expressed in the proposal.

Proposed § 124.113 sets forth a procedural framework upon which SBA may suspend contractual and other forms of assistance to section 8(a) business concerns upon an issuance of an order to show cause why such a concern should not be terminated from the program. Such suspension would continue from the time of notification of the firm, which would be simultaneous with the issue of the order to show cause, until such time as SBA deems it appropriate to lift the suspension. In most cases, this period would encompass the period of time necessary to reach a formal conclusion of the termination proceeding. However, in some instances a suspension could last for a shorter period of time. In no circumstances would the suspension exceed the time necessary to conclude a termination proceeding in which the 8(a) business concern prevailed.

SBA is including these new provisions in the proposal based upon its desire to utilize limited program resources in the most efficient and economical manner. Furthermore, based upon certain recent adjudications SBA has no doubt that such a manner of proceeding is legally correct, if not mandated. The suspension procedures provided for in the proposal are similar to those utilized by other contracting agencies of the Government. SBA solicits public comment on the inclusion of these procedures in the regulations governing the 8(a) and 7(j) programs.

Sections 124.201 through 124.207 of the proposal set forth the basis upon which applications for admission to the section 8(a) program will be received and processed by SBA. These sections

would be new to the regulations, but they express procedures which have been part of SBA standard operating procedures governing the 8(a) program for some time. They are proposed for inclusion in the regulations to make more clear to the public SBA's procedures for admitting concerns to the program.

Section 124.301 is a new provision which describes the mechanisms by which requirements (contractual) support is made available to participants in the section 8(a) program. This section contains material which has heretofore been part of the standard operating procedure of the program, but which we feel is of sufficient value to the public to be included in the regulations. Of note are the provisions which describe the selection of specific contracts for the program and the conditions under which they are made available to participants.

Section 124.302 of the proposal sets forth provisions regarding the administration of contracts and subcontracts under the section 8(a) program. This part of the proposal would add a new section to the regulations which would incorporate provisions of SBA standard operating procedures into the regulations for the first time. The important provisions in this section are subsection (b) which sets forth percentages of work required to be performed directly by 8(a) business concerns on various types of contracts and subsection (c) which describes the Certification of Competency aspect of the 8(a) program. These provisions are self-explanatory and SBA solicits public comment on them. Otherwise, as mentioned above, the remainder of this section describes procedures which have long been standard in SBA's administration of the 8(a) program but have not been specifically included in SBA's regulations.

Sections 124.401 and 124.402 set forth the purposes for, and terms and conditions upon which, advance payments and business development expense will be made available to participants in the section 8(a) program. These sections are basically unchanged from the present regulations governing these topics. Section 124.403 sets forth the criteria upon which the line of credit method of making advance payments available to a section 8(a) concern will be used. This section is the same as the present provision, with the exception that it is renumbered.

Sections 124.501 and 124.502 are the renumbered sections concerning the Development Assistance Program (the "7(j) program") and the Small Business

Capital Ownership Development Program (the "7(j)(10) program"). With the exception of the renumbering, no changes have been made in the present regulations governing these two programs.

Finally, §§ 124.1000 through 124.1024 contains the rules of practice governing adjudicatory proceedings governing termination of section 8(a) program participants from the program. These procedural rules remain the same as those presently in existence, with the exception of the renumbering for administrative consistency with the substantive program rules referred to above.

Compliance with Executive Order 12291 and the Regulatory Flexibility Act

SBA considers that this revision of regulations taken as a whole constitutes both a major rule for the purposes of Executive Order 12291 and a rule which will have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act. Therefore, we offer the following Regulatory Impact Analysis/Regulatory Flexibility Analysis for the purpose of compliance with the pertinent requirements of those two measures.

Since this revision is made up of a number of different individual rules, these measures in some instances will require analysis of the individual rules and in some instances the entire revision. In instances in which the Executive Order or the Act require explanation of specific sections, this analysis will so state. Otherwise, for the purposes of this analysis, the revision will be treated as if it were one rule.

1. Description of potential benefits of the rule. This revision taken as a whole will provide both SBA and participants in its Minority Small Business Capital Ownership Development Program with clearer guidance as to the process by which participation in the program is achieved, and once that participation is achieved, how the participants and SBA are to conduct their mutual roles in the administration of the program. It is our belief that SBA will benefit by the revision since its purpose is to clarify the regulatory framework governing the program and thus provide for more efficient administration. In addition, program applicants and participants should benefit from the revision because it should clarify for them the procedure by which entry into the program is attained and participation in the program is governed.

2. Description of potential costs of the rule. There should be no costs inherent in the revision which are not presently

involved in the administration of the Minority Small Business Capital Ownership Development Program. This revision merely establishes the regulatory framework upon which the program is administered, it does not by itself impose monetary or other types of costs upon SBA or program participants.

3. Description of the net benefits of the rule. This revision, taken as a whole, should provide for more efficient program management.

4. Description of reasons why this action is being considered. This action is being considered as part of normal periodic Agency revisions of its regulations. As such, the revision is based upon general experience with administration of the regulations as they presently exist. In addition, certain aspects of the revision, specifically the provisions dealing with size of program participants (§ 124.102), ownership of program participants by Indian Tribes (§ 124.109(b)), Advance Payments and Business Development Expense (§§ 124.401, 402, 403) result from specific instances of adverse experience with the present regulations covering those topics. Other aspects of the revision such as the provisions governing Fixed Program Participation (§ 124.110, 111), the relationship of SBA's Administrator to the Associate Administrator for Minority Small Business and Capital Ownership Development (§ 124.2), the definitions of social and economic disadvantage (§§ 124.105 and 106), and the inclusion of Asian Americans and Asian Pacific Americans among the "designated minority groups" (§ 124.105(a)) reflect regulatory changes mandated by statutory changes and receipt and evaluation of information by the Agency from outside sources, all occurring since the initial publication of regulations to govern the program. It was determined by the Agency to incorporate these provisions into one all encompassing revision rather than a series of piecemeal changes for administrative convenience and for easier public consumption.

5. Statement of objectives and legal basis for the proposed rule. The purpose of the proposal is to provide a general revision of the regulations governing the Minority Small Business and Capital Ownership Development Program which reflects statutory changes occurring since the initial program regulations were promulgated and administrative applications of those regulations. The legal basis for the proposed rule are sections 7(j) and 8(a) of the Small Business Act, 15 U.S.C. 636(j) and 637(a).

6. Description of entities to which the proposed rule will apply. This revision

will apply to all small business which wish to apply for admission to, and upon which admission do avail themselves of the benefits of participation in the Minority Small Business and Capital Ownership Development Program.

7. Description of the reporting, recordkeeping and compliance requirements of the proposed rule. The following provisions of the proposal impose significant reporting requirements:

a. Sections 124.105 and 124.106 require submission of information to SBA by applicants for admission to the program in order to prove social and economic disadvantage. These are statutory requirements.

b. Section 124.110 requires submission of information to SBA by applicants for program participation in order to establish a fixed program participation term. The type of data to be submitted is clearly indicated in the proposal.

c. Sections 124.401, 124.402 and 124.403 dealing with Advance Payments, Business Development Expense and Letter of Credit all impose reporting requirements upon participants in the program who receive these forms of benefits. The reporting involves maintenance of appropriate accounting mechanisms for the receipt and use of the benefits.

d. Section 124.501 dealing with the development assistance program involves the imposition of reporting requirements upon those concerns which receive assistance under that provision.

The same provisions as indicated above with respect to reporting requirements require concomitant recordkeeping requirements in order to accomplish the required reports. All program participants which avail themselves of the various forms of assistance indicated in the identified provisions are subject to the reporting and recordkeeping requirements indicated. The skills necessary for preparation of the reports and records are those general business recordkeeping and form preparation which normally confront applicants for government benefits. In some instances the small businesses may utilize professional accounting or legal services in order to prepare the required submissions.

In addition to the requirements indicated above, it should be noted that SBA requires applicants for admission to the Section 8(a) program to submit audited financial statements as part of the application process, and quarterly financial statements which must be prepared by professional accountants are required of program participants.

8. There are no relevant Federal rules which duplicate or overlap the revision.

SBA submits that there are no significant alternatives to the revision which would minimize any significant economic impact of the proposed rule upon small entities. In this regard, we have sought to closely adhere to the statutory framework in establishing the eligibility and participation requirements for the Minority Small Business and Capital Ownership Development Program. While suggestions may be made as to alternative approaches to the accomplishment of this objective in the case of individual sections of the revision, we feel that no such alternatives which might in some way minimize economic impact on applicants or participants accomplish the stated objectives of the applicable statutes in a manner more consistent than that stated in the revision. Of course we welcome public comment in this regard, and we anticipate that comment on the revision will be extensive.

Compliance with the Paperwork Reduction Act of 1980. In compliance with the Paperwork Reduction Act of 1980 (Title 44, U.S.C., Chapter 35) and its implementing regulations, the recordkeeping or reporting requirements and forms appearing in the following sections of this proposed rule have been approved by the Office of Management and Budget (OMB) under number 3245-0015: Sections 124.105(b)(3), 124.106(b)(2), 124.106(b)(3), 124.202, 124.204, 124.205, 124.502(a)(1) and 124.502(a)(6).

In addition, OMB is reviewing the recordkeeping or reporting requirements and forms appearing in the following sections for compliance with the Paperwork Reduction Act: Sections 124.103(e), 124.105(c)(2), 124.106(b)(1), 124.111(c), 124.112(a)(7), 124.112(a)(8), 124.112(a)(19), 124.205, 124.206, 124.401(c)(1)(i), 124.401(c)(1)(iii), 124.402(d), 124.403(b)(3), 124.403(b)(4), 124.501(b)(3)(vi), and 124.502(a)(4). It is anticipated that such requirements and forms will receive the approval of the Office of Management and Budget prior to SBA's publication of this proposed rule in final form.

List of Subjects in 13 CFR Part 124

Administrative practice and procedure, Government procedure, Reporting and recordkeeping requirements, Minority businesses, Surety bonds, Technical assistance.

Accordingly, pursuant to the authority set forth in sections 7(j) and 8(a) of the Small Business Act, 15 U.S.C. 636(j) and 637(a), SBA proposes to revise Part 124

of Title 13 of the Code of Federal Regulations to read as follows:

PART 124—MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Sec.

- 124.1 The section 8(a) and 7(j) Programs.
- 124.2 Program management.
- 124.3 Violations.
- 124.101 The Section 8(a) Program: General eligibility.
- 124.102 Small Business concern.
- 124.103 Ownership.
- 124.104 Control and management.
- 124.105 Social disadvantage.
- 124.106 Economic disadvantage.
- 124.107 Potential for success.
- 124.108 Additional eligibility requirements.
- 124.109 Ineligible businesses.
- 124.110 Fixed Program Participation Term.
- 124.111 Mechanics for extension of a fixed program participation term.
- 124.112 Program termination.
- 124.113 Suspension of program assistance.
- 124.201 Processing applications.
- 124.202 Place of filing.
- 124.203 Applicant representatives.
- 124.204 Requirement support determination.
- 124.205 Forms and documents required.
- 124.206 Approval and declination of applications for eligibility.
- 124.207 Business activity.
- 124.301 The provisions of requirements support for 8(a) firms.
- 124.302 8(a) Contracts and subcontracts.
- 124.401 Advance payments.
- 124.402 Business development expense.
- 124.403 Letter of credit.
- 124.501 Development Assistance Program.
- 124.502 Small Business and Capital Ownership Development Program.
- 124.601-999 [Reserved]
- 124.1000 Rules of practice for adjudicative proceedings to be used in effecting the termination of participation of a section 8(a) business concern from the section 8(a) program.
- 124.1001 Scope of the rules in §§ 124.1000 through 124.1024.
- 124.1002 Definitions.
- 124.1003 Appearances.
- 124.1004 Order to show cause, notice of suspension, where applicable, and notice of hearing of termination proceeding.
- 124.1005 Answer.
- 124.1006 Motions.
- 124.1007 Amendments and supplemental proceedings.
- 124.1008 Prehearing conferences.
- 124.1009 Voluntary intervention.
- 124.1010 Admissions as to facts and documents.
- 124.1011 Evidence.
- 124.1012 Presiding official.
- 124.1013 Hearings; transcripts.
- 124.1014 Witnesses and fees.
- 124.1015 Proposed findings, conclusions, and order.
- 124.1016 Interlocutory appeals.
- 124.1017 Initial decision.
- 124.1018 Petition for review.
- 124.1019 AAMSB-COD review.
- 124.1020 Decision on review.

Sec.

124.1021 Requirements as to form and filing of documents other than correspondence.
 124.1022 Time.
 124.1023 Service.
 124.1024 Ex parte communication.

Authority: Secs. 7(j) and 8(a) of the Small Business Act, 15 U.S.C. 636(j) and 637(a).

§ 124.1 The Section 8(a) and 7(j) Programs.

(a) *General.* (1) These regulations implement sections 8(a) and 7(j) of the Small Business Act (15 U.S.C. 637(a) and 636(j)) which establish the Minority Small Business and Capital Ownership Development Program (program).

(2) Section 8(a) authorizes SBA to enter into all types of contracts (including, but not limited to, supply, services, construction, research and development) with other Government departments and agencies and to negotiate subcontracts for the performance thereof with small business concerns owned and controlled by socially and economically disadvantaged individual(s).

(3) Section 7(j) authorizes SBA to provide financial assistance to public or private organizations to pay all or part of the cost of projects designed to provide technical or management assistance to individuals or small business concerns eligible for assistance under Sections 7(a)(11), 7(j)(10), and 8(a) of the Small Business Act.

(b) *Purposes.* (1) It is the purpose of the Section 8(a) program to:

(i) Foster business ownership by individuals who are both socially and economically disadvantaged; (ii) promote the competitive viability of such firms by providing such available contract, financial, technical, and management assistance as may be necessary; and (iii) clarify and expand the program for the procurement by the United States of articles, equipment, supplies, services, materials, and construction work from small business concern owned by socially and economically disadvantaged individuals.

(2) It is the purpose of the Section 7(j) program to: (i) Foster business ownership by individuals in groups that own and control little productive capital; and (ii) promote the competitive viability of such firms by creating a small business and capital ownership development program to provide such available financial, technical, and management assistance as may be necessary.

§ 124.2 Program management.

The Associate Administrator for Minority Small Business and Capital Ownership Development (AA/MSBCOD) is responsible for the

formulation and execution of the policies and programs under sections 7(j) and 8(a) of the Small Business Act under the supervision of, and responsible to the Administrator of SBA.

§ 124.3 Violations.

Violation by an applicant for admission to the program of any of SBA's regulations may result in the applicant's denial of admission to the program.

§ 124.101 The section 8(a) program: General eligibility.

In order to be eligible to participate in the section 8(a) program, an individual or an applicant concern must meet all of the eligibility criteria set forth hereafter in §§ 124.102 through 124.110 of these regulations. All determinations made pursuant to §§ 124.102, 124.103, 124.104, 124.105(a), 124.105(b), 124.106, and 124.107 shall be made by the AA/MSBCOD whose decision shall be final.

§ 124.102 Small business concern.

(a) In order to be eligible to participate in the section 8(a) program, an applicant concern must qualify as a small business concern as defined for purposes of Government procurement in § 121.3-8 of the SBA Rule and Regulations. The particular size standard to be applied will be based on the primary industry classification of the applicant concern.

(b) In order to continue to participate in the section 8(a) program once a concern is admitted to the program, the concern must certify to SBA that it is a small business pursuant to the provisions of § 121.3-8 for the purpose of performing each individual contract which it is awarded. SBA, in turn, will verify such certifications.

(c) Once admitted to the section 8(a) program, a concern will only be permitted to perform contracts which are classified according to the standard industrial classification code number which appear in its business plan as established pursuant to § 124.207 of these regulations.

§ 124.103 Ownership.

In order to be eligible to participate in the section 8(a) program, an applicant concern must be one which is at least 51 percent owned by an individual(s) who is a citizen of the United States (specifically excluding resident alien(s)) and who is determined to be socially and economically disadvantaged by SBA.

(a) In the case of an applicant concern which is a partnership, 51 percent of the partnership interest must be owned by an individual(s) determined to be

socially and economically disadvantaged.

(b) In the case of an applicant concern which is a corporation, 51 percent of all classes of voting stock must be owned by an individual(s) determined to be socially and economically disadvantaged.

(c) Part ownership in an applicant concern by nondisadvantaged individual(s) is permitted and may be necessary to insure adequate capital and management of the concern's development. However, any property, equipment, supplies, services and/or financial assistance other than personal services which are sold, rented or donated to the 8(a) concern by such nondisadvantaged individual(s) must be reported to SBA on an annual basis. Such nondisadvantaged individual(s), their spouses or immediate family members may not:

(1) Be former employers of the disadvantaged owner(s) of the applicant concern;

(2) Be affiliated with another business in the same or similar type of business as the applicant concern;

(3) Hold ownership interest in any other 8(a) concern in an amount deemed excessive by SBA;

(4) Exercise negative control over the applicant concern as defined in 13 CFR 121.3-2(a)(i); or

(5) Receive compensation for personal services from the applicant concern as directors or employees which is deemed to be excessive by SBA.

(d) Non-section 8(a) concerns in the same or similar line of business are prohibited from having an ownership interest in an applicant concern which is deemed by SBA to cause negative control over the applicant concern, as defined in 13 CFR 121.3-2(a)(i).

(e) A section 8(a) business concern may continue participation in the program subsequent to the change in its ownership. However, any change of ownership of an 8(a) business concern requires the prior written approval of SBA (OMB Approval No. 3245-0145). Continued participation of the 8(a) concern under new ownership requires compliance with all individual and business eligibility requirements of these regulations by the concern and the new owners. Failure of either an individual owner or the concern to maintain compliance constitutes a ground for program termination.

(f) Applicant concerns owned and controlled by an Indian Tribe or a Native Alaskan Corporation are eligible for participation in the section 8(a) program if the individuals who manage and control the concern are found to be

socially and economically disadvantaged by SBA, and the Tribe or Alaskan Native Corporation is found to be economically disadvantaged by SBA.

§ 124.104 Control and management.

Except in the case of applicant concerns owned and controlled by an Indian tribe or Native Alaskan Corporation, an applicant concern's management and daily business operations must be controlled by an owner(s) of the applicant concern who has been (have been) determined to be socially and economically disadvantaged, and such owner(s) must own a greater percentage of the business entity than any other owner, or in the case of a corporation, more voting stock than any other stockholder.

(a) Individuals who are not socially and economically disadvantaged and who are stockholders, officers, directors, or employees of an applicant for admission to the program or a section 8(a) business concern shall not exercise actual control or have the power to control the operations of the applicant or section 8(a) business concern. The existence of control or the power to control shall be determined by the facts of each case.

(b) An applicant concern must be managed on a full-time basis by a person who has been found by SBA to be socially and economically disadvantaged, and such person must possess requisite management capabilities as determined by SBA. This precludes outside employment or other business interests by the individual which conflict with the management of the firm or prevent it from achieving the objectives of its business development plan. Any disadvantaged person upon whom section 8(a) eligibility is based, who is engaged in the management and daily business operations of the section 8(a) concern and who wishes to engage in regular outside employment must notify SBA of the nature and anticipated duration of the outside employment prior to engaging in such employment. This requirement does not preclude employment of persons who are not socially or economically disadvantaged in the management of the applicant concern.

§ 124.105 Social disadvantage.

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities. The social disadvantage of individuals must stem from circumstances beyond their control.

(a) Members of Designated Groups.

The following individuals are considered socially disadvantaged: Black Americans; Hispanic Americans; Native Americans (American Indians, Alaskan Native, Eskimos, Aleuts, or Native Hawaiians); Asian Pacific Americans (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Northern Mariana Islands, Laos, Cambodia, or Taiwan); Asian Americans (persons with origins from India, Pakistan and Bangladesh); and members of other groups designated from time to time by SBA according to the procedures set forth at § 124.105(c). Membership in any of the above groups is not conclusive that an individual is socially disadvantaged if it does not appear that the individual has maintained identification with the group to the extent that he or she is commonly recognized as a group member. In such a case, SBA shall require the individual to demonstrate that he or she has maintained identification with the group to the extent that he or she is commonly recognized as a group member. If that showing is not made, the individual will be required to demonstrate his or her social disadvantage according to the standards set forth at § 124.105(b).

(b) Individuals Not Members of Designated Groups—(1) Standard.

Individuals who are not members of the above-named groups must establish their social disadvantage on the basis of clear and convincing evidence.

(2) Elements of Social Disadvantage.

A clear and convincing case of social disadvantage must include the following elements:

(i) The individual's social disadvantage must stem from his or her color; national origin; gender; physical handicap; long-term residence in an environment isolated from the mainstream of American society; or other similar cause beyond the individual's control. The individual cannot establish social disadvantage on the basis of factors which are common to small business persons who are not socially disadvantaged. For example, because of their marginal financial status, many small businesses have difficulty obtaining credit through normal banking channels. An individual predicated a social disadvantage claim on denial of bank credit to his or her firm would have to establish that the denial was based on one or more of the listed causes, or similar causes—not simply on the individual's or the firm's marginal financial status.

(ii) The individual must demonstrate that he or she has personally suffered

social disadvantage, not merely claim membership in a non-designated group which could be considered socially disadvantaged. This can be achieved, for example, by describing specific instances of discrimination which the individual has experienced, or by recounting in some detail how his or her development in the business world has been thwarted by one or more of the listed causes or similar causes. As a general rule, the more specific an explanation of how one has personally suffered social disadvantage, the more persuasive it will be. In assessing such facts, SBA will place substantial weight on prior administrative or judicial findings of discrimination experienced by the individual. Such findings, however, are not necessarily conclusive evidence of an individual's social disadvantage; nor are they a prerequisite for establishing social disadvantage.

(iii) The individual's social disadvantage must be rooted in treatment which he or she has experienced in American society, not in other countries.

(iv) The individual's social disadvantage must be chronic, longstanding, and substantial, not fleeting or insignificant. Without prejudging any particular case, as a general rule it would be difficult for an individual to present clear and convincing evidence of social disadvantage based on only one or two incidents in which the individual's status held him or her back in the business world. Typically, a number of incidents illustrating a person's social disadvantage, occurring over a substantial period of time, would be necessary to make a successful claim. Usually, only by demonstrating a series of obstacles which have impeded one's progress in the business world can an individual demonstrate chronic, longstanding, and substantial social disadvantage.

(v) The individual's social disadvantage must have negatively impacted on his or her entry into, and/or advancement in, the business world. The closer the individual can link social disadvantage to impairment of business opportunities, the stronger the case. For example, SBA will place little weight on annoying incidents experienced by an individual which have had little or no impact on the person's career or business development. On the other hand, SBA will place greater weight on concrete occurrences which have tangibly disadvantaged an individual in the business world.

(3) Evidence of Social Disadvantage. SBA will entertain any relevant evidence in support of an individual's claim of social disadvantage. In addition to a personal statement from the individual claiming to be socially disadvantaged, such evidence may include, but not be limited to, third party statements' copies of administrative or judicial findings of discrimination; and other documentation in support of matters discussed in the personal statement (OMB Approval No. 3245-0015). SBA will particularly consider and place emphasis on the following experiences of the individual, where relevant: Education, employment, and business history. However, the individual may present evidence relating to other matters as well. Moreover, the attainment of a quality education or job will not absolutely disqualify the individual from being found socially disadvantaged if sufficient other evidence of social disadvantage is presented to SBA.

(i) Education. SBA shall consider, as evidence of an individual's social disadvantage, denial of equal access to business or professional schools; denial of equal access to curricula; denial of equal access to social and professional association with students and teachers; denial of equal access to educational honors; social patterns or pressures which have discouraged the individual from pursuing a professional or business education; and other similar factors.

(ii) Employment. SBA shall consider, as evidence of an individual's social disadvantage, discrimination in hiring; discrimination in promotions and other aspects of professional advancement; discrimination in pay and fringe benefits; discrimination in other terms and conditions of employment; discriminatory retaliation by an employer; social patterns or pressures which have channelled the individual into non-professional or non-business fields; and other similar factors.

(iii) Business History. SBA shall consider, as evidence of an individual's social disadvantage, unequal access to credit or capital; acquisition of credit or capital under unfavorable circumstances; discrimination in receipt (award and/or bid) of government contracts; discrimination by potential clients; exclusion from business or professional organizations; and other similar factors which have retarded the individual's business development.

(c) Minority Group Inclusion. The purpose of this paragraph (c) is to establish a procedure by which a representative of a minority group can prove that the group has suffered chronic racial or ethnic prejudice or

cultural bias. If the group is determined to have suffered chronic racial or ethnic prejudice or cultural bias, it shall be deemed a minority group for purposes of section 8(a) of the Small Business Act, and its members shall be accorded the same status as members of those minority groups specifically named in section 2(e)(1)(C) of the Small Business Act.

(1) Standards. In determining whether a group has suffered chronic racial or ethnic prejudice or cultural bias, the Administrator, after consultation with the AA/MSB-COD, shall determine: (i) if the representative of the minority group will adequately advocate the group's interest; (ii) whether the number of potential 8(a) applicants from the group is so substantial as to administratively warrant a determination of minority group status; (iii) whether the group is sufficiently discrete, and the traits of its members sufficiently common, as to warrant a determination of minority group status; (iv) whether an overwhelming majority of group members have suffered long-term prejudice and discrimination in American society; (v) whether an overwhelming majority of group members have suffered, and continue to suffer, the effects of discriminatory practices or similar invidious circumstances over which they have no control; (vi) whether such conditions have resulted, and continue to result, in substantial economic deprivation for an overwhelming majority of group members; and (vii) whether such conditions have produced, and continue to produce, substantial impediments in the business world for an overwhelming majority of group members, which impediments are beyond their control and not common to all small business persons not socially disadvantaged.

(2) Application. An application for minority group status shall be submitted in writing to the Administrator, shall adequately describe the minority group on whose behalf the application is made, and shall be adequately documented.

(3) Public Notice, Comment, and Hearing. If the application makes a *prima facie* showing as to each of the seven standards described above, the Administrator, after consultation with the AA/MSB-COD, shall, within thirty days of receipt of the application, direct that a notice be published in the *Federal Register* soliciting public comment on the application. The notice may also announce an informal public hearing on the application, to be held during the latter half of the comment period at a

time and place determined by the Administrator.

(4) Decision. The Administrator, after consultation with the AA/MSB-COD, shall render a written decision on the application for minority group status within sixty days of the close of the comment period. Only if the Administrator determines, on the basis of clear and convincing evidence and after consultation with the AA/MSB-COD, that the applicant group has satisfied each of the seven standards described above, will the group be deemed a minority group for purposes of section 8(a) of the Small Business Act. Notice of the decision shall be published in the *Federal Register*.

(5) Extensions of Time. The Administrator may, in his discretion and after consultation with the AA/MSB-COD, extend any time period referenced in this paragraph (c) for no more than thirty days, except that the effective date specified in paragraph (c)(4) may not be changed.

§ 124.106 Economic disadvantage

(a) General. Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same or similar line of business and competitive market area who are not socially disadvantaged.

(b) Factors to be Considered. In determining the degree of diminished credit and capital opportunities of a socially disadvantaged individual, consideration will be given to both the disadvantaged individual and the applicant concern with which he or she is affiliated. Factors to be analyzed include, but are not limited to the following:

(1) Personal financial Condition of the Disadvantaged Individual. This criterion is designed to assess the relative degree of economic disadvantage of the individual in comparison to other individuals, as well as the potential to capitalize or otherwise provide financial support to the business. The specific factors considered are: Personal income for at least the past two years; total fair market value of all assets including the market value of the individual's primary residence; and the net worth of all holdings of the individual.

(2) Business Financial Condition. This criterion is designed to evaluate liquidity, leverage, operating efficiency and profitability of the applicant concern using commonly accepted financial ratios and percentages. This

evaluation will be used to provide a financial picture of a firm at a specific point in time in comparison to similar sized companies in the same industry. These factors are considered as indicators of a firm's economic disadvantage relative to businesses owned by non-socially disadvantaged individuals. Factors to be considered (OMB Approval No. 3245-0015) are business assets, net worth, income and profit. Also, factors to be compared include, but are not limited to: Current ratios, quick ratios, inventory turnover; number of days receivable; sales to working capital; returns on assets; debt to net worth ratio; percentage return on investment; percentage gross profit margin; and percentage return on sales.

(3) *Access to Credit and Capital.* This criterion will be used to evaluate the ability of the applicant concern to obtain the external support necessary to operate a competitive business enterprise. The factors to be considered (OMB Approval No. 3245-0015) are: Access to long-term financing; access to working capital financing; equipment trade credit; access to raw materials and/or supplier trade credit; bonding capability.

(4) *Additional Considerations.* A comparison will be made of the applicant concern's business and financial profile with profiles of businesses in the same or similar line of business and competitive market area. It is not the intent of the 8(a) program to allow program participation to concerns owned and controlled by socially disadvantaged individuals who have accumulated substantial wealth, have unlimited growth potential and have not experienced or have overcome impediments to obtaining access to financing, markets and resources.

§ 124.107 Potential for success.

To be eligible to participate in the section 8(a) program, an otherwise eligible applicant concern must be determined to be one that with contract, financial, technical and management support will be able to successfully perform subcontracts awarded under the Section 8(a) program, and further, with such support, will have a reasonable prospect for success in competition in the private sector. In addition, the AA/MSB-COD must make a determination that the procurement, financial, technical and management support necessary to enable the applicant concern to successfully complete the Section 8(a) program is available from SBA or other identified and acceptable sources before the applicant concern may be admitted to the Section 8(a) program.

§ 124.108 Additional eligibility requirements.

(a) *Good Character.* Good character is an eligibility requirement. If serious adverse information is obtained from any source regarding an individual applicant's character during the processing of an application, no further action will be taken on the application until the adverse information has been forwarded through appropriate channels to the SBA's Inspector General for evaluation. The Inspector General will advise the AA/MSB-COD of his or her findings.

(b) *Standard of Conduct.* The SBA Standards of Conduct regulations, 13 CFR Part 105, et seq., apply to eligibility questions involving SBA employees and their relatives.

(c) *Individual Eligibility Limitations.* An individual applicant's eligibility may be used only once in qualifying an applicant concern for section 8(a) program participation. The AA/MSB-COD may accept a new application for section 8(a) program re-entry when a former section 8(a) concern which voluntarily withdrew from the section 8(a) program because of the health of the disadvantaged owner makes a subsequent reapplication for program admission.

(d) *Manufacturers and regular Dealers.* Each applicant concern which intends to manufacturer or furnish materials, supplies, articles and equipment in the performance of section 8(a) subcontracts must be determined to be a manufacturer or regular dealer or exempted therefrom as determined by SBA. SBA bases its definitions on the Walsh-Healey Public Contracts Act Regulations found at 41 CFR 50-201.101, 50-201.603, 50-201.604, 50-206.51, 50-206.52, 50-206.53.

§ 124.109 Ineligible businesses.

(a) *Brokers and Packagers.* These types of businesses do not meet the requirements of a manufacturer or regular dealer under the provisions of the Walsh-Healey Public Contracts Act and are ineligible to participate.

(b) *Debarred or Suspended Person or Concern.* Individuals or concerns who are debarred, suspended, or are found to be an ineligible bidder by any contracting agency of the Federal Government pursuant to 41 CFR Subpart 1-1.6 or DAR section I, Part 6, are ineligible for admission into the section 8(a) program during the period of debarment, suspension, or status as an ineligible bidder. Prior to approval of any applicant concern, it will be determined by SBA that the applicant concern or the disadvantaged individual(s) upon whom eligibility is

based is not at that time debarred, suspended or otherwise an ineligible bidder.

§ 124.110 Fixed program participation term.

(a) Every section 8(a) program participant is subject to a Fixed Program Participation Term. A Fixed Program Participation Term establishes the ultimate time period during which a concern may remain in the section 8(a) program and the conditions of participation, regardless of whether competitiveness is reached by the concern.

(b) The Fixed Program Participation Term must be negotiated between SBA and each small concern which has applied for participation in the program and must be established prior to the concern's admission to the program.

(c) The provisions of the Fixed Program Participation Term, including the time limitation thereof, will be set forth in the SBA approved business plan of the Section 8(a) concern which must be established prior to the applicant concern's admission to the program.

(d) For concerns applying for entry into the program the Fixed Program participation Term will begin on the date of award of the concern's first section 8(a) subcontract.

(e) The maximum Fixed Program Participation Term for all concerns is five years.

(f) Not less than one year prior to the expiration of the Fixed Program Participation Term, a concern may request SBA to review and extend its Fixed Program Participation Term for a period not to exceed the difference between the Fixed Program

Participation Term established in the business plan and the maximum Fixed Program Participation Term of five years, plus two years. For business concerns which have a Fixed Program Participating Term of one year, a request for extension shall be deemed to be timely if postmarked no later than 10 days subsequent to the receipt by the concern of notification of Section 8(a) certification. There may be no further extensions.

(g) The criteria which SBA will use in negotiating a Fixed Program Participation Term or an extension thereof are as follows:

(1) The factors referenced in § 124.108 of these regulations for determining economic disadvantage.

(2)(i) The number and dollar amount, and the progressively decreasing importance, of section 8(a) contract support that it is anticipated will be necessary to achieve competitiveness. In

order to maximize limited program resources, SBA will emphasize business plans anticipating lesser amounts of section 8(a) contract support to reach competitiveness.

(ii) In considering a Fixed Program Participation Term extension the section 8(a) contract support previously received by the concern will be a factor. An SBA determination that such previous contract support has failed to appreciably contribute toward a timely achievement of competitiveness will be a significant factor in consideration of the request for extension.

(3)(i) The number and dollar amount and the progressively increasing importance of contract support, other than section 8(a) contract support, that it is anticipated will be necessary to achieve competitiveness. SBA will emphasize business plans having greater reliance on this non-section 8(a) contract support to reach competitiveness.

(ii) In considering a Fixed Program Participation Term extension request the non-section 8(a) contract support previously received by the firm will be a factor. An SBA determination that the concern has failed to progressively increase the importance of such non-section 8(a) contract support during its previous participation in the program will be a significant factor in SBA's consideration of the request for extension.

(4)(i) The length of time that it is anticipated will be necessary to achieve competitiveness. In order to maximize limited program resources, SBA will emphasize program participation for those concerns closer to achieving competitiveness.

(ii) In considering requests for Fixed Program Participation Term extensions for concerns currently in the program, the length of time during which the concern has previously participated in the program will be a factor.

(5)(i) The degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable a concern to successfully complete section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance. In order to maximize limited SBA resources and to increase exposure to regular competitive procedures, SBA will emphasize maximum use of conventional governmental and private resources in performing such contracts.

(ii) In considering requests for a Fixed Program Participation Term extension for a concern currently in the program, the previous Advance Payments and Business Development Expense already

received by the concern will be a factor. An SBA determination that such Advance Payments and Business Development Expense support has failed to progressively decrease in importance during the concern's previous participation in the program will be a factor toward limiting the Fixed Program Participation term and the conditions thereof.

(6)(i) The rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contracts support, in reaching competitiveness at the end of the Fixed Program Participation Term.

(ii) In considering Fixed Program Participation Term extensions for concerns currently in the program, a factor will be the previous rate at which the concern has decreased its reliance upon program support and correspondingly increased its reliance upon conventional governmental and private contract business. An SBA determination that the concern has failed to appreciably improve its rate of business reliance in this manner will be a factor toward limiting the Fixed Program Participation Term and the conditions thereof.

(h) No section 8(a) contracts may be awarded to any section 8(a) concern unless it has received and is operating under an SBA approved Fixed Program Participation Term.

(i) Nothing in this section shall be construed to limit SBA from initiating termination or suspension actions, pursuant to § 124.112 or § 124.113, respectively, during any Fixed Program Participation Term granted hereunder.

(j) Upon the conclusion of its Fixed Program Participation Term, including any extension thereof, a concern will cease to be a program participant. This cessation of program participation will occur without the necessity of any additional action by SBA. It will not give rise to any rights, claims or prerogatives on behalf of the concern. Cessation of program participation at the conclusion of the Fixed Program Participation Term is not subject to the requirements of section 8(a)(9) of the Small Business Act (15 U.S.C. 637(a)(9)), or any of SBA's implementing rules or regulations.

§ 124.111 Mechanics for extension of a fixed program participation term.

As stated in § 124.110(f), a section 8(a) concern's Fixed Program Participation Term (FPPT) may be extended only once, and only if the application for such an extension is made not less than one year prior to the expiration of the firm's original Fixed Program Participation Term.

(a) *The Request.* The section 8(a) concern must make a request for extension in writing by certified mail, return receipt requested, or by registered mail, to the SBA field office servicing its account, not less than one year prior to the expiration of the FPPT, specifically requesting an extension of its FPPT.

(b) *SBA Response.* Upon receipt of a timely request, the appropriate SBA field office will forward to the section 8(a) concern all forms needed to process the request. All required forms must be completed and returned to SBA within 45 days of receipt along with a persuasive narrative rationale to establish the basis for justifying the requested extension.

(c) *Narrative Rationale.* The narrative rationale submitted by the section 8(a) concern must detail the following (OMB Approval No. 3245-0147): (1) The firm's progress since admission into the 8(a) program; (2) Areas where the firm has failed to make progress anticipated when the original FPPT was set; (3) Reasons for lack of progress; (4) Benefits to be derived from an extension, other than increase in contract support; (5) any extenuating circumstances unique to the firm which cause an extension to be necessary and appropriate; (6) Any other facts which the firm believes supports its request.

(d) *Non Waiver of Time Limits.* Neither the requirement of § 124.110(f) to make a request for an extension of a concern's FPPT not less than one year prior to the expiration of a concern's original FPPT, nor the requirement of § 124.111(b) to return all forms and documentation completed along with the supporting narrative within 45 days may be waived. Failure to meet either time limit will result in denial of an extension of an FPPT.

(e) *Approval Authority.* The AA/MSB-COD has final authority to approve the concern's request for an extension, and may in his discretion approve an extension less than that requested, set terms and conditions for any extension granted, or deny any extension. The concern will be advised by the AA/MSB-COD of the Agency's final decision.

§ 124.112 Program termination.

(a) Participation of a section 8(a) business concern in the section 8(a) program may be terminated by SBA prior to the expiration of the concern's fixed program participation term or extension thereof, if any, for good cause. Examples of good cause include, but are not limited to, the following:

(1) Failure to continue to meet any one of the standards of program eligibility set forth in these regulations.

(2) Failure by the concern to maintain status as a small business under the Small Business Act, as amended, and the regulations promulgated thereunder.

(3) Failure by the concern for any reason, including the death of an individual upon whom eligibility was based, to maintain ownership and control by the person(s) who has (have) been determined to be socially and economically disadvantaged pursuant to these regulations.

(4) Failure by the concern to obtain written approval from SBA prior to any changes in ownership and management control.

(5) Failure by the concern to disclose to SBA the extent to which nondisadvantaged persons or firms will participate in the management of the section 8(a) business concern.

(6) SBA's inability to provide the concern with contract support.

(7) Failure by the concern to provide SBA with required quarterly and annual financial statements (OMB Approval No. 3245-0151) within ninety days of the close of the reporting period. Failure to provide SBA with requested tax returns, reports, or other data within 30 days of the date of request.

(8) Failure by the concern to submit an updated business plan within 30 days of receipt of request, without an extension of time which has been approved by SBA.

(9) Failure by the concern to provide documents or otherwise respond to requests for information relating to the section 8(a) program from SBA or other authorized government officials.

(10) Cessation of business operations by the concern.

(11) Failure by the concern to achieve the goals cited in the original or modified business plan as a result of repeated refusal to accept or utilize SBA assistance or failure to achieve the goals within a reasonable time after receiving procurement, management, and/or financial assistance from or through SBA.

(12) Failure by the concern to pursue competitive and commercial business in accordance with the business plan, or failure to make reasonable efforts to achieve competitive status.

(13) Inadequate management performance by the concern's management.

(14) Inadequate performance of awarded section 8(a) procurement subcontracts by the concern.

(15) Failure by the concern to pay or repay financial obligations owed to any government entity.

(16) Failure by the concern to obtain and keep current any and all required permits, licenses, and charters.

(17) Diversion of funds from the section 8(a) business concern to any other individual, subsidiary, firm, or enterprise which is detrimental to the achievement of the section 8(a) business concern's business plan.

(18) Unauthorized use of business development expense funds and/or advance payment funds. Violation of any provision of an advance payment or business development expense agreement including terms for repayment.

(19) Failure by the concern to obtain prior SBA approval of any management or joint venture agreement (OMB Approval No. 3245-0146). Violation of any requirements of a management or joint venture agreement approved by SBA by the concern or the joint venturers.

(20) Failure by the concern to obtain approval from SBA before subcontracting under a section 8(a) subcontract, or failure by the concern to abide by any conditions imposed by SBA upon such approval.

(21) Violation by the concern or a section 8(a) subcontract provision which prohibits contingent fees and gratuities; or failure to disclose to SBA fees paid or to be paid, or costs incurred or committed to third parties, directly or indirectly, in the process of obtaining section 8(a) contracts or subcontracts.

(22) Knowing submission of false information to SBA on behalf of a section 8(a) business concern by its principals, officers, agents, or employees.

(23) Debarment or repeated suspensions of the concern by the Comptroller General, the Secretary of Labor, Director of the Office of Federal Contract Compliance, or any contracting agency pursuant to FPR subpart 1-1.6, 41 CFR 1-1.600, *et seq.*, "Debarred, Suspended and Ineligible Bidders," or DAR (ASPR) Section I, Part 8, 32 CFR 1-600, *et seq.*, "Debarment, Ineligibility and Suspension."

(24) Conviction of a section 8(a) business concern or a principal of a section 8(a) business concern for any of the following:

(i) Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract;

(ii) Violation of the Organized Crime Control Act of 1970;

(iii) Embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or

any other offense indicating a lack of business integrity or business honesty which seriously and directly effects the question of present responsibility as a government contractor.

(iv) Violation of any Federal Antitrust Statute; or

(v) Commission of any felony not specifically listed above by the concern or any of its principals.

(25) Willful failure on behalf of the concern to comply with applicable labor standards obligations.

(26) Violation of any terms and conditions of the 8(a) program Participation Agreement.

(27) Violation by the concern or any of its principles of any of SBA's rules and regulations.

(b) Upon determination by the SBA that a section 8(a) business concern's participation in the section 8(a) program should be terminated for good cause, the section 8(a) business concern shall be afforded an opportunity for a hearing on the record in accordance with chapter 5 of Title 5 of the United States Code, at which hearing it may contest such determination. Such a hearing will be held pursuant to the SBA's Rules of Practice for Adjudicative Proceedings set forth at § 124.1000 *et seq.*, of the SBA Rules and Regulations.

(c) Subsequent to the completion of such hearing, upon the record established therein, and after consideration of the initial decision of the Administrative Law Judge who has conducted the hearing, the AA/MSB-COD shall render a final decision regarding the termination, for good cause, of the 8(a) business concern's participation in the program.

(d) After the effective date of a program termination as provided for herein, a section 8(a) business concern is no longer eligible to receive any section 8(a) program assistance. Such concern is obligated to complete previously awarded section 8(a) subcontracts.

§ 124.113 Suspension of program assistance.

(a) Upon the issuance of an order to show cause why a section 8(a) business concern should not be terminated from the program, SBA may suspend contract support and other forms of assistance to that concern for a period of time not to exceed the time necessary to resolve the issue of the concern's termination from the program under the procedures set forth in § 124.1000 *et seq.* of these regulations.

(b) Immediately upon SBA's determination to suspend a section 8(a) concern, SBA will furnish that concern

with a notice of the suspension by certified mail, return receipt requested, to the last known address of the concern. If no receipt is returned within ten calendar days from the mailing of the notice, notice will be presumed to have occurred as of that time. The notice of suspension will provide the following information:

(1) The reason for the suspension which in most instances will be the grounds upon which the order to show cause has been issued;

(2) That the suspension will continue pending the completion of further investigation or the termination proceeding or some other specified period of time;

(3) That awards of section 8(a) subcontracts, including those which have been "self-marketed" by an 8(a) concern, will not be made during the pendency of the suspension unless it is determined by the head of the procuring agency or his or her authorized representative to be in the best interest of the government to do so and the AA/MSB-COD adopts that determination;

(4) That the concern is obligated to complete previously awarded section 8(a) subcontracts;

(5) That the suspension is effective nationally throughout the SBA;

(6) That a request for a hearing on the suspension will be considered by the Administrative Law Judge hearing the termination proceeding and granted or denied as a matter of his or her discretion that probable cause for the termination of the participation of the concern from the section 8(a) program exists. No such hearing may be granted if the suspension is based upon advice from either the Department of Justice or the Department of Labor that such a hearing would prejudice substantial interests of the government. The hearing on the suspension will be held within 30 calendar days of the Administrative Law Judge's ruling if the request is granted. At the close of such hearing, the Administrative Law Judge will make a recommended decision on the matter to the AA/MSB-COD who will then issue a final decision upholding or lifting the suspension.

(c) Any suspension which occurs in accord with these regulations will continue in effect until such time as SBA lifts it or the section 8(a) business concern's participation in the program is fully terminated. If all program assistance to a section 8(a) business concern has been suspended under these regulations, and that concern's participation in the program is not terminated, an amount of time equal to the duration of the suspension will be

added to the concern's fixed program participation term.

§ 124.201 Processing applications.

It is SBA's policy that any individual or business has the right to apply for section 8(a) assistance, whether or not there is an appearance of eligibility.

§ 124.202 Place of filing.

An application for admission (OMB Approval No. 3245-0015) is to be filed, and approved cases are to be serviced in the SBA field office serving the territory in which the principal place of business of the applicant concern is located. Principal place of business means the location at which the business records of the applicant concern are maintained.

§ 124.203 Applicant representatives.

An applicant concern may employ at its option outside representatives in connection with an application for 8(a) program participation. If the applicant chooses to employ outside representation such as an attorney, accountant, or others, the requirements of 13 CFR Part 103 dealing with the appearance and compensation of persons appearing before SBA are applicable to the conduct of the representative.

§ 124.204 Requirement support determination.

SBA shall first make a determination that there is a reasonable likelihood of section 8(a) requirements available to support the applicant concern. If the necessary requirement support is not available, the applicant concern shall be informed in writing that no further action can be taken on its application for participation in the 8(a) program. If the necessary requirements support is determined to be available, the applicant concern may submit the required application forms (OMB Approval No. 3245-0015).

§ 124.205 Forms and documents required.

Each 8(a) applicant concern must submit the forms and attachments thereto required by SBA when making application for admission to the section 8(a) program (OMB Approval No. 3245-0015), including but not limited to financial statements (OMB Approved No. 3245-0151).

§ 124.206 Approval and declination of applications for eligibility

The AA/MSB-COD has final authority over approval or declination of applications for admission to the section 8(a) program. If the AA/MSB-COD declines an application, he will notify the applicant in writing giving detailed

reasons for the decline and informing the applicant of the right to request a reconsideration within 30 days of receipt of the decline letter (OMB Approval No. 3245-0143). The AA/MSB-COD will also inform the applicant to submit in writing to the field office any subsequent information and documentation pertinent to rebutting the reason(s) for decline. If the application is declined by the AA/MSB-COD on reconsideration, no new application will be accepted within one year of the reconsideration decision.

§ 124.207 Business activity.

Eligible concerns will be approved for 8(a) program participation according to their principal business activity, i.e., non-professional service, professional service, manufacturing, construction, etc. The principal business activity and related Standard Industrial Code designations will be stated in a participating concern's business plan upon the concern's entry into the section 8(a) program and will not be subject to change thereafter. Pursuant to the section 8(a) program, a participating section 8(a) business concern will be eligible to receive only Government contracts which are classified under the Standard Industrial Classifications states in its business plan. (See definition of "business plan."

§ 124.301(b)(5).) A participating section 8(a) business concern may, however, receive Government contracts classified in other Standard Industrial Classifications through other Government procurement procedures.

§ 124.301 The provision of requirements support for 8(a) firms.

(a) These regulations govern the mechanics of the provision of requirements (contract) support to section 8(a) business concerns. They are to be read in conjunction with § 124.302 of this part

(b) Definitions:

(1) "Requirements support" means contract opportunities from Federal procuring agencies to acquire articles, equipment, supplies, services, materials or construction work which a section 8(a) business concern could perform.

(2) "National buy item" means an item or service purchased to meet the needs of a system where supply control, inventory management, and procurement responsibility have been assigned to a central procuring activity to support the needs of two or more users of the item. Examples include military clothing purchased by the Defense Personnel Support Center of the Department of Defense, paint or hand

tools purchased by the Federal Supply Service of the General Services Administration, medical supplies purchased by the Veterans Administration, or studies, evaluations, consulting services or similar services purchased by the headquarters office of a department or agency.

(3) "Local buy item" means a supply or service purchased to meet the specific needs of one user. Examples include the purchase of nonprofessional services, such as custodial or trash hauling, and construction work.

(4) "Certification of SBA's competency" means a written statement by SBA that it is competent to perform the requirement as stated in the contract, and is based upon an assessment of a section 8(a) concern's competency to perform. The assessment does not require a special investigation or the issuance of a Certificate of Competency (COC) as provided for elsewhere in these regulations under the authority of section 8(b)(7) (A), (B), (C) of the Small Business Act.

(5) "Business plan" means the business plan documents as approved by SBA which include the objectives, goals and business projections of a section 8(a) concern, and all written amendments or modifications which have also been approved by SBA.

(6) "Commitment" means the commitment made by a procuring activity to SBA that the procuring activity will negotiate to place a contract with SBA for subcontract with a section 8(a) concern, provided there is no material change in requirements, availability of funds, or other pertinent factors. A commitment does not mean that an award of a particular contract to SBA and a section 8(a) concern will or must be made.

(7) "Open requirement" means a requirement submitted to SBA by a procuring activity for possible 8(a) award but without a particular 8(a) concern identified as a candidate for the award. Open requirements can be for local buy items or national buy items.

(c) *Basic principles of requirements support.* (1) An 8(a) subcontract will be provided to a section 8(a) concern only when consistent with that concern's business development needs.

(2) An 8(a) contract will be provided an 8(a) concern only when the procurement is consistent with the concern's capabilities as identified in its business plan by means of Standard Industrial Classification (SIC) codes, Product Service Classification (PSC) codes, or comparable specific descriptions.

(3) The aggregate dollar amount of 8(a) contracts to an 8(a) concern for any

Federal fiscal year may not exceed by more than 25 percent the applicable annual approved 8(a) contract support level contained in the concern's business plan. This shall not preclude an 8(a) concern from requesting an increase in its approved 8(a) contract support level on other than an annual basis. Such request must be supported by a revised business plan and evidence that the firm has the capability to perform at the increased level. (OMB Approval No. 3245-0144)

(4) SBA does not guarantee any particular level of contract support to a section 8(a) business concern by the approval of its business plan.

(5) SBA is not required to make an award of any particular contract, and should it make an award, SBA is not required to award a contract to a particular 8(a) concern. Nonetheless, SBA will usually reserve a procurement for possible 8(a) award in favor of an 8(a) concern which initially self-marketed the procurement, provided the firm needs the requirement to satisfy its business plan projections without exceeding them.

(6) In cases in which SBA must select an 8(a) concern for possible award from among more than one concern which appear to be qualified to perform the contract, the selection will be based upon consideration of relevant factors, including the following:

(i) Technical capability including the ability to perform the contract, the concern's organizational structure, the experience and technical knowledge of its key employees, and technical equipment and facilities.

(ii) Financial capacity, including the availability of adequate financial resources or the ability to obtain such resources as required.

(iii) Ability to comply with the required delivery or performance schedules.

(iv) Ability to obtain any necessary bonding.

(v) Any applicable geographic limitations.

(vi) The concern's need for the specific contract to further the development objectives of the concern's business plan, in light of any other potential contracts under consideration.

(vii) The overall likelihood of successful performance of the proposed requirement.

(viii) Past amount of 8(a) contract support received by the concern and the performance record on past 8(a) contracts.

(ix) Current contracts in process, and progress toward timely delivery of those contracts.

(x) Length of time in the 8(a) program and the proximity of the FPPT date.

(xi) Amount of BDE and advance payment support received since entering the 8(a) program and required to perform the present requirement.

(xii) Which 8(a) concern initially identified the procurement, if any.

(7) In cases in which SBA must select an 8(a) concern for possible award of a professional service contract (except CPA audit services) SBA may, in its discretion, arrange for the evaluation of technical capabilities of several concerns, which appear to be most qualified, by the procuring agency itself. In such cases, SBA will request a written report of the evaluation including the criteria used, the results found, and an overall evaluation of each concern as technically or not technically acceptable for their particular procurement. SBA will make the final selection.

(8) SBA will not accept proposed procurements for 8(a) award if any of the following circumstances exist:

(i) Public solicitation has already issued for the procurement as a small business set-aside in the form of an Invitation for Bid (IFB), Request for Proposal (RFP) or a Request for Quotation (RFQ). Evidence of a general intent to set aside, such as Procurement Information Notices (PIN's), annual procurement forecasts or past procurements by set aside, is insufficient reason to preclude the procurement from 8(a) consideration.

(ii) The procuring agency can award the contract by noncompetitive means to a small disadvantaged concern whether or not it is presently in the 8(a) program.

(iii) There is a reasonable probability that a small disadvantaged concern, whether or not a section 8(a) concern, can successfully compete for the contract under conventional competitive procedures.

(iv) SBA has made a written determination that acceptance of the procurement for an 8(a) award would have an adverse impact on a small business. SBA presumes adverse impact to exist when:

(A) the small business concern has been the recipient of two or more consecutive awards of the item or service within the last 24 months, and the estimated dollar value of the award would be 20 percent or more of its most recent annual gross sales, or

(B) the small business concern has been the recipient of three or more consecutive awards of the item or service within the last 36 months, and the estimated dollar value of the award

would be 30 percent or more of its most recent annual gross sales.

(d) *Procedures for Obtaining Requirements Support.* (1) SBA procurement center representatives (PCR's) will screen proposed procurements for possible 8(a) contracts, in accordance with 13 CFR 125.6. PCR's may rely on information found in the business plans of portfolio section 8(a) concerns in performing this function.

(2) A requirement for possible award may be identified by SBA, a particular 8(a) concern, or the procuring activity itself. Once identified by whatever means, SBA shall select and nominate to the procuring agency an 8(a) concern for possible award. The selection will be made pursuant to these regulations and will be based on the business plan and such supplemental materials as SBA may request. If the 8(a) concern fails to provide SBA with the supplemental materials requested within any particular time specified by SBA, SBA will make its selection based solely on information contained in the concern's business plan.

(3) SBA's nomination of a section 8(a) concern to perform an identified procurement shall be communicated to the procuring activity in writing with notice to the 8(a) concern.

(4) If the procuring activity responds to SBA's nomination, or request for commitment, by making a commitment to SBA, SBA will then match the specific needs of the procurement with the specific capabilities of the selected 8(a) concern, relying upon the business plan and such supplemental or updated material as SBA in its discretion shall require. To facilitate matching, and to the extent reasonably available, SBA will obtain from the procuring activity the complete procurement package, which contains plans, specifications, delivery schedules, labor rates and so forth, along with the following:

(i) The title or name of work to be performed or items to be delivered.

(ii) The estimated period of performance.

(iii) The SIC code of the item or service.

(iv) The PSC number used by the Federal Procurement Data Center.

(v) The procuring agency dollar estimate of the requirement (current government estimate).

(vi) Any special requirement restrictions or geographical limitations.

(vii) Any special capabilities or disciplines needed for contract performance.

(viii) The type of contract to be awarded, such as firm fixed price, cost reimbursement, or time and materials.

(ix) A list of contractors who have performed on this specific procurement during the previous 36 months.

(x) A statement that public solicitation for the specific procurement has not been issued for small business set aside.

(xi) A statement that the procurement cannot reasonably be expected to be won by a disadvantaged concern under normal competition.

(xii) The nomination of any particular 8(a) concern designated for consideration, including a brief justification, such as one of the following:

(A) The requirement is a result of an unsolicited proposal and the buying activity is unable to justify a sole-source award.

(B) The 8(a) concern, through its own efforts, marketed the requirement and caused it to be reserved for the 8(a) program.

(C) The procuring agency has determined that the recommended concern has unusual technical qualifications to perform.

(5) Within ten working days of a commitment from a procuring activity identifying a particular 8(a) concern, SBA will determine whether a proper match exists, and will contact the procuring activity to arrange for initiation of contract negotiations. A letter accepting the commitment should normally be sent to the procuring activity at this time. Should contract negotiations be successful and result in an award to the 8(a) concern, SBA will then provide a Certification of SBA's Competency as a contract provision pursuant to § 124.302(c) of these regulations. Should SBA determine that a proper match does not exist, it will so advise the affected 8(a) concern, and may then select and nominate an alternative 8(a) concern to the procuring activity which, in the opinion of SBA, does match with the procurement, if any such concern exists.

(6) Should a procuring activity offer a contract to SBA as an open requirement, SBA will select and nominate in accordance with these regulations an 8(a) concern which appears to be qualified, subject to the following additional procedures:

(i) If the contract is a local buy item, the portfolio of 8(a) concerns maintained by the SBA district office where all or most of the work is to be performed or the items delivered will be examined initially for selection of a qualified 8(a) concern. If none are found to be qualified, the requirement may be considered for other 8(a) concerns located within the appropriate SBA region, or the requirement may be

considered for 8(a) concerns located in immediate adjacent regions.

(ii) If the procurement is a national buy item, it shall be referred to SBA's Central Office. Central Office will allocate national buy requirements to the regional offices on an equitable basis, and regional offices will allocate national buy requirements to the districts on an equitable basis.

§ 124.302 8(a) Contracts and Subcontracts.

(a) *General.* It is the policy of SBA to enter into contracts with other government agencies and subcontract the performance of such contracts to concerns admitted to the section 8(a) program pursuant to section 8(a)(1)(C) of the Small Business Act, at prices which will enable a company to perform the contract and earn a reasonable profit.

(b) *Performance of work by the 8(a) subcontractor.* To assure the accomplishment of the purposes of the program, each 8(a) subcontractor shall be required to perform work equivalent to the following percentages of the total dollar amount of each subcontract, exclusive of material costs, with its own labor force:

	Percent
(1) Manufacturing	50
(2) Construction	15
(ii) General construction	15
(iii) Special trades, such as electrical, plumbing, mechanical, etc.	25
(3) Professional services	55
(4) Nonprofessional services	75

The 8(a) concern is required to include in its proposal to perform a given contract a statement that it agrees to perform the required percentage of the work with its own labor force. Refusal of the concern to provide such a statement will result in the contract not being awarded.

(c) *Certification of SBA's Competency.* (1) SBA will not certify as to its competency, as provided by section 8(a)(1)(A) of the Small Business Act, without first determining that the section 8(a) concern it intends to subcontract to is responsible to perform the contract in question. If SBA determines that the concern lacks the capability, competency, capacity, credit, integrity, perseverance, and tenacity to perform on a specific 8(a) subcontract, the contract will not be awarded. In addition, SBA will also ensure that an 8(a) concern is eligible under the Walsh-Healey Public Contracts Act, 41 U.S.C. 35(a) for each individual 8(a) subcontract. An 8(a) concern which has not submitted current financial

statements to SBA will be deemed not responsible to receive 8(a) subcontracts.

(2) SBA's determination not to award an 8(a) subcontractor a specific 8(a) subcontract because the concern lacks an element of responsibility, or is ineligible under the Walsh-Healey Public Contracts Act, does not constitute a denial of total section 8(a) program participation for the purposes of section 8(a)(9) of the Small Business Act.

(d) *Contract Administration.* SBA may delegate its authority to administer section 8(a) subcontracts to the procuring agency or any Federal agency designated by it. This is done through the use of special clauses in the contract between SBA and the procuring agency, or by letter, as appropriate.

(e) *Contract termination.* (1) A decision to terminate a specific section 8(a) subcontract for default is made by the procuring activity contracting officer in cooperation with SBA. The contracting officer will advise SBA in advance of his/her intent to terminate for default the 8(a) subcontract. SBA may provide whatever program benefits as are reasonably available to the 8(a) concern in order to prevent termination for default of the contract. The contracting officer will be made aware of this effort. If, despite the efforts of SBA, in the opinion of the procuring activity contracting office grounds for termination continue to exist, he/she may terminate the 8(a) subcontract for default.

(2) In cooperation with SBA, the procuring activity contracting officer may terminate a section 8(a) subcontract for convenience at any time it is determined in the best interest of the government to do so.

(f) *Disputes and appeals.* (1) SBA is not subject to the Disputes Clause of a specific contract, and SBA is not a party to and does not appear at or participate in appeals brought under such a clause in its own behalf or on behalf of an 8(a) concern.

(2) If a dispute between an 8(a) subcontractor and the procuring activity contracting officer arises under the subcontract, it will be decided unilaterally by the procuring activity contracting officer. The 8(a) subcontractor has the right to appeal the decision of the procuring activity contracting officer under the Contract Disputes Act of 1978.

§ 124.401 Advance payments.

(a) *General.* (1) Advance payments are disbursements of money made by SBA to a section 8(a) business concern prior to the completion of performance of a specific section 8(a) subcontract. Advance payments are made for the

purpose of assisting the section 8(a) business concern in meeting financial requirements pertinent to the performance of the subcontract. The gross amount of advance payments must be determined by SBA prior to commencement of performance of the contract. Any subsequent change in the gross amount of advance payments must be justified in writing by SBA as to amount and purpose. Advance payments are to be awarded only after all other forms of financing have been considered by SBA and rejected as unacceptable to support performance of the subcontract. Advance payments must be liquidated from proceeds derived from the performance of the specific section 8(a) subcontract to which they pertain. However, this does not preclude repayment of such advance payments from other revenues of the business, except from other advance payments and business development expenses (as defined hereinafter in these regulations); provided such repayment must occur according to the liquidation schedule established by the subcontract under which the advance payments were made. The proceeds derived from the performance of the specific section 8(a) subcontract must be deposited by the procuring agency in a special bank account established exclusively for the purpose of administering the advance payments. These proceeds will be used to liquidate the advance payments. No withdrawals of such subcontract proceeds from the special bank account may be made by the section 8(a) business concern which are inconsistent with the disbursement schedule established by the subcontract under which the advance payments were made.

(2) Advance payments shall not be made to a section 8(a) business concern in any case in which the section 8(a) business concern has assigned its rights to receive any payment under the specific section 8(a) subcontract to any person or entity, unless such assignment shall be made to SBA or to a Federal agency in regard to the receipt by the section 8(a) business concern of a progress payment for any specific section 8(a) subcontract.

(3) In no event shall the total amount of advance payments for a section 8(a) business concern exceed 90 percent of the outstanding proceeds of the section 8(a) subcontract to which the advance payments relate which remain to be paid to the section 8(a) concern.

(4) SBA shall not charge interest on advance payments disbursed pursuant to these regulations.

(b) *Requirements.* (1) Advance payments may be approved for a section

8(a) business concern when all of the following conditions are found by SBA to exist:

(i) A section 8(a) business concern does not have adequate working capital to perform a specific section 8(a) subcontract.

(ii) Adequate and timely financing is not available on reasonable terms to provide necessary capital. Where available terms for financing are at the current market rate, they shall be deemed reasonable for the purpose of this subsection.

(iii) The section 8(a) business concern has established or agrees to establish and maintain financial records and controls which will provide for complete accountability and required reporting of advance payment funds. These records must be made available upon request for review by SBA and other appropriate Federal officials.

(iv) A company may receive an advance payment on a section 8(a) subcontract only in instances in which that company has no unliquidated advance payments outstanding on another section 8(a) subcontract which is completed, terminated or in default.

(c) *Procedure.* To be eligible to receive advance payments, a section 8(a) business concern must meet the conditions set forth above and must comply with the following procedure.

(1) A section 8(a) business concern desiring to receive an advance payment in connection with any section 8(a) subcontract shall:

(i) Submit a written request for advance payment to the appropriate SBA Regional Administrator or his designee. Under OMB Approval No. 3245-0148, such request must include detailed documentation requested by SBA as evidence to support the need for such funds and proof that working capital financing cannot be found upon terms acceptable pursuant to paragraph (b)(ii) of this section, from financing institutions.

(ii) The section 8(a) business concern must select a commercial bank which is a member of the Federal Reserve System in which it must establish a special non-interest bearing bank account for the deposit of payments made to it by the procuring agency pursuant to the performance of the subcontract(s). This special account must be a demand deposit account. The appropriate SBA Regional Administrator shall designate at least two SBA employees to serve as countersignatories on the special bank account.

(A) Disbursements from the account will be made only upon the signatures of

the section 8(a) concern and one of the designated SBA employees.

(B) Under no circumstance shall the requirement for an SBA employee countersignature be waived.

(C) At the time that SBA disburses advance payment funds into the special bank account, SBA shall obtain the most superior lien possible upon the special bank account, any property contracted for, supplies, material and other property acquired with the advance payment funds.

(iii) The section 8(a) subcontractor must support each request for disbursement of advance payments by submitting to SBA the following (OMB Approval No. 3245-0148):

(A) The original vendor invoice or original payroll record;

(B) A certified statement, dated and signed by the concern's Chief Financial Officer, attesting to the truth and accuracy of the vendor invoice, and/or the payroll records for the requested advance payment including records of direct payroll expenditures, and payroll expenditures for general and administrative expenses and overhead;

(C) Certification by the concern that all Federal taxes and FICA payments are current, or a copy of any agreement with the IRS providing for payment of delinquent taxes;

(D) Documentation of overhead and general and administrative rates using projected indirect costs applied to a valid base, which have been properly allocated to direct material, labor, or other direct costs.

(iv) The section 8(a) concern must, as required by IRS regulations, select a Federal Depository into which the Federal withholding and FICA payment will be made. There shall be no change of Federal Depository without obtaining the prior written consent of the SBA. A check shall be prepared for Federal taxes, concurrent with the SBA advance, based on the submitted payroll, in the name of the tax collecting agency or the Federal Depository and signed by SBA and the contractor. If the amount of a check payable to IRS is less than 25 percent of the gross payroll for that period, the concern's Chief Financial Officer shall prepare a statement certifying that the amount designated as payable to IRS or the Federal Depository is true and correct.

(2) Upon a review of all the circumstances, the Administrator of SBA shall have the obligation to decide whether to approve or deny a request for advance payment and the amount thereof. This right of approval may be delegated to appropriate SBA officials within the discretion of the Administrator. The section 8(a) business

concern, the bank selected pursuant to above and SBA must execute an Advance Payment Agreement prior to the disbursement of any advance payment which shall provide for advance payments, set forth a liquidation schedule for the advance payments as well as other terms and conditions governing advance payments. Under no circumstances may a liquidation schedule be waived. However, appropriate SBA officials designated by the Administrator are authorized to modify liquidation schedules. The section 8(a) concern must execute a demand note evidencing the full amount of the advance payment and security agreement and/or personal guarantee by one or more of the principals of the concern as collateral for the advance payment.

(d) *Use of Advance Payment Funds.* (1) Except for repayment to SBA in appropriate circumstances, advance payment funds may only be withdrawn from the special bank account by a section 8(a) business concern exclusively for the purpose of purchasing materials, labor, general and administrative expenses and overhead, and paying advance payments to the subcontractors of the section 8(a) concern for the performance of a specific section of the section 8(a) subcontract at issue.

(2) Under no circumstances may advance payment funds be deposited in interest-bearing accounts, certificates of deposit or other securities.

(3) Advance payment funds shall be disbursed by SBA for deposit into the special account only in such amounts necessary to pay for the immediate needs of a section 8(a) subcontract. Such disbursements shall be made as expeditiously as possible. Such immediate needs shall be documented by the small business concern and verified by SBA prior to disbursement.

(4) All payments to the section 8(a) business concern for work performed or services rendered pursuant to the subject section 8(a) subcontract shall be paid into the special bank account by the procuring agency, and shall be applied by SBA against the balance of advance payments according to the subcontract liquidation schedule.

(e) *Cancellation.* (1) SBA may determine that advance payments should be cancelled under the following circumstances:

(i) The terms and conditions of the advance payment agreement have not been adhered to by a section 8(a) small business concern.

(ii) The section 8(a) business concern's participation in the section 8(a) program has ended by expiration of

the Fixed Program Participation Term and any extension, or has been terminated by administrative action under section 8(a)(9) of the Small Business Act, 15 U.S.C. 637(a)(9).

(2) In the event of cancellation of advance payments to a section 8(a) business concern, all previous advance payments made to that section 8(a) business concern shall become immediately due and payable to SBA.

§ 124.402 Business development expense.

(a) *Purpose.* Business Development Expense (BDE) funds are funds made available by SBA prior to or at the time of the execution of a specific section 8(a) subcontract for the purpose of assisting a section 8(a) business concern in connection with the performance of that subcontract. The authority to approve the uses and amounts of BDE rests with the Administrator. The Administrator has the power to delegate that authority in his discretion.

(1) An award of BDE is justified only after SBA conducts a complete analysis of the request of a section 8(a) subcontractor which is submitted to the appropriate SBA official.

(b) In the discretion of SBA, BDE funds may be used for the following purposes:

(1) To make up the difference between the procuring activity's subcontract price and the price required by the section 8(a) contractor to provide the product or service in connection with a specific section 8(a) subcontract.

(2) For the purchase of capital equipment which has been determined by SBA to be essential to the section 8(a) business concern's performance of a specific section 8(a) subcontract and for which acquisition cannot reasonably be made by other financing means.

(c) BDE shall not be provided to satisfy:

(1) Price differentials for professionals and nonprofessional service firms.

(2) Any contingency arising subsequent to negotiation and execution of the section 8(a) subcontract for which the BDE is proposed.

(3) Cost overruns.

(4) Entertainment expense.

(5) The cost of capital equipment when the following conditions exist:

(i) funds are available from outside sources to the concern, including SBA financing and the personal resources of the principal(s);

(ii) adequate and timely financing from outside sources is available at the current market rate.

(6) Costs of interest expenses to be borne by the section 8(a) concern.

(d) *Requirements.* To be eligible for business development expense funds, a section 8(a) business concern must submit a written request to the appropriate SBA Regional Administrator or his designee. Such request (OMB approval No. 3245-0149) must include detailed documentation requested by SBA as evidence to support the need for such funds, proof adequate financing is not available at current market rates, and such additional information as required by SBA to adequately consider the request.

(e) When BDE will be used to purchase capital equipment, the section 8(a) concern shall:

(1) execute and record a lien on the equipment in favor of SBA; and

(2) execute a BDE agreement with SBA which among other things covenants that:

(i) The concern will use the funds exclusively for the purposes stated in the BDE approval;

(ii) The concern shall maintain records to substantiate the uses for which BDE funds have been expended; and

(iii) In the event of default on the contract to which the BDE relates, the section 8(a) concern shall be liable for repayment of the full amount of the BDE.

§ 124.403 Letter of credit.

(a) *General Policy.* The letter of credit method of payment will be utilized under certain circumstances to disburse advance payments to section 8(a) business concerns performing subcontracts under the section 8(a) program when SBA has made a decision approving the use of advance payments pursuant to the requirements and conditions provided for in these regulations.

(b) *Eligibility Requirements.* SBA may disburse advance payments through the letter of credit method of payment through the Federal Reserve Bank System to a section 8(a) business concern when all of the following conditions are found by SBA to exist:

(1) SBA determines that the section 8(a) business concern may be awarded more than one section 8(a) subcontract during a period of at least one year.

(2) The aggregate amount of letter of credit advance payment funds made to one section 8(a) business concern will exceed \$120,000 annually.

(3) The section 8(a) business concern has submitted a schedule of its projected monthly advance requirements for section 8(a) subcontract disbursements (OMB approval No. 3245-0148), SBA has reviewed it, and SBA has found it to be reasonable.

(4) The section 8(a) business concern has established or agrees to establish and maintain financial records and controls which will provide for complete accountability and required reporting of program funds (OMB Approval No. 3245-0015). These records must be made available upon request for review and audit by SBA and the General Accounting Office.

(c) *Procedures.* The procedures for the utilization of the letter of credit method of payment shall be in accord with 41 CFR 1-30.408-1.

§ 124.501 Development assistance program.

(a) *General.* Section 7(j)(1) of the Small Business Act provides for financial assistance to public or private organizations to pay all or part of the cost of projects designed to provide technical or management assistance to individuals or enterprises eligible for assistance under sections 7(a)(11), 7(j)(10), and 8(a) of the Small Business Act. The AA/MSB-COD is responsible for coordinating and formulating policies relating to the dissemination of this assistance to small business concerns eligible for assistance under sections 7(a)(11), 7(j)(10) and 8(a) of the Small Business Act.

(b) *Services.* (1) Section 7(j)(1-2) of the Small Business Act empowers the SBA to provide through public and private organizations the management and technical assistance enumerated below to those individuals or concerns who meet the eligibility criteria contained in sections 7(a)(11) and 8(a) of the Small Business Act.

(2) The SBA shall give preference to projects which promote the ownership, participation in ownership, or management of small businesses owned by low-income individuals and small businesses eligible to participate in the section 8(a) program.

(3) This assistance may include any or all of the following:

(i) Planning and research, including feasibility studies and market research;

(ii) The identification and development of new business opportunities;

(iii) The furnishing of centralized services with regard to public services and Federal Government programs including programs authorized under sections 7(a)(11), 7(j)(10) and 8(a) of the Small Business Act;

(iv) The establishment and strengthening of business service agencies, including trade associations and cooperatives;

(v) The furnishing of business counseling, management training, and legal and other related services, with

special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing business, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

(4) Sections 7(j)(3) and 7(j)(9) of the Small Business Act authorize SBA to:

(i) Encourage the placement of subcontracts by businesses with small business concerns located in areas of high concentration of unemployed or low-income individuals, with small businesses owned by low-income individuals, and with small businesses eligible to receive contracts, pursuant to section 8(a) of this Act. SBA may provide incentives and assistance to such businesses that will aid in the training and upgrading of potential subcontractors or other small business concerns eligible for assistance under sections 7(a)(11), 7(j), and 8(a) of the Small Business Act, and

(ii) Coordinate and cooperate with the heads of other Federal departments and agencies, to insure that contracts, subcontracts, and deposits made by the Federal Government or with programs aided with Federal funds are placed in such a way as to further the purposes of sections 7(a)(11), 7(j), and 8(a) of the Small Business Act.

(c) *Eligibility.* (1) Eligibility for the assistance enumerated under paragraph (b) of this section shall include, but not be limited to:

(i) Businesses which qualify as small within the meaning of size standards prescribed in 13 CFR Part 121, and which are located in urban or rural areas with a high proportion of unemployed or low-income individuals, or which are owned by such unemployed or low-income individuals; and

(ii) Businesses eligible to receive contracts pursuant to section 8(a) of the Small Business Act.

(d) *Delivery of Services.* (1) The financial assistance authorized for projects under paragraph (b) of this section includes assistance advanced by grant, agreement, or contract.

(2) To the extent feasible, services available under paragraph (b) of this section shall be provided in a location which is easily accessible to the individuals and small business concerns served.

(e) *Coordination and Cooperation with Other Government Agencies.* (1) The AA/MSB-COD may utilize the

resources of other agencies and departments whenever practicable which can directly or indirectly support or augment the purposes of section 7(a)(11), 7(j), and 8(a) of the Small Business Act.

(2) The AA/MSB-COD shall enter into agreements with Federal agencies and departments to further effectuate sections 7(a)(11), 7(j) and 8(a) of the Small Business Act.

(3) The AA/MSB-COD shall encourage the placement of deposits made by the Federal Government, or by programs aided with Federal funds, in such a way as to further the purposes of sections 7(a)(11), 7(j) and 8(a) of the Small Business Act.

§ 124.502 Small business and capital ownership development program.

(a) *General.* Section 7(j)(10) of the Small Business Act establishes a Small Business and Capital Ownership Development program which shall provide additional assistance exclusively for small business concerns eligible to receive contracts pursuant to section 8(a) of the Small Business Act. The management of the Capital Ownership Development program is vested in the AA/MSB-COD who is responsible for the oversight of the program and activities set forth in this part of these regulations. The development assistance described below shall be provided exclusively to those small business concerns eligible to receive contracts pursuant to section 8(a) of the Small Business Act. Such small business concerns shall be participants in the Small Business Capital Ownership Development program. This program shall:

(1) Assist small business concerns participating in the program to develop comprehensive business plans (OMB Approval No. 3245-0015) with specific business targets, objectives, and goals;

(2) Provide for such other nonfinancial services as deemed necessary for the establishment, preservation, and growth of small business concerns participating in the program, including but not limited to (i) loan packaging, (ii) financial counseling, (iii) accounting and bookkeeping assistance, (iv) marketing assistance, and (v) management assistance;

(3) Assist small business concerns participating in the program to obtain equity and debt financing;

(4) Establish regular performance monitoring and reporting systems for small business concerns participating in the program to assure compliance with their business plans;

(5) Analyze and report the causes of success and failure of small business

concerns participating in the program; and

(6) Provide assistance necessary to help small business concerns participating in the program to procure surety bonds. Such assistance shall include, but not be limited to, (i) the preparation of surety bond application forms; (ii) special management and technical assistance designed to meet the specific needs of small business concerns participating in the program and which have received or are applying to receive a surety bond, and (iii) preparation of all forms (OMB Approval No. 3245-0015) necessary to receive a surety bond guarantee from the SBA Pursuant to Title IV, part B of the Small Business Investment Act of 1958.

§ 124.1000 Rules of practice for adjudicative proceedings to be used in effecting the termination of participation of a section 8(a) business concern in the section 8(a) program.

§ 124.1001 Scope of the rules in §§ 124.1000 through 1024.

The rules in §§ 124.1000 through 124.1024 govern the procedure to be utilized in adjudicative proceedings conducted pursuant to the provisions of section 8(a)(9) of the Small Business Act, as amended (15 U.S.C. 637(a)(9)). They do not apply to adjudicative or rulemaking proceedings under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) nor do they apply to investigations conducted under the Small Business Act (15 U.S.C. 631 *et seq.*), or the Inspector General Act of 1978 (5 U.S.C. App. I).

§ 124.1002 Definitions.

AAMS-B-COD. "AAMS-B-COD" means the Associate Administrator for Minority Small Business and Capital Ownership Development of the SBA.

Act. "Act" means the Small Business Act, as amended.

Administration. "Administration" means Small Business Administration (SBA).

Administrative Law Judge. "Administrative Law Judge" (ALJ) means the official who presides over the conduct of hearings held pursuant to the rules of practice in this part.

Order to show cause. "Order to show cause" means the formal statement and notice of hearing issued by SBA under § 124.1004 for the purpose of initiating adjudicative proceedings under these rules.

Party. "Party" refers to SBA and each respondent.

Respondent. "Respondent" means a section 8(a) business concern against which proceedings are instituted

pursuant to section 8(a)(9) of the Small Business Act.

Suspension. "Suspension" means the period of time during which a section 8(a) business concern which has not been terminated from the 8(a) program pursuant to this subpart shall not receive 8(a) contract support, pursuant to § 124.113.

Termination. "Termination" means the complete removal from the 8(a) program, pursuant to this subpart, of a section 8(a) concern, with no rights of reinstatement.

§ 124.1003 Appearances.

(a) *By non-lawyers.* An individual may appear in his own behalf or may represent a sole proprietorship; a member of a partnership may represent the partnership upon a showing of adequate authorization from the other partner(s); a bona fide officer of a corporation, trust or association may represent the corporation, trust or association upon a showing of adequate authorization.

(b) *By lawyers.* An individual, sole proprietorship, partnership, corporation, trust or association may be represented by an attorney at law who is a member in good standing of a bar of any Federal court or of the highest court of any State, Commonwealth, Territory of the United States, or the District of Columbia.

(c) *Restrictions as to former employees.* The restrictions as set forth in Part 105 of the SBA Rules and Regulations (13 CFR Part 105, *et seq.*) shall apply to former employees of SBA with respect to their appearances as attorney or agent for anyone other than the United States in any proceeding conducted under the rules of practice in this part.

(d) *Notice of appearance.* Any attorney desiring to appear before SBA on behalf of a respondent shall file with SBA a written notice of such appearance which shall contain a statement of such attorney's eligibility as provided in this section.

(e) *Standards of conduct.* All counsel practicing before SBA shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(f) *Suspension or disbarment of attorneys.* (1) The ALJ shall have the authority, for good cause stated on the record, to bar from participation in a particular proceeding any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so

barred shall have the right to appeal to the AAMS-B-COD from such action of the ALJ and the AAMS-B-COD may take such action as he deems warranted by the circumstances.

(2) The Administrator of the SBA for good cause shown may, in accordance with the procedures set forth in Part 104 of the SBA Rules and Regulations (13 CFR 104 *et seq.*), suspend or disbar any alleged offender from practice before the Administration.

§ 124.1004 Order to show cause, notice of suspension, where applicable, and notice of hearing of termination proceeding.

(a) *Commencement of proceeding.*

Adjudicative proceedings are commenced by the issuance of an order to show cause. A copy of the order to show cause will be served upon each respondent by certified mail, return receipt requested, to the last known address of the concern. If no receipt is returned within ten calendar days from the mailing of the notice or order to show cause, notice shall be presumed as of that time.

(b) *Form and notice of hearing.* The order to show cause shall be issued by SBA and shall contain a statement of the matters of fact and law asserted by SBA to be the grounds upon which proceedings have been instituted, and the legal authority and jurisdiction under which a hearing is to be held.

(c) *Hearing date.* The hearing shall be held on a date fixed by the ALJ.

(d) *Motion for more definite statement.*

If the statement in the order to show cause as to matters of fact and law or legal authority and jurisdiction asserted by SBA is so vague and ambiguous that a respondent cannot reasonably frame a responsive answer, a respondent may move for a more definite statement before filing an answer. Such motion shall be filed within 15 days after service of the order to show cause and shall point out the defects complained of and the details desired.

§ 124.1005 Answer.

(a) *Time for filing.* A respondent shall have 30 days after service of the order to show cause within which to file an answer thereto: *Provided, however.* That the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the ALJ:

(1) If the motion is denied, the answer shall be filed within ten days after notice of such action;

(2) If the motion is granted in whole or in part, the answer shall be filed within ten days after service of the more definite statement: *Provided further,*

however. That in no event need an answer be filed in less than thirty days after service of the order to show cause.

(b) *Content of answer.* An answer shall conform to the following:

(1) Answer contesting allegations of order to show cause. Such answer shall contain:

(i) A concise statement of the facts constituting the ground(s) of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the order to show cause or, if the respondent is without knowledge thereof, a statement to that effect.

(2) Answer admitting allegations of order to show cause. If the respondent elects not to contest the allegations of fact set forth in the order to show cause, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the ALJ.

(c) *Default.* Failure of a respondent to file an answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the ALJ, without further notice to the respondent, to find the facts to be as alleged in the order to show cause and to enter an initial decision containing such findings, appropriate conclusions, and an order.

(d) *Signature on answer.* Every answer filed pursuant to this section shall be signed by (1) the proprietor of a sole proprietorship named as respondent, or (2) an officer of a corporate respondent, or (3) a partner of a partnership, or (4) a trustee of the trust, or (5) the attorney who represents a respondent, and verified before a person qualified to administer oaths in the State in which the answer is prepared.

§ 124.1006 Motions.

(a) *Presentation and disposition.*

During the time a proceeding is before an ALJ, all motions, except as provided in § 124.1012(e)(2), shall be addressed to and ruled upon by the ALJ, and, if in writing, shall be filed with the ALJ. All motions addressed to the SBA shall be in writing and filed with SBA. It is the responsibility of the moving party to serve copies of any pleadings upon the opposing party or its counsel where the opposing party is represented by counsel. Respondent or respondent's counsel, where applicable, must serve all such pleadings on the attorney appearing on behalf of the agency. A

certificate of service must accompany all such filings.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Replies.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the ALJ or SBA, the opposing party shall reply or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the ALJ or SBA.

(d) *Motions for extensions.* As a matter of discretion, the ALJ or SBA may waive the requirements of this section as to motions for extensions of time and may rule upon such requests *ex parte.*

(e) *Rulings on motions for dismissal.* When a motion to dismiss an order to show cause or for other relief is granted with the result that the proceeding before the ALJ is terminated, the ALJ shall make and file an initial decision in accordance with the provisions of § 124.1017. When a motion to dismiss is made at the close of the evidence offered in support of the order to show cause based upon the alleged failure to establish a *prima facie* case, the ALJ may, if he so elects, defer ruling thereon until the close of the case in order to permit the reception of evidence.

§ 124.1007 Amendments and supplemental proceedings.

(a) (1) *Amendments By Leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the ALJ may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings: *Provided, however.* That an application for amendment of an order to show cause may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original order to show cause.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original order to show cause, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The ALJ may, upon reasonable notice and such

terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 124.1008 Prehearing conferences.

(a) The ALJ upon motion of any party or upon its own motion may direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of

§ 124.1007(a)(1):

(3) Stipulations, admissions of fact and of the contents, and authenticity of documents.

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic, or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishing for inspection or copying of nonprivileged documents, papers, books, or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody, or control of any party to the proceeding.

(b) Prehearing conferences, at the discretion of the ALJ, may be stenographically reported as provided in § 101.10-14(f) but shall not be public unless all parties so agree.

(c) The ALJ shall enter in the record an order which recites the action taken, the amendments allowed, and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying nonprivileged documents, papers, books, or other physical exhibits, the ALJ at his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books, or physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the ALJ's direction in respect to any of the foregoing shall be barred from participation in the

proceeding in accordance with the provisions of § 124.1003(f)(1).

§ 124.1009 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in a proceeding conducted under these rules shall make a written application in the form of a petition setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 124.1023(b). A similar certificate shall be attached to the answer filed by any party showing the service of such answer upon the applicant.

(b) The ALJ may by order permit the intervention to such extent and upon such terms as may be deemed proper. The ALJ shall consider, among other matters, whether the intervention will unduly delay or prejudice the adjudication of the rights of the parties.

§ 124.1010 Admission as to facts and documents.

(a) At any time after an answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the ALJ, but not less than ten days after service thereof, or within such further time as the ALJ may allow, the party so serves upon the party making the request either (1) a statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the grounds that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the ALJ for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined but, if written objections are made to only part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence

to the same extent and subject to the same objections as other admissions.

§ 124.1011 Evidence.

(a) *Burden of proof.* Counsel supporting the order to show cause shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision or an ALJ or of an official of SBA rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall be timely and shall briefly state the grounds relied upon. The transcript of any proceeding governed by the rules shall include argument thereon except as ordered by the ALJ. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exceptions to an adverse ruling by the ALJ are not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to provide by the answer of the witness, or the ALJ upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground. Similarly, rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

§ 124.1012 Presiding official.

(a) *Who presides.* All hearings in adjudicative proceedings except those regarding suspension shall be presided over by an ALJ.

(b) *Powers and duties.* ALJ's shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive evidence;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in an adversary proceeding;

(6) To make and file initial decisions;

(7) To take or cause depositions to be taken and to determine their scope; and

(8) to take action authorized by the rules in this part or in conformance with the provisions of Chapter 5, *Administrative Procedure of title 5 of the United States Code (5 U.S.C. 551-559)*.

(c) *Substitution of ALJ.* In the event of substitution of a new ALJ for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(d) *Interference.* In the performance of their adjudicative functions, ALJ's shall not be responsible to, nor subject to, the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecutive functions for the SBA, and all directions by SBA to ALJ's concerning any adjudicative proceeding shall appear in and be made a part of the record.

(e) *Disqualification of ALJ.* (1) When an ALJ deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the SBA of such withdrawal.

(2) Whenever any party shall deem the ALJ for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with SBA a motion to disqualify and remove such ALJ, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. A copy of such motion shall be served by SBA on the ALJ whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the ALJ does not disqualify himself within ten days, then SBA shall promptly determine the validity of the grounds alleged, either directly or on the report of another ALJ appointed to conduct a hearing for that purpose.

§ 24.1013 Hearings; transcripts.

(a) *Public hearings.* All hearings conducted pursuant to these rules shall be public unless otherwise specified in the order to show cause or ordered by the ALJ for good cause shown.

(b) *Rights of parties.* Every party shall have the right to due notice, cross-examination, presentation of evidence,

objection, motion, argument, and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless SBA otherwise orders upon a certificate of necessity therefor by the ALJ, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, weekend, or holiday recesses or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days notice of the time and place of any hearing shall be given, and in setting such hearing due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter under the supervision of the ALJ, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts shall be available to respondents and to the public from the reporter at rates established by the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the ALJ or agreed to in written stipulation signed by all counsel and approved by the ALJ shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the ALJ.

Corrections shall not be ordered by the ALJ except upon notice and opportunity for the hearing of objections.

Corrections so ordered or approved shall be incorporated in the record as an appendix, and when so incorporated the ALJ shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the

text which is intended to precede and follow it.

§ 124.1014 Witnesses and fees.

(a) Witnesses at hearings and depositions shall be examined orally under oath. Such witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witness fees and mileage shall be paid by the party at whose instance witnesses appear.

§ 124.1015 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the ALJ, any party may file with the ALJ for his consideration proposed findings of fact, conclusions of law, and an order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the ALJ's ruling on each proposed finding and conclusion except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 124.1016 Interlocutory appeals.

Except as provided in § 124.1003(f), interlocutory appeals from rulings of an ALJ may be filed only after permission is first obtained from the SBA. Any request for such permission (including supporting memoranda of fact and/or law) shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. No such permission shall be granted by SBA unless it is found that such ruling involves substantial rights and will materially affect a final decision and that determination of its correctness before the conclusion of the proceeding would better serve the interest of justice. Interlocutory appeals shall be in the form of a brief, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 124.1003(f), or within five days after notice of permission to file in the case of appeals under this section. Answer thereto may be filed within [five] days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the ALJ or SBA.

§ 124.1017 Initial decision.

(a) *When filed and when effective as agency decision.* Within 60 days after

completion of the reception of evidence in any proceeding, or within such further time as the SBA may allow on the ALJ's written request, the ALJ shall file an initial decision which shall become the decision of the AA/MSB-COD [i.e., the findings of fact, conclusions of law, and order contained in such initial decision shall become the final agency decision] 30 days after service thereof upon each of the parties; unless (1) within 15 days after service of the initial decision a petition for review thereof shall be filed pursuant to § 124.1018, or (2) within such 30 day period the AAMSB-COD issues an order directing the case to be placed on his docket for review. In that event, a copy of such order in addition to a copy of the initial decision shall be served on each party and each counsel or other representative who has appeared in the proceeding pursuant to § 124.1003.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order specifying the effective date thereof. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative, and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the ALJ who presided therein, except when he or she shall have become unavailable to the Administration, in which event a substitute ALJ shall be designated.

(d) *Reopening; termination of ALJ's jurisdiction.* (1) At any time prior to the filing of his initial decision, an ALJ may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the ALJ is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the AA/MSB-COD.

§ 124.1018 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 124.1017.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the AAMSB-COD is deemed to be in the public interest. Such petition shall not exceed 15 pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer not exceeding 15 pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the AAMSB-COD finds that the questions presented are substantial and that determination thereof by the AAMSB-COD is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the ALJ shall thereupon become the final decision of the AAMSB-COD. The AAMSB-COD will grant or deny the petition for review within 60 days from the date of the filing of the answer or such other final pleading.

§ 124.1019 AAMSB-COD review.

(1) Within 30 days after service of the AAMSB-COD's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity, and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases, textbooks, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the

AAMSB-COD in oral argument or otherwise.

(d) *Answering brief.* Within 30 days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases, textbooks, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matters in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of 60 pages, including any appendices, shall be filed without leave of the AAMSB-COD.

(g) *Disallowance of Briefs.* Briefs not conforming to the requirements of this subpart will be returned to the filing party without being filed before SBA and will not be considered by the AAMSB-COD. The AAMSB-COD may, at his discretion, grant to the moving party an extension of time of ten days in which to amend its brief to conform to the procedural rules.

(h) *Oral argument.* Within 45 days of the filing of all briefs the AAMSB-COD may hold an oral argument in connection with agency review of any initial decision (1) upon request made by any party at the time of filing its briefs and for good cause shown or (2) on the AAMSB-COD's own motion. Oral argument before the AAMSB-COD shall be reported stenographically unless otherwise ordered by the AAMSB-COD.

§ 124.1020 Decision on review.

(a) Upon review of an initial decision, the AAMSB-COD will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had made the initial decision.

(b) In rendering his decision, the AAMSB-COD will adopt, modify, or set aside the findings, conclusions, and order contained in the initial decision and will include in the decision a

statement of the reasons or basis for his action.

(c) The final decision issued by the AAMSB-COD shall be rendered within 15 days of the close of the oral argument and shall be served upon each party and each counsel or other representative who has appeared in the proceeding pursuant to § 124.1003.

§ 124.1021 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents filed in proceedings hereunder before the AAMSB-COD shall be addressed to and filed with the Associate Administrator for Minority Small Business and Capital Ownership Development, Small Business Administration, Washington, D.C. 20416. All documents filed in proceeding hereunder before an ALJ shall be addressed and filed with the Office of Hearings and Appeals, Small Business Administration, 1441, L Street, N.W. Washington, D.C. 20416, or to such other address as required by the ALJ assigned to the case.

(b) *Title.* All document shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Five copies of all documents shall be filed with the exception of notices of appearances under § 124.1003, in which case only one copy need be filed.

(d) *Form.* All documents and pleadings, including briefs, filed in proceedings hereunder shall be printed, typewritten, or otherwise processed in permanent form and on good unglazed paper.

(e) *Signature.* (1) One copy of each document shall be signed by an attorney of record for the party or, in the case of respondents not represented by counsel, by an officer of respondent.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this section, it may be stricken as sham and false, and the proceeding may go forward as though the document had not been filed.

§ 124.1022 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the AAMSB-COD, or an ALJ, or by any applicable statute, shall begin with the first business day following that on which the act, event, or development initiating such period of time shall have occurred. When the last day of the period so

computed is a Saturday, Sunday, national holiday, or other day on which the office of SBA is closed, the period shall run until the end of the following business day. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, is less than seven days, each of the Saturdays, Sundays, and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays, and national holidays counted, exceeds seven days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the ALJ may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the AAMSB-COD or the ALJ.

§ 124.1023 Service.

(a) *By SBA.* (1) Service of orders to show cause, orders, and other processes of SBA may be effected as follows:

(i) *By registered mail.* A copy of the documents shall be addressed to the person, partnership, corporation, or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to any individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery of an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an officer or director of the corporation or unincorporated association to be served.

(2) Documents other than orders to show cause, orders, and other processes of SBA, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of SBA or an ALJ for the performance of some act or the occurrence of some event or development, shall be served in the same manner as orders to show cause, orders, and other processes of SBA or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-classed mail.

(b) *By other parties.* Service of documents by parties other than SBA shall be by delivering copies thereof as follows: Upon SBA by personal delivery

or delivery by first-class mail to the Office of Hearings and Appeals or the Office of AAMSB-COD as appropriate; upon any other party, by delivery to the party; and upon SBA counsel by delivery to that counsel. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party other than SBA means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by first-class mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than an order to show cause, order, or other process of SBA shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 124.1024 Ex Parte Communication.

(a) In any proceeding conducted under these rules, no employee or agent of SBA who performs any investigative or prosecutive function in connection with the proceeding and no respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a respondent, shall communicate ex parte, directly or indirectly, with the AAMSB-COD, or the ALJ, or any employee involved in the decisional process in such proceeding, with respect to the merits of the matter.

(b) In any proceeding conducted under these rules, the AAMSB-COD, ALJ, or employee involved in the decisional process of such proceeding shall not communicate ex parte, directly or indirectly, with any employee or agent of SBA who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of the matter.

(c) In any proceeding conducted under these rules, if any oral or written *ex parte* communication is made to or by the ALJ or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such ALJ or employee, as the case may be shall promptly deliver to the AAMSB-COD any such written communication or, in the case of an oral communication, a report giving the substance thereof in writing, together with a written statement of the circumstances under which it was made. The relevant written material pertaining to the *ex parte*

communication shall be made a part of the record of the proceeding to which it applies and, if the AAMSB-COD determines that such communications should, in fairness, be brought to the attention of all parties to the proceeding, the AAMSB-COD shall send copies thereof to all such parties.

(d) In any case where the AAMSB-COD determines that the dictates of fairness so require, any party requesting an opportunity to do so may rebut, on the record, any facts or contentions contained in any such *ex parte* communication.

(e) The Administrator of the SBA may, in accordance with the procedures contained in Part 104 of this chapter, suspend or revoke the privilege of any person who makes or solicits the making of an unauthorized *ex parte* communication to practice or appear before SBA.

Dated: March 8, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-33858 Filed 12-21-83; 8:45 am]

BILLING CODE 8025-01-M

U.S. GOVERNMENT
GENERAL
REGULATORY
COMMISSION

Thursday
December 22, 1983

Part III

**Department of
Energy**

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies
Under Natural Gas Policy Act

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Volume No. 1028]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: December 16, 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 16, 1983

VOLUME 1028

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION								
-AMERADA HESS CORPORATION								
8408860	83-1454	1708120443	102-4		MORGAN GAS COMPANY #1 HOSS RA SUG	MARTIN FIELD	109.5	UNITED GAS PIPE L
-AMOCO PRODUCTION CO			RECEIVED:	11/25/83	JA- LA			
8408804	83-1461	1701320535	102-3		J F BOYET WELL #1	WILDCAT/RINGOLD BLOC	657.0	
8408857	83-1459	1701521700	102-3		R L HODIER #1	WILDCAT/GRAND CAME AR	365.0	
8408908	83-0639	1770520098	103		S/L 862 #12	VERMILION BLOCK 14	320.0	FLORIDA POWER & L
8408894	82-3289	1705721887	103		STATE LEASE 328 WELL #27	LAKE LDNO	730.0	COLUMBIA GAS TRAN
-ANR PRODUCTION CO			RECEIVED:	11/25/83	JA- LA			
8408867	83-1295	1706920179	102-3		PAUL E MESSENGER #1	UNNAMED	157.0	
-ARBOR PETROLEUM CORP			RECEIVED:	11/25/83	JA- LA			
8408800	83-1030	1705922259	103		D A MILTON/HARRIS #1	OLLA	18.0	TEXAS GAS TRANSMI
-B J LDNG			RECEIVED:	11/25/83	JA- LA			
8408891	83-1039	1712721206	103		B J LONG-Louisiana-Pacific 16 #1	HICKORY VALLEY	36.5	UNITED GAS PIPE L
-BASS ENTERPRISES PRODUCTION CO			RECEIVED:	11/25/83	JA- LA			
8408895	82-3285	1707525011	103		DELAERDIX #53 VUE	POINTE-A-LA-HACHE	36.5	SOUTHERN NATURAL
8408846	82-3057	1706120324	102-4	103	J J RISER #1 COTTON VALLEY RA SUG	HICO-KNOBLES	438.0	UNITED GAS PIPE L
-CARUTHERS PRODUCING CO INC			RECEIVED:	11/25/83	JA- LA			
8408890	83-1342	1701725030	102-4		CADDY LEVEE BOARD SLI RC SU 121	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408917	83-1140	1701724921	102-4		GANZ #2 SLI RC SU 41	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408916	83-1141	1701725129	102-4		GANZ #3 SLI RC SU 48	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408918	83-1139	170172498	102-4		HALE #1 PET RB SUL	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408919	83-1127	1701724920	102-4		HOLZ #1 SLI RC SUT	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408920	83-1137	1701724848	102-4		J T TYSON #1 PET RB SUL	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408915	83-0718	1701725104	102-4		ROBERTS #1 SLI RC SU108	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
8408919	83-1138	1701725092	102-4		LYNN #1 PET RB SUF	CADDY-PINE ISLAND	0.0	ARKANSAS LOUISIAN
-CITIES SERVICE COMPANY			RECEIVED:	11/25/83	JA- LA			
8408936	82-3019	1701724146	102-4		CLEMENTS A #1 CV RA SU9	NORTH MISSIONARY LAKE	70.0	CRYSTAL OIL CO
-COCKRELL OIL CORP			RECEIVED:	11/25/83	JA- LA			
8408882	83-1272	1702521269	103		MRS JOHN SELLS #1	WEST CREOLE	200.0	
-CRYSTAL OIL AND LAND COMPANY			RECEIVED:	11/25/83	JA- LA			
8408856	83-1326	1701521741	102-2		A L MOORE #1	ARKANA	18.3	ARKANSAS LOUISIAN
8408843	83-1297	1704120086	102-2		BANKSTON #1	TRUE LIGHT CHURCH	125.9	COLUMBIA GAS TRAN
8408855	83-1317	1701724625	103		CLEMENTS #7 CV RA SU25	NORTH MISSIONARY LAKE	18.3	ARKANSAS LOUISIAN
8408881	83-1247	1701724846	103		CLEMENTS "R" #3	NORTH MISSIONARY LAKE	12.4	ARKANSAS LOUISIAN
8408858	83-1458	1701521730	102-4		DOLES-WALKER #2-D CV RB SU 35	ARKANA	36.5	ARKANSAS LOUISIAN
8408829	83-1279	1701724274	103		DOMINICK "A" #1	NORTH MISSIONARY LAKE	53.0	ARKANSAS LOUISIAN
8408845	82-3052	1701521627	102-2		HAMITER "C" #1	ARKANA	9.1	ARKANSAS LOUISIAN
8408854	83-1449	1701521716	102-4		HAMITER "F" #1-D CV RB SU48	ARKANA	18.3	ARKANSAS LOUISIAN
8408857	82-3053	1701521723	102-2		HAMITER "G" #1 VUA	ARKANA	73.0	ARKANSAS LOUISIAN
8408859	83-1456	1701521746	102-4		HAMITER "H" #1-D CV RB SU48	ARKANA	182.5	ARKANSAS LOUISIAN
8408818	83-1017	17111920478	103		JOHNINIE ADKINS JR #1	SHONGALOO	91.3	TEXAS GAS TRANSMI
8408853	83-1450	1701521662	102-4		KEDUN "A" #1 CV RB SUM	ARKANA	69.4	ARKANSAS LOUISIAN
8408898	83-1409	1701521681	102-4		W T DAVIS "C" #1 CV RB SU12	ARKANA	18.3	ARKANSAS LOUISIAN
8408851	83-1453	1701521414	102-4		WILLAMETTE #0 #1-D CV RB SU 40	ARKANA	328.5	ARKANSAS LOUISIAN
8408855	83-1427	1701521704	102-4		WYCHE "B" #1 CV RA SUM	ARKANA	209.9	ARKANSAS LOUISIAN
8408852	83-1452	1701521613	102-4				7.3	ARKANSAS LOUISIAN

JD NO	JA DKT	API NO	D SEC(13) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
-EDWIN L BERRY R COX	83-1158	1780121255	RECEIVED: 11/25/83 JA: LA 102-4 DOUGET #2 3200' RA-SUA	TEPETATE	216.0	LOUISIANA GAS SYS
-EDWIN L COX	83-1408	1780120750	RECEIVED: 11/25/83 JA: LA 102-4 COBENA #1 D RA-SUA	BRANCH	300.0	TEXAS GAS TRANSMI
8408849 82-3882	1709920814	102-4 WILBERT SONS #3-D MV RB-SUA	BAYOU BOUILLEON	36.0	SOUTHERN NATURAL	
8408853 83-0857	1709920906	102-4 WILBERTS #2 MV RB-SUA	BAYOU BOUILLEON	30.0	SOUTHERN NATURAL	
-ERIN EXPLORATION ASSOC			RECEIVED: 11/25/83 JA: LA 102-4 CUSHITAN #1 SER #179521 CV RA-SUA	LONGWOOD	630.0	SOUTHWESTERN ELEC
8408856 83-1923	1701724672	102-4 RECEIVED: 11/25/83 JA: LA 102-4 CAMERON MEADOWS LAND COMPANY #55	CAMERON MEADOWS	15.5	UNITED GAS PIPE L	
-EXXON CORPORATION	83-1557	1782521243	RECEIVED: 11/25/83 JA: LA 102-4 EXXON FEE #56	BULLY CAMP	30.0	TENNESSEE GAS PIP
8408860 83-1034	1705721908	102-4 EXXON FEE-PECAN ISLAND #70	PECAN ISLAND	1500.0	COLOMBIA GAS TRAN	
8408867 83-1329	1772520299	102-4 SL 6704 A #13	MAIN PASS BLOCK 74	1000.0	UNITED GAS PIPE L	
-FRANK HALE			RECEIVED: 11/25/83 JA: LA 102-4 HINDSMAN PARKER D #1 ALT SLI-RCSUD	CADDY PINE ISLAND	292.0	ARKANSAS LOUISIAN
8408870 83-0734	1701724619	102-4 HINDSMAN PARKER D #2 SLI-RC-SU #1	CADDY PINE ISLAND	220.0	ARKANSAS LOUISIAN	
8408872 83-0737	1701724528	102-4 HINDSMAN PARKER D #4 ALT SLI-RC-SU #1	CADDY PINE ISLAND	220.0	ARKANSAS LOUISIAN	
8408866 83-1294	1701724618	102-4 HINDSMAN PARKER D #5 ALT SLI-RC-SU #1	CADDY PINE ISLAND	220.0	ARKANSAS LOUISIAN	
8408864 83-1291	1701724419	102-4 HINDSMAN PARKER D #6 ALT 177605	CADDY PINE ISLAND	212.0	ARKANSAS LOUISIAN	
-FREYER SMITH & ASSOCIATES INC			RECEIVED: 11/25/83 JA: LA 102-2 LAWRENCE #1	RED RIVER BULL BAYOU	192.0	TEXAS EASTERN TRA
8408853 83-1287	1708120475	102-2 MARTIN TIMBER CO #1 L MOSS RA-SUA	BENSON	100.0	LOUISIANA INTRAST	
-GEORGE R SCHURMAN			RECEIVED: 11/25/83 JA: LA 102-2 IPB #1 WY RA-SUB	CALVIN	550.0	LOUISIANA INTRAST
8408861 83-1288	1703121558	102-2 IPB #2 ALT 10450 RA-SUA	LOGNSPORT (COTTON) VA	0.0	TENNESSEE GAS PIP	
-GETTY OIL COMPANY	83-1821	1712760000	RECEIVED: 11/25/83 JA: LA 102-2 USA 10-56 #1	CALVIN	0.0	LOUISIANA INTRAST
8408823 83-1274	1703121220	102-2 SL 8047 #1	HORSCHE BAYOU	532.0		
8408802 83-1026	1712720691	102-2 SL 8047 #1	RED RIVER BULL BAYOU	36.0	J W GATHERING CO	
-GOLDKING PRODUCTION COMPANY			RECEIVED: 11/25/83 JA: LA 102-4 J D TIMOLAT B #157	WEST BAY	52.0	TEXAS EASTERN TRA
8408859 83-1834	1710121265	102-4 SL 195 QO #296	QUARANTINE BAY	420.0	UNITED GAS PIPEL	
-GRACE PETROLEUM CORPORATION			RECEIVED: 11/25/83 JA: LA 102-4 SL 195 QO #297	QUARANTINE BAY	230.0	UNITED GAS PIPEL
-GREAT SOUTHERN OIL & GAS CO INC	83-1154	1706128032	RECEIVED: 11/25/83 JA: LA 102-4 VUG6 S/L #192 PP #146	WEST BAY	146.0	TEXAS EASTERN TRA
8408879 83-0667	1711300269	102-4 WEST BAY	ASBIEVILLE	30.0	LOUISIANA GAS-575	
8408892 83-1917	1707573059	102-4 WBLD #2-ALT 10450 RA-SUA	LAKE HERMITAGE	2.5	UNITED GAS PIPEL	
-GUERNSEY PETROLEUM CORPORATION			RECEIVED: 11/25/83 JA: LA 102-4 CONTINENTAL GROUP 82-10 #1	RED RIVER BULL BAYOU	36.0	J W GATHERING CO
8408873 83-1313	1703121833	102-4 D BOSTWICK #1 SLI-RC-SU 29	CADDY PINE ISLAND	40.0	ARKANSAS LOUISIAN	
-GULF OIL CORPORATION			RECEIVED: 11/25/83 JA: LA 102-4 PARKER #1 SLI-RC-SU 28	CADDY PINE ISLAND	100.0	ARKANSAS LOUISIAN
8408875 83-1309	1707572944	102-4 PARKER #1 SLI-RC-SU 28	CADDY PINE ISLAND	73.0	UNITED GAS PIPE L	
8408813 83-0671	1707522576	102-4 PARKER #1 SLI-RC-SU 28	CADDY PINE ISLAND	73.0	UNITED GAS PIPE L	
8408814 83-0678	1707522574	102-4 PARKER #1 SLI-RC-SU 28	CADDY PINE ISLAND	73.0	UNITED GAS PIPE L	
-HADDAD GEORGE A JR			RECEIVED: 11/25/83 JA: LA 102-2 CARTER #1	CADDY PINE ISLAND	73.0	UNITED GAS PIPE L
-HADDOX PETROLEUM CORP			RECEIVED: 11/25/83 JA: LA 102-2 MANVILLE #198 #1 WY RB-SUB	MEMPORT	0.0	MID LOUISIANA GAS
8408872 83-0680	1702120865	102-2 MANVILLE #198 #1 WY RB-SUB	MEMPORT	0.0	MID LOUISIANA GAS	
-HARVEY BRODLES & MUNDO CO			RECEIVED: 11/25/83 JA: LA 102-4 MANVILLE FOREST PROD #1H055 D RB-SUA	MANVILLE FOREST P	550.0	MANVILLE FOREST P
8408875 82-2955	1707312176	102-4 R B PAULUS - #1-D H055 D RB-SUB	MANVILLE FOREST P	550.0	MANVILLE FOREST P	
8408894 82-2953	1707321807	102-4 R B PAULUS - #2 H055 D RB-SUB	MANVILLE FOREST P	550.0	MANVILLE FOREST P	
-HAKEYE DRILLING CO			RECEIVED: 11/25/83 JA: LA 102-4 BOSTWICK #1 SLI-RC-SU 29	CADDY PINE ISLAND	40.0	ARKANSAS LOUISIAN
8408911 83-0727	1701724811	102-4 CADDY PINE ISLAND	CADDY PINE ISLAND	100.0	ARKANSAS LOUISIAN	
8408912 83-0724	1701724726	102-4 PARKER #1 SLI-RC-SU 28	CADDY PINE ISLAND	100.0	ARKANSAS LOUISIAN	
-HIGHLAND RESOURCES INC			RECEIVED: 11/25/83 JA: LA 102-4 FUOLER #1 HS RC-SUA	WEST ADDIS	365.0	DOW CHEMICAL CO
8408894 82-0722	1704720591	102-4 FUOLER #1 HS RC-SUA	WEST ADDIS	365.0	DOW CHEMICAL CO	
-HOGAN EXPLORATION INC			RECEIVED: 11/25/83 JA: LA 102-4 G W DOUGLASS #1 ULW RA-SUE	WELCOME HOME	30.0	LOUISIANA INTRAST
8408896 83-0650	1702120873	102-4 MANVILLE #198 #1-D ULW RA-SUE	SARDIS CHURCH	100.0	UNITED GAS PIPE L	
8408896 83-0698	1702120983	102-4 OLIMKRAFT 684 #2 HADDEH RA-SUA	PISTOL THICKET	60.0	LOUISIANA INTRAST	
8408791 83-0683	1702120907	102-4 OLIMKRAFT 684 #2 HADDEH RA-SUA	PISTOL THICKET	60.0	LOUISIANA INTRAST	
-HUGGS INCORPORATED			RECEIVED: 11/25/83 JA: LA 102-4 SMITH EST #1 SMK A RB-SUF	LISBON	365.0	LOUISIANA GAS INT
8408810 83-0675	1702721038	102-4 SMITH EST #1 SMK A RB-SUF	LISBON	365.0	LOUISIANA GAS INT	
-JEEMS BAYOU PRODUCTION CORP			RECEIVED: 11/25/83 JA: LA 102-4 W H ROBERTSON #2	BRUSHY BAYOU	169.0	LOUISIANA INTRAST
8408825 83-0729	1703121962	102-4 W H ROBERTSON #2	BRUSHY BAYOU	169.0	LOUISIANA INTRAST	
JOHN D CARUTHERS JR			RECEIVED: 11/25/83 JA: LA 102-4 KEEL #1 SLI-RC-SU 49	CADDY PINE ISLAND	31.0	ARKANSAS LOUISIAN
8408828 83-0736	1701724922	102-4 KEEL #1 SLI-RC-SU 49	CADDY PINE ISLAND	465.0	ARKANSAS LOUISIAN	
8408816 83-1019	1701725006	102-2 MANVILLE #198 #2	CADDY PINE ISLAND	487.0	ARKANSAS LOUISIAN	
8408817 83-1018	1701724925	102-2 PARKER #1 SLI-RC-SU 24	CADDY PINE ISLAND	27.0	ARKANSAS LOUISIAN	
8408814 83-0721	1701725033	102-4 TERRY #2 SLI-RC-SU 57	CADDY PINE ISLAND	27.0	ARKANSAS LOUISIAN	
-JOHN D CLAY EXPLORATION INC			RECEIVED: 11/25/83 JA: LA 102-4 A B NETHRY #1 1840 RA-SUD	WEST CLARKS	50.0	TRUNKLINE GAS CO
8408825 83-1346	1702120575	102-4 A B NETHRY #1 1840 RA-SUD	WEST CLARKS	50.0	TRUNKLINE GAS CO	
8408850 82-3064	1702120774	102-4 IPDO #2 NEGLY RB-SUA	SWIM LAKE	50.0	LOUISIANA INTRAST	
8408891 83-1366	1702120923	102-4 W F NETHRY #1 SERIAL #182111	WEST CLARKS	50.0	TRUNKLINE GAS CO	
-JUSTISS OIL CO INC			RECEIVED: 11/25/83 JA: LA 102-4 DUHRAN EST #1 CV RA-SU E	NORTH ANTRIM	180.0	
8408810 83-1156	1701521886	102-4 DUHRAN EST #1 CV RA-SU E	NORTH ANTRIM	90.0		
8408821 83-1157	1701521701	102-4 MILTON WESLEY FOSTER #1 CV RA-SU D	NORTH ANTRIM	180.0		
-KINSEY INTERESTS INC			RECEIVED: 11/25/83 JA: LA 102-4 A J MODICA ET AL #1 CV RA-SU A	WILLOW CHUTE	75.0	ARKANSAS LOUISIAN
8408812 83-0672	1701521726	102-4 A J MODICA ET AL #1 CV RA-SU A	WILLOW CHUTE	75.0	ARKANSAS LOUISIAN	
-LATHAM EXPLORATION CO INC			RECEIVED: 11/25/83 JA: LA 102-2 W H NORTH #1 #1	DIXIE	365.0	UNITED GAS PIPEL
8408893 82-3328	1701724695	102-2 W H NORTH #1 #1	DIXIE	365.0	UNITED GAS PIPEL	
-LGS EXPLORATION INC			RECEIVED: 11/25/83 JA: LA 102-4 ARCEAUX #1	BOSCO	0.0	MONTEREY PIPELINE
8408897 83-0642	1700100000	102-4 ARCEAUX #1	BOSCO	0.0	MONTEREY PIPELINE	
-MAY PETROLEUM INC			RECEIVED: 11/25/83 JA: LA 102-4 J S SIMONTON #1-D ALT ROD RA-SUI	BETHANY LONGSTREET	109.5	ARKANSAS LOUISIAN
8408870 83-0686	1703121957	102-4 J S SIMONTON #1-D ALT ROD RA-SUI	BETHANY LONGSTREET	109.5	ARKANSAS LOUISIAN	
-MCALESTER FUEL COMPANY			RECEIVED: 11/25/83 JA: LA 102-4 VU A BONIN #1 160454	GARDEN ISLAND BAY	52.0	TENNESSEE GAS PIP
8408868 82-3393	1707522373	102-4 VU A BONIN #1 160454	GARDEN ISLAND BAY	365.0	CONOCO INC	
8408815 82-2821	17111320826	102-4 W G LORD #6	GROGAN	210.0	TENNESSEE GAS PIP	
-MICH-LA OIL & GAS EXPLORATION	8408852 82-3331	1731218540	RECEIVED: 11/25/83 JA: LA 102-2 MELTON #1 SMK RA-SUC	N W ANTOICH	270.0	LOUISIANA GAS INT
8408853 82-3331	1731218540	102-2 MELTON #1 SMK RA-SUC	N W ANTOICH	270.0	LOUISIANA GAS INT	
-MIDROC OPERATING CO			RECEIVED: 11/25/83 JA: LA 102-2 TOMLINSON #1	CAMERON CANAL	0.0	
8408892 83-1351	1702721033	102-2 TOMLINSON #1	CAMERON CANAL	0.0		
-MOBIL OIL EXPLORATION & PROD S E			RECEIVED: 11/25/83 JA: LA 102-4 B FREHEAUX #2	CLAY	91.0	ARKANSAS LOUISIAN
8408799 82-2357	17111321163	102-4 B FREHEAUX #2	CLAY	91.0	ARKANSAS LOUISIAN	
8408883 83-1273	1706120169	102-4 2050 RA-SU A MAS NELSON ET AL #16	POINTE AU PER	700.0	TRANSCONTINENTAL	
-MOREE MCCRACK OIL & GAS CORP			RECEIVED: 11/25/83 JA: LA 102-4 MORDOLO VINCENT #15	EAST RICHIE	84.0	TRANSCONTINENTAL
8408838 83-1306	1700121119	102-4 MORDOLO VINCENT #15	EAST RICHIE	84.0	TRANSCONTINENTAL	
-NICKLOS OIL & GAS CO C/D BRACCO OIL			RECEIVED: 11/25/83 JA: LA 102-2 LIBBY & BLOUIN LTD #3-1	S W LIKE BOEUF	18.0	TEXAS EASTERN TRA
8408830 83-1280	1772120320	102-2 LIBBY & BLOUIN LTD #3-1	S W LIKE BOEUF	18.0	TEXAS EASTERN TRA	
8408829 83-0735	1705721743	102-2 R C PLATER JR ET AL #1	ROUSSEAU	0.0	TRANSCONTINENTAL	
-PEHNZOIL COMPANY			RECEIVED: 11/25/83 JA: LA 102-2 SOUTHERN PASS 57-58 #A-1 S L 6310 A #1	SOUTH PASS 57-58 AREA	584.0	LOUISIANA INTRAST
8408827 83-1277	1772120320	102-2 SOUTHERN PASS 57-58 #A-1 S L 6310 A #1	SOUTH PASS 57-58 AREA	1750.0	LOUISIANA INTRAST	
8408830 83-1275	1772120350	102-2 SOUTHERN PASS 57-58 #A-1 S L 6310 A #1	SOUTH PASS 57-58 AREA	1022.0	LOUISIANA INTRAST	
8408821 83-1023	1772120323	102-2 SOUTHERN PASS 57-58 #A-4 S L 6310 A #4	SOUTH PASS 57-58 AREA	1750.0	LOUISIANA INTRAST	
8408822 83-1022	1772120323	102-2 SOUTHERN PASS 57-58 #A-4 S L 6310 A #4	SOUTH PASS 57-58 AREA	1606.0	LOUISIANA INTRAST	

JD NO	JA-DRT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408519	83-1025	1772120324	102-2		SOUTH PASS 57-58 #A-5 S L 6310 A #5	SOUTH PASS 57-58 AREA 2044	0	LOUISIANA INTRASTATE
8408520	83-1024	1772120324	102-2		S PASS 57-58 #A-50 S L 6310 A #50	SOUTH PASS 57-58 AREA 1606	0	LOUISIANA INTRASTATE
8408532	83-1282	1772120338	102-2		SOUTH PASS 57-58 #A-8 S L 6310 A #8	SOUTH PASS 57-58 AREA 1606	0	LOUISIANA INTRASTATE
PHILLIPS PETROLEUM COMPANY			RECEIVED	11/25/83	JA: LA			
8408546	83-0665	1711026564	102-4		MONZINCO C #1 CV RA SUC	SPIDER	2467	SOUTHWESTERN ELEC
8408537	82-1105	1703121681	102-4		PROPERTIES #2 HOSS RA SU D	SPIDER	274	SOUTHERN NATURAL
8408522	82-0997	1703121682	102-4		PROVOSI #2 HOSS RA SUH	SPIDER	615	SOUTHERN NATURAL
8408533	82-2934	1703121759	102-4		SOTO #2 HOSS RA SUP	SPIDER	159	SOUTHERN NATURAL
PHOENIX-WI-ROI			RECEIVED	11/25/83	JA: LA			
8408576	83-1508	1798120481	102-3		JENKINS ESTATE A #1	RED RIVER BULL BAYOU	547	LOUISIANA INTRASTATE
8408544	83-1294	1788120581	102-3		JENKINS ESTATE A #1-0	RED RIVER BULL BAYOU	547	LOUISIANA INTRASTATE
PLACIO OIL COMPANY			RECEIVED	11/25/83	JA: LA			
8408502	83-1500	1701328516	102-3		BABERS #1 VUM	LUCKY	16	TEXAS EASTERN TRA
8408503	83-1499	1701320516	102-3		BABERS #1 VUM	LUCKY	16	TEXAS EASTERN TRA
8408558	83-1239	1705922435	102-2		IPB LLS #57	NORTH SEARCY	84	
8408583	83-1335	1705922317	102-2		MASTERS ET AL #1	SEARCY	109	
8408541	83-1299	1765922327	102-2		STATE LEASE 84-85 #5	CATAHOULA LAKE	116	
PRIDE EXPLORATION INC			RECEIVED	11/25/83	JA: LA			
8408501	83-1627	1701724765	103		ROLLING #1	GREENWOOD-WASKOM	75	UNITED GAS PIPELINE
SHELL OFFSHORE INC			RECEIVED	11/25/83	JA: LA			
8408528	83-1278	1772120359	103		SL 1012 #304 SP 27 FLD SPB 27M RDSU	SOUTH PASS BLOCK 27 F	5	TENNESSEE GAS PIPELINE
8408505	83-1035	1772520198	103		SL 1155 #34 SPB 69 Q2 RA SU	MAIN PASS BLOCK 69 F1	20	TENNESSEE GAS PIPELINE
8408539	83-1302	1772120292	103		SP-27 FLD SL 1006 #125	SOUTH PASS BLOCK 27 F	11	TENNESSEE GAS PIPELINE
-SHELL OIL CO			RECEIVED	11/25/83	JA: LA			
8408542	83-1298	1709920862	103		J-L #1 CO #92	WEST LAKE VERRET	25	UNITED GAS PIPELINE
SOUTH CENTRAL PETROLEUM INC			RECEIVED	11/25/83	JA: LA			
8408503	83-1037	1701724430	103		STATE LINE HUNTING & FISHING A #5	GREENWOOD-WASKOM	55	UNITED GAS PIPELINE
SPIRIT PETROLEUM			RECEIVED	11/25/83	JA: LA			
8408537	82-3047	1702120841	102-4		BROWN #1 (178602) NEOLEY RA SUC	WELCOME HOME	50	LOUISIANA INTRASTATE
8408540	83-1126	1702120849	102-4		MIXON 1-D NELEY RA SUC	WELCOME HOME	0	LOUISIANA INTRASTATE
8408518	82-3046	1702120840	102-4		WOOLDRIDGE #1 (177842) L-MX RA SUC	WELCOME HOME FIELD	100	LOUISIANA INTRASTATE
-STRATA ENERGY INC			RECEIVED	11/25/83	JA: LA			
8408534	83-0662	1772720183	102-4		SL 6618 #5 CSB 71 TEX W RA NWU	CHANDELEUR SOUND BLOC	730	MID LOUISIANA GAS
-SUN EXPLORATION & PRODUCTION CO			RECEIVED	11/25/83	JA: LA			
8408524	83-1020	1703121933	103		D.M BELL -B- #1	IRONTON	188	TENNESSEE GAS PIPELINE
8408562	83-1289	1708320516	103		JOHN W ROSS #1	BIG CREEK	0	TEXAS EASTERN TRA
8408578	83-1235	1701120553	103		LUTCHER-MOORE LBR CO #17	SHOATS CREEK	37	TRUNKLINE GAS CO
8408565	83-1293	1708320520	103		VINYARD #1	BIG CREEK	4	TEXAS EASTERN TRA
8408540	83-1301	1708320521	103		VINYARD #2	BIG CREEK	54	TEXAS EASTERN TRA
-SUPERIOR OIL CO			RECEIVED	11/25/83	JA: LA			
8408563	83-1299	1710520014	102-2		C POWELL #1 VUM	MITCHELL LAKE	300	UNITED GAS PIPELINE
8408579	83-1256	1702321692	103		SL 2038 #38	DEEP LAKE	1000	MICHIGAN WISCONSIN
8408584	83-1315	1704720666	103		SCHIJNG L & S CO #86	BAYOU BLEU	1	DOW INTRASTATE GA
8408523	82-0962	1710121129	102-4		SMFLC #2 ROB L RA SUC	MAX LAKE	3000	MID LOUISIANA GAS
-TECHNECO OIL COMPANY			RECEIVED	11/25/83	JA: LA			
8408576	83-0854	1705721991	102-2		TENNECO FEE "R" #6	GRANDBOIS	1100	
-TEXAS CRUDE INC			RECEIVED	11/25/83	JA: LA			
8408521	82-2822	1710121224	102-2		STATE LEASE 8809 WELL #1	WILDCAT 972 - TURNPO 1500	0	
-TEXAS GAS EXPLORATION CORP			RECEIVED	11/25/83	JA: LA			
8408508	83-1032	1704720733	103		GAY UNION #55	BAYOU CHOCIAW	0	MONTEREY PIPELINE
-TEXOIL COMPANY			RECEIVED	11/25/83	JA: LA			
8408574	83-0676	1707523037	102-4		EYWARD #1 ALT K-8 RA SUC	BURAS	22	
8408793	83-0677	1707522820	102-4		PAUL ARMSTRONG #1	BURAS	1	
-TIERRA PETROLEUM CORP			RECEIVED	11/25/83	JA: LA			
8408505	83-0655	1704920170	102-4		DAVIS BRO #1 #174556 CVRA SUC	KELLYS	150	UNITED GAS PIPELINE
-TOCO OIL COMPANY INC			RECEIVED	11/25/83	JA: LA			
8408569	83-1159	1704520625	102-4		HALL-GONZOLIN #1	FAUSSE POINTE FIELD	310	SOUTHERN NATURAL
-TRIDENT OIL AND GAS CORPORATION			RECEIVED	11/25/83	JA: LA			
8408507	83-1033	1712721192	103		MANVILLE FOREST PRODUCTS #1	EAST SIKES	100.5	UNITED GAS PIPELINE
-TRITON OIL & GAS CORP			RECEIVED	11/25/83	JA: LA			
8408513	83-0723	1702721084	102-4		PLATT #1	LILLIE SW	300	ARKANSAS LOUISIANA
8408578	82-2196	1702720625	102-4		USA #1	MOUNT SINAI	160	LOUISIANA GAS INTRASTATE
-TKO PRODUCTION CORP			RECEIVED	11/25/83	JA: LA			
8408570	83-1153	1706120352	102-4		COLQUITT #1 LCV RA SUP	TERRIVILLE	412	DELHI GAS PIPELINE
8408575	82-2177	1703121807	102-4		FLETCHER HEIRS #1-D PETTET RA SUC	GRAND CAME	365	DELHI GAS PIPELINE
-WEAVER EXPLORATION CO			RECEIVED	11/25/83	JA: LA			
8408531	83-0732	1704720719	102-4		A-5 POURCIAU #1	GROSFET TETE	0	SOUTHERN LOUISIANA
-WHEELLESS INDUSTRIES INC			RECEIVED	11/25/83	JA: LA			
8408511	83-0673	1711120220	102-4		BROWNING #1 WHEELLESS SMK C RA SUC	EAST OXESVILLE	365	ARKANSAS LOUISIANA
-WILLIAMS EXPLORATION COMPANY			RECEIVED	11/25/83	JA: LA			
8408531	83-1281	17080121041	103		JOHN SCHULTZ #2	MARIE	800	LOUISIANA RESOURCE
-YOUNGBLOOD ENTERPRISES INC			RECEIVED	11/25/83	JA: LA			
8408527	83-1307	1703121788	102-2		KINNEBREW #1	GROGAN	0	TENNESSEE GAS PIPELINE
8408559	83-1338	1703121970	102-2		REDING #1	GROGAN	0	ESSELEN ASSOCIATE

[Volume No. 1029]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 16, 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 16, 1983

VOLUME 1029

JD NO.	JA DKT	API NO.	0 SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
FLORIDA DEPARTMENT OF NATURAL RESOURCES							
-EXXON CORPORATION		0911320209	107-OP	EFFIE WRIGHT ET AL #61-7	JAY/LEC	643.0	FLORIDA GAS TRANS
8409154		0911320203	107-OP	ST REGIS PAPER CO #13-5	BLACKJACK CREEK	109.5	BLACKJACK CREEK F
LOUISIANA OFFICE OF CONSERVATION							
-AMERADA HESS CORPORATION		1711321112	102-4	P FOSTER JR 13300 RB SUA	LIVE OAK FIELD	550.0	LOUISIANA RESOURC
8409206	83-1152	1701725478	102-4	FLORSHEIM ET AL #1 SLI RC SU 60	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409153	83-1146	1701725460	102-4	HITCHCOCK #3 SLI RC SU 105	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409195	83-1128	170172550	102-4	HITCHCOCK #4 PET RB SUO	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409205	83-1151	1701725520	102-4	MCGINNIS #1 SLI RC SU 27	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409188	83-1148	1701725059	102-4	MELTON #1 SLI RC SU 107	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409203	83-1129	1701725205	102-4	SHIVELY #1 SLI RC SU 61	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409187	83-1147	1701724923	102-4	BECK #1 SLI RC SU 95	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
-DAVID CROW		1701725068	102-4	HAPPY CROW #1 SLI RC SU96	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409201	83-1131	1701725009	102-4	HAPPY CROW #2 SLI RC SU 94	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409202	83-1132	1701725336	102-4	MARCOM #1 PET RB SUK	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409184	83-1142	1701725026	102-4	PEAK #1 SLI RC SU 97	CADDOPINE ISLAND	0.0	ARKANSAS LOUISIAN
8409199	83-1133	1701721499	102-4	CAMERON MEADOWS LAND COMPANY #75	CAMERON MEADOWS	7.5	COLUMBIA GAS TRAN
-EXCHANGE OIL & GAS CORP		1702321569	102-4	SIDNEY DAILY #1	WEST RIDGE	730.0	LOUISIANA INTRAST
8409196	83-1136	1705520218	102-4	THEO SMITH PATRICK #1 9500* RA SUA	RIDGE	20.0	UNITED GAS PIPEL
8409190	83-1134	1705520244	102-4	DELLA BEL KRAUSE ET AL #2	SOUTH LAKE CHARLES	62.0	LOUISIANA GAS SYS
-GREAT SOUTHERN OIL & GAS CO INC		1701920819	102-4	SL 195 QQ #295 QUARANTINE BAY	QUARANTINE BAY	375.0	UNITED GAS PIPEL
8409204	83-1150	1701920819	102-4	THEO SMITH PATRICK #1 9500* RA SUA	WEST CLARKS	50.0	TRUNKLINE GAS CO
-GULF OIL CORPORATION		1707522575	102-4	LOUISIANA CENT MINERALS #2 183227	RENE LEBLANC #1 SUA	72.6	VALENTINE
8409194	83-0669	1707522575	102-4	LOUISIANA CENT MINERALS #2 183227	LOMANS	150.0	SABINE-DESOTO PIP
-JOHN D CLAY EXPLORATION INC		1702120948	102-2	LOMANS #1 SUA	LOGANS	360.0	TENNESSEE GAS PIP
-LOS EXPLORATION INC		1705721973	102-4	LOMANS #1 SUA	GRAND CANE	273.8	DELHI GAS PIPEL
8409185	83-1144	1705721973	102-4	LOMANS #1 SUA	GRAND CANE	346.8	DELHI GAS PIPEL
-MARSHALL EXPLORATION INC		1703121778	103	CENTRAL LOUISIANA ELECTRIC CO #1	KALASKA 28A-27N-7W	1.0	CONSUMERS POWER C
8409191	82-3226	1703121778	103	HUMPHRIES #1			
8409192	82-3257	1703121635	103	HUMPHRIES #1			
-TENNECO OIL COMPANY		1705721831	102-2	TENNECO FEE #1			
8409193	82-3173	1705721831	102-2	TENNECO FEE #1			
-TXO PRODUCTION CORP		1703121619	102-4	CROMWELL #1 HOSS RA SU			
8409190	82-3182	1703121619	102-4	DIXON #1 #1 HOSS RA SUH			
8409189	82-3176	1703121576	102-4	WILLIAMS #1-28A			
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-FINDERS OIL & GAS CO		2107930677	102-4	RECEIVED: 11/28/83 JA: MI			
8409152				RECEIVED: 11/28/83 JA: MI			

JD NO	JA DKT	API NO	D SEC(1) SEC(2) WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION						
-ENSEARCH EXPLORATION INC			RECEIVED: 11/28/83 JA: MT			
8409142	9-83-126	2509121504	102-2 AASHEIM-CLARK #2-13	WILDCAT	0.0	PHILLIPS PETROLEUM
8409146	9-83-127	2509121504	103 AASHEIM-CLARK #2-13	WILDCAT	0.0	PHILLIPS PETROLEUM
-FARMERS UNION CENTRAL EXCHANGE INC			RECEIVED: 11/28/83 JA: MT			
8409149	9-83-132	2508321567	102-2 BN 8-53	NORTH CHARLIE CREEK	110.0	PHILLIPS PETROLEUM
8409151	9-83-129	2509121499	102-2 SORENSEN 1-11	DYWER	15.0	PHILLIPS PETROLEUM
-J BURHS BROWNE			RECEIVED: 11/28/83 JA: MT			
8409148	10-83-138	2500522213	102-2 LUX 14-32-18	WILDCAT	36.0	NORTHERN NATURAL
-MIDLANDS GAS CORPORATION			RECEIVED: 11/28/83 JA: MT			
8409147	9-83-128	2507121457	108 0470 1-4 COMPTON	BOWDOIN	6.0	K N ENERGY INC
8409143	10-83-136	2507121887	103 2112-2	BOWDOIN	65.0	K N ENERGY INC
-SUN EXPLORATION & PRODUCTION CO			RECEIVED: 11/28/83 JA: MT			
8409150	9-83-131	2510521289	102-2 J CLARK #1	LUSTRE (MISSION CANYO)	2.0	
8409144	8-83-122	2508521292	102-2 I	RED BARK	1.0	DOME PETROLEUM CO
-TRANS PECOS RESOURCES INC			RECEIVED: 11/28/83 JA: MT			
8409145	8-83-123	2509121479	102-2 ANDERSON 1-4	GREEN COULEE	0.0	PHILLIPS PETROLEUM
NORTH DAKOTA INDUSTRIAL COMMISSION						
-UNIVERSAL RESOURCES CORPORATION			RECEIVED: 11/28/83 JA: ND			
8409140	872	3305301669	102-4 MORBY STATE 1-20	KEENE	328.5	AMINOIL USA INC
8409141	871	3305301688	102-4 THOMPSON FEDERAL 1-19	KEENE	219.0	AMINOIL USA INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION						
-AMERICAN PENN ENERGY INC			RECEIVED: 11/28/83 JA: NY			
8409131	5772	3101318106	103 107-TF C MANGARTING #1 #1565	PANAMA	10.0	COLUMBIA GAS TRAN
8409130	5770	3101318085	103 107-TF E CROSSTY #1 #1566	PANAMA	10.0	COLUMBIA GAS TRAN
8409132	5774	3101318084	103 107-TF J CARUSO #1 #1571	PANAMA	10.0	COLUMBIA GAS TRAN
8409135	5778	3101318214	103 107-TF STATE REFORESTATION AREA #5 #1580	PANAMA	10.0	COLUMBIA GAS TRAN
8409134	5780	3101318083	103 107-TF STATE REFORESTATION AREA #5 #1581	PANAMA	10.0	COLUMBIA GAS TRAN
8409133	5776	3101318080	103 107-TF T SMITH #1 #1576	PANAMA	10.0	COLUMBIA GAS TRAN
-OXFORD EXPLORATION COMPANY			RECEIVED: 11/28/83 JA: NY			
8409126	5761	3112115461	107-TF GUSTAV T BERTRAND #1	PERRY	58.0	COLUMBIA GAS TRAN
8409127	5762	3112115570	107-TF GUSTAV T BERTRAND #2	PERRY	146.0	COLUMBIA GAS TRAN
8409129	5764	3112115460	107-TF HOLLISTER #1	PERRY	46.0	COLUMBIA GAS TRAN
8409125	5760	3112115615	107-TF O'CONNELL #1	PERRY	73.0	COLUMBIA GAS TRAN
8409128	5765	3112115569	107-TF WHEELER #1	PERRY	146.0	COLUMBIA GAS TRAN
-SHAWNEE OPERATING CO			RECEIVED: 11/28/83 JA: NY			
8409124	5752	3102918348	107-TF PAULUCCI #1	BRANT	15.0	SGC GAS: QUEST INC
-TROY ENERGY EASTERN INC			RECEIVED: 11/28/83 JA: NY			
8409122	5742	3102914882	108 CHARLES #1	LAKE SHORE	9.0	NATIONAL FUEL GAS
8409121	5743	3102914850	108 CHARLES #2	LAKE SHORE	2.0	NATIONAL FUEL GAS
8409123	5744	3102914851	108 MANN #4	LAKE SHORE	10.1	NATIONAL FUEL GAS
-WARNER BROTHERS WELL DRILLING INC			RECEIVED: 11/28/83 JA: NY			
8409139	5769	3101317966	107-TF MARION R MILLER #1 31-013-17968	LAKE SHORE	0.0	NATIONAL FUEL GAS
8409137	5768	3101318113	107-TF RICHARD I WARD #1 31-013-18113	LAKE SHORE	0.0	NATIONAL FUEL GAS
-8409136	5767	3101317968	107-TF ROBERT E DICKERSON #5 31-013-17968	LAKE SHORE	0.0	NATIONAL FUEL GAS
-8409158	5765	3101318453	103 107-TF VILLA 82-1 31-013-18453	LAKE SHORE	0.0	NATIONAL FUEL GAS
TEXAS RAILROAD COMMISSION						
-ENERGY RESERVES GROUP INC			RECEIVED: 11/14/83 JA: TX			
8407467	F-7C-074501	4208100311	103 J E CHAPPELL "A" #16	JAMESON (STRAWN)	4.7	UNION TEXAS PETRO
-MOBIL PROD TEXAS & NEW MEXICO INC			RECEIVED: 11/14/83 JA: TX			
8407460	F-08-074596	4210330801	108 U-TEX DD #3	DUNE	1.8	PHILLIPS PETROLEUM
8407453	F-08-074601	4210330857	108 U-TEX GG #1	DUNE	0.1	PHILLIPS PETROLEUM
8407454	F-08-074602	4210330856	108 U-TEX GG #2	DUNE	1.7	PHILLIPS PETROLEUM
WEST VIRGINIA DEPARTMENT OF MINES						
-ALLEGHENY & WESTERN ENERGY CORP			RECEIVED: 11/25/83 JA: WV			
8408992		4701100721	103 E SLOAN #1	BARBOURSVILLE	36.0	COLUMBIA GAS TRAN
8408991		4701100719	103 E WALKER #1	BARBOURSVILLE	36.0	COLUMBIA GAS TRAN
8408990		4701100720	103 MC CALLISTER #1	BARBOURSVILLE	36.0	COLUMBIA GAS TRAN
8408989		4701100738	103 MILLS-KILLEEN #1	BARBOURSVILLE	36.0	COLUMBIA GAS TRAN
-AXIEK OIL CO			RECEIVED: 11/25/83 JA: WV			
8408964		4708502839	108 CHARLES REED #1	PRUNTY	1.0	CARNEGIE NATURAL
8408956		47084100828	108 MARY FEALY #1	FINISTER-ASPINAL	4.0	EQUITABLE GAS CO
8408945		4708502371	108 S H WESTFALL #1	MAHONE	2.0	CONSOLIDATED GAS
-ASHLAND EXPLORATION INC			RECEIVED: 11/25/83 JA: WV			
8408957		4701900512	107-TF POCAHONTAS LAND CO #37-09651	LOUP CREEK	29.0	COLUMBIA GAS TRAN
-BAGGER OIL & GAS CO INC			RECEIVED: 11/25/83 JA: WV			
8409009		4704302555	103 HOLLEY #1	DEVONIAN SHALE - BROW	0.0	PENNZIP UNITED I
8409005		4703903858	103 KSF #1	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
8409007		4703903859	103 KSF #4	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
8409006		4703903890	103 KSF #5	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
8409005		4703903918	103 KSF #6	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
8409011		4703903919	103 KSF #7	KANAWHA STATE FOREST	0.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION			RECEIVED: 11/25/83 JA: WV			
8409010		4709320060	103 G MILLER UNIT #7A	CANAAN VALLEY	30.0	BROOKLYN UNION GA
-CABOT OIL & GAS CORP			RECEIVED: 11/25/83 JA: WV			
8408981		4709900869	108 CLYDE MILLER #1	STONEWALL	8.0	TENNESSEE GAS PIP
8408983		4701900358	105 KANAWHA GAULEY #3	FALLS	3.5	TENNESSEE GAS PIP
8408979		4709900852	108 LOUISA COLLINS #6	GRANT	1.0	TENNESSEE GAS PIP
8408954		4701903653	105 SILER COAL A-17	WASHINGTON	9.0	TENNESSEE GAS PIP
8408932		4710700775	105 W I CALE #3	WALKER	1.0	CABOT CORP
8408920		4709900862	105 WILSON COAL #8	LINCOLN	1.6	TENNESSEE GAS PIP
-COLUMBIA GAS TRANSMISSION CORP			RECEIVED: 11/25/83 JA: WV			
8408973		4708703641	107-DV FAUD BRADLEY ETAL 820744	WEST VA FIELD AREA A	44.7	COLUMBIA GAS TRAN
8408972		4708703640	107-DV GLADYS GEARY ET AL 820743	WEST VA FIELD AREA A	51.1	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 11/25/83 JA: WV			
8408957		4704101941	105 A A RONRBAUGH 11707	FREEMANS CREEK	15.0	GENERAL SYSTEM PU
8408967		4709100147	108 A T MCDONNELL 7555	BOOTH'S CREEK	0.4	GENERAL SYSTEM PU
8408958		47041012725	108 C R MORRIS 12531	FREEMANS CREEK	5.0	GENERAL SYSTEM PU
8408965		4703301061	108 E C TETRICK 12296	SARDIS	15.0	GENERAL SYSTEM PU
8408952		4700100395	108 EGBERT S HARVEY 10996	UNION	9.0	GENERAL SYSTEM PU
8408963		4701302637	108 F C KNOTS HRS 12446	WASHINGTON	20.0	GENERAL SYSTEM PU
8408961		4704101661	108 F WHITE 11021	FREEMANS CR	16.0	GENERAL SYSTEM PU
8408951		4700100160	108 G A LODGE 10562	ELK	3.0	GENERAL SYSTEM PU
8408964		4703300867	108 G W CONLEY 11836	ELK	19.0	GENERAL SYSTEM PU

JD NO.	JA DKT.	API NO.	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8408959		4700100908	108		GLADLYN MCDERMOTT 12317	PHILIPPI	8.0	GENERAL SYSTEM PU
8408955		4704700587	108		GLADYS B COOKE 11574	SANDY RIVER	16.0	GENERAL SYSTEM PU
8408952		4703302592	108		GORE CORPORATION 12548	COAL	18.0	GENERAL SYSTEM PU
8408931		4704700437	108		IDA ROBERTS 11292	SANDY RIVER	11.0	GENERAL SYSTEM PU
8408948		4709100799	108		JOHN V. MCDERMOTT 10509	UNION	14.0	GENERAL SYSTEM PU
8408960		47061002897	108		LOIS M LONG 12287	COLLINS SETTLEMENT	19.0	GENERAL SYSTEM PU
8408970		47081008423	108		OLGA COAL CO 11059	SANDY RIVER	20.0	GENERAL SYSTEM PU
8408969		47087006000	108		OLGA COAL COMPANY 10956	SANDY RIVER	21.0	GENERAL SYSTEM PU
8408953		4700100432	108		ORMA CASIO 11034	UNION	9.0	GENERAL SYSTEM PU
8408956		4708700774	108		POCAHONTAS LAND CORPORATION 12508	ELKHORN	20.0	GENERAL SYSTEM PU
8408959		4709102182	108		S S GOODWIN 12450	HACKERS CREEK	18.0	GENERAL SYSTEM PU
8408954		4700100716	108		STIMPLE-FOILING #1 11990	PHILIPPI	21.0	GENERAL SYSTEM PU
8408950		4700101244	108		VIOLA MAYLE B-1582 12636	PLEASANT	15.0	GENERAL SYSTEM PU
DEVON ENERGY CORP.			RECEIVED:	11/25/83	JAI WV			
8408998		4703501546	107-DV		KEMPS #59 FLOYD SAYRE	RIPLEY	18.0	KEI PIPELINE CO
8408999		4703501540	107-DV		KEMPS #55 E KESSEL	RIPLEY	11.0	KEI PIPELINE CO
8409000		4703501550	107-DV		KEMPS #42 K RECTOR	SILVERTON	12.6	KEI PIPELINE CO
8409001		4703501555	107-DV		KEMPS #74 ARTHUR WATKINS	SILVERTON	13.6	KEI PIPELINE CO
8408976		4707102690	108		SEVERIN #3A	ST CLAIR	18.3	CONSOLIDATED GAS
ENERGEIX OIL & GAS CORP.			RECEIVED:	11/25/83	JAI WV			
8408997		4707301584	103		O REESE #1	SHULTZ	75.0	CONSOLIDATED GAS
8408996		4707301458	103		W CORNELL #1	SHULTZ	25.0	CONSOLIDATED GAS
8408995		4707301471	103		W CORNELL #3	SHULTZ	25.0	CONSOLIDATED GAS
FOX DRILLING CO INC			RECEIVED:	11/25/83	JAI WV			
8408985		4700101881	103		H MARCH #2	NOT AVAILABLE	10.0	
DILSEARCH INTERNATIONAL INC			RECEIVED:	11/25/83	JAI WV			
8408925		4705505344	103		PRIBBLE #1	GRANT DIST	30.0	
8408924		4708505581	103		WILSON-LIGHT #2	MURPHY DIST	75.0	
PETROLEUM RESOURCES INC			RECEIVED:	11/25/83	JAI WV			
8408948		4704103252	103		PEARL RIFFLE #1A	WOLF PEN	25.0	CONSOLIDATED GAS
R I B PETROLEUM INC			RECEIVED:	11/25/83	JAI WV			
8408986		4704700896	103		NEW RIVER & POCAHONTAS COAL #3-A	BIG CREEK DISTRICT	50.0	COLUMBIA GAS TRA
510NESTREET LANDS CO			RECEIVED:	11/25/83	JAI WV			
8408993		4701303580	103		PERRINEAU #1-5-416	ELMIRA	6.1	COLUMBIA GAS TRA
8408994		4701303578	103		THORNE #1-5-415	ELMIRA	13.3	COLUMBIA GAS TRA
510NEWALL GAS CO			RECEIVED:	11/25/83	JAI WV			
8408972		4704102942	108		JOHN M PROBST 64-B (5B-384)	MAXWELL RUN HACKERS C	13.0	CONSOLIDATED GAS
8408978		4703302509	108		PERRY L HALL 63-B (5B-380)	CUNNINGHAM RUN EAGLE	12.0	CONSOLIDATED GAS
TRIO PETROLEUM CORP.			RECEIVED:	11/25/83	JAI WV			
8408988		4702103917	103		CRADDOCK #1A #1	GLENVILLE NORTH	15.0	COLUMBIA GAS TRA
8408987		4702103918	103		CRADDOCK #1A #2	GLENVILLE NORTH	20.0	COLUMBIA GAS TRA
WAYMAN W BUCHANAN			RECEIVED:	11/25/83	JAI WV			
8409002		4708506219	102-3		BICKEL #2	UNKNOWN	0.0	CONSOLIDATED GAS
8409003		4708506050	102-3		RINEHART #1	UNKNOWN	0.0	CONSOLIDATED GAS
8409004		4708506018	102-3		WILLINGHAM #3	UNKNOWN	0.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA								
AMOCO PRODUCTION CO			RECEIVED:	11/28/83	JAI LA 3			
8409177	G2-2876	1770340549	102-5		OC5-G-2037 WELL #A-10	EAST CAMERON	1800.0	TEXAS EASTERN TRA
8409166	G2-2874	1770340333	102-5		OC5-G-2037 WELL #A-8	EAST CAMERON	1350.0	TEXAS EASTERN TRA
8409170	G2-2875	1770340866	102-5		OC5-G-2037 WELL #A-9	EAST CAMERON	1600.0	TEXAS EASTERN TRA
8409172	G2-2938	1770920043	102-5		OC5-0572 WELL #A-0	EUGENE ISLAND	1750.0	TRANSCONTINENTAL
CONOCO INC			RECEIVED:	11/28/83	JAI LA 3			
8409176	G3-3807	1772446258	102-1		MAIN PASS BLK 303 8B-17	MAIN PASS BLOCK	5.0	SOUTHERN NATURAL
EXXON CORPORATION			RECEIVED:	11/28/83	JAI LA 3			
8409161	G3-3559	1772240071	102-5		OC5-G-1619 #A-12	SOUTH PASS	1500.0	COLUMBIA GAS TRA
FOREST OIL CORPORATION			RECEIVED:	11/28/83	JAI LA 3			
8409171	G3-3472	1771040001	102-5		EUGENE ISLAND BLK 287 D-1A	EUGENE ISLAND	750.0	COLUMBIA GAS TRA
8409182	G3-3473	1771040008	102-5		EUGENE ISLAND BLK 287 D-3A	EUGENE ISLAND	750.0	COLUMBIA GAS TRA
MARATHON OIL COMPANY			RECEIVED:	11/28/83	JAI LA 3			
8409175	G3-3623	1770240450	102-5		WEST CAMERON BLK 540 WELL A-1A	WEST CAMERON	1600.0	NATURAL GAS PIPE
MOBIL OIL EXPLORATION & PROD S E			RECEIVED:	11/28/83	JAI LA 3			
8409164	G3-3716	1771140393	102-5		SHIP SHOAL 63 #K-1C	SHIP SHOAL	778.0	TRANSCONTINENTAL
ODECO OIL & GAS CO			RECEIVED:	11/28/83	JAI LA 3			
8409168	G3-3633	1770940555	102-5		OC5-043 #8A	EUGENE ISLAND 89 FIEL	730.0	UNITED GAS PIPEL
SHELL OFFSHORE INC			RECEIVED:	11/28/83	JAI LA 3			
8409165	G3-3803	1770840314	102-5		OC5-G-2280 B-31	SOUTH MARSH ISLAND	55.0	TRANSCONTINENTAL
TENNECO OIL COMPANY			RECEIVED:	11/28/83	JAI LA 3			
8409167	G2-3128	1771140618	102-5		SHIP SHOAL 168 D-5	SHIP SHOAL	1500.0	TENNESSEE GAS PIPE
ARCO OIL AND GAS COMPANY			RECEIVED:	11/28/83	JAI TX 3			
8409173	G3-3595	4720340109	102-1		OC5-G-3733 MATAGORDA ISL 703 #A2	MATAGORDA ISLAND	2555.0	SOUTHERN NATURAL
8409169	G3-3961	4720340134	102-1		OC5-G-3733 MATAGORDA ISL 703 #A5	MATAGORDA ISLAND	2555.0	SOUTHERN NATURAL
8409179	G3-3962	4720340136	102-1		OC5-G-3733 MATAGORDA ISL 703 #A8-D	MATAGORDA ISLAND	2555.0	SOUTHERN NATURAL
8409178	G3-3964	4720340158	102-1		OC5-G-3733 MATAGORDA ISL 703 #A8-D	MATAGORDA ISLAND	2738.0	SOUTHERN NATURAL
CHEVRON U S A INC			RECEIVED:	11/28/83	JAI TX 3			
8409181	G3-3599	4720240033	102-5		OC5-G-3020 #5	MUSTANG ISLAND	1825.0	NATURAL GAS PIPE
EXXON CORPORATION			RECEIVED:	11/28/83	JAI TX 3			
8409165	G3-3706	4220940254	102-5		OC5-G-2390 #A-6	HIGH ISLAND	6000.0	UNITED GAS PIPEL
MCMORAN OFFSHORE EXPLORATION CO			RECEIVED:	11/28/83	JAI TX 3			
8409180	G3-3553	4220940709	102-5		OC5-G-2360 #B-13A	HIGH ISLAND	2555.0	TRANSCONTINENTAL
8409162	G3-3552	4220940664	102-5		OC5-G-2360 #B-5A	HIGH ISLAND	2738.0	TRANSCONTINENTAL
SAMEDAN OIL CORPORATION			RECEIVED:	11/28/83	JAI TX 3			
8409174	G3-3990	4220640095	102-1		OC5-G-4846 #3	GALVESTON 241	1000.0	TRANSCONTINENTAL
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM								
AAA OPERATING CO INC			RECEIVED:	11/22/83	JAI NM 4			
8409116	NM-1216-83PB	3004523462	102-PB		FEDERAL E #6	OTERO-CHACRA	0.0	EL PASO NATURAL G
AMERICAN PETROFINA COMPANY OF TEXAS			RECEIVED:	11/22/83	JAI NM 4			
8409117	NM-1220-83PB	3004506641	102-PB		CAMPBELL FEDERAL #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
AMOCO PRODUCTION CO			RECEIVED:	11/22/83	JAI NM 4			
8409088	NM-1253-83PB	3004506238	102-PB		C A MCDAMS B #2	BASIN	0.0	EL PASO NATURAL G
8409085	NM-1207-83PB	3004506298	102-PB		GALLEGO'S CANYON UNIT #147	BASIN	0.0	EL PASO NATURAL G
8409082	NM-1204-83PB	30045111610	102-PB		GALLEGO'S CANYON UNIT #232	BASIN	0.0	EL PASO NATURAL G
8409087	NM-1252-83PB	3004507832	102-PB		GALLEGO'S CANYON UNIT COM D #169	BASIN	0.0	EL PASO NATURAL G
8409089	NM-1251-83PB	3004521016	102-PB		HOLMBERG GAS COM A #1	MI-NEBO	0.0	EL PASO NATURAL G
8409088	NM-1206-83PB	3003906153	102-PB		JICARILLA CONTRACT 146 #12	OTERO	0.0	EL PASO NATURAL G
8409093	NM-1246-83PB	3003905975	102-PB		JICARILLA CONTRACT 148 #15	OTERO	0.0	EL PASO NATURAL G
8409092	NM-1247-83PB	3003921999	102-PB		JICARILLA CONTRACT 148 #17	OTERO	0.0	EL PASO NATURAL G
8409086	NM-1245-83PB	3004520392	102-PB		L C KELLY #6	BLANCO	0.0	EL PASO NATURAL G
8409090	NM-1250-83PB	3004520715	102-PB		SHAW GAS COM B #1	BLANCO	0.0	EL PASO NATURAL G
8409091	NM-1248-83PB	3004510387	102-PB		STANOLIND A #1	BLANCO	0.0	EL PASO NATURAL G

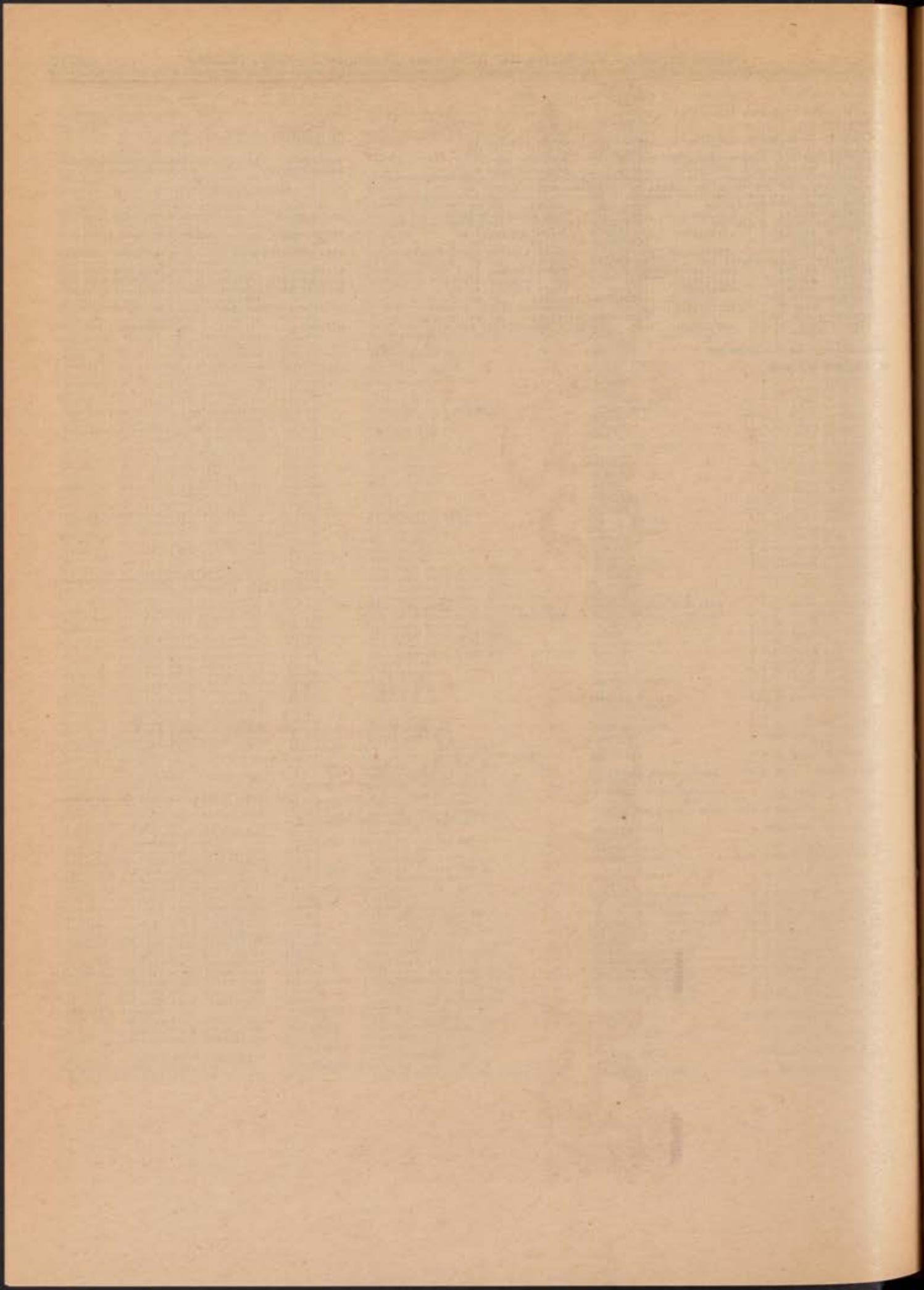
JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8409053	NM-1205-83PB	3003921469	108-PB	VALENCIA CANYON UNIT #13	CHOZA MESA	0 0	EL PASO NATURAL G
-CONSOLIDATED OIL & GAS INC			RECEIVED	11/22/83 JA: NM 4			
8409112	NM-1211-83PB	3004510936	108-PB	FREEMAN #1-11	BASIN-DAKOTA	0 0	EL PASO NATURAL G
8409113	NM-1212-83PB	3004510866	108-PB	OWEN #1-7	BLANCO-MV	0 0	EL PASO NATURAL G
-DAVE M THOMAS JR			RECEIVED	11/22/83 JA: NM 4	BALLARD PICTURED CLIFF	15 2	EL PASO NATURAL G
8409108	NM-1187-83PB	3004320268	108-PB	CHACON JICARILLA #9	BLANCO	0 0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED	11/22/83 JA: NM 4	BLANCO	0 0	EL PASO NATURAL G
8409048	NM-1146-83PB	3004521305	108-PB	BARNES #12	BLANCO	0 0	EL PASO NATURAL G
8409052	NM-1128-83PB	3004521371	108-PB	BOLACK C #1	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409065	NM-1151-83PB	3004560273	108-PB	CANYON LARGO UNIT #169	OTERO	0 0	EL PASO NATURAL G
8409044	NM-1150-83PB	3003920262	108-PB	CANYON LARGO UNIT #165	OTERO	0 0	EL PASO NATURAL G
8409075	NM-1138-83PB	3003920907	108-PB	CANYON LARGO UNIT #279	BASIN	0 0	EL PASO NATURAL G
8409046	NM-1147-83PB	3003920888	108-PB	DAUM #2	OTERO	0 0	EL PASO NATURAL G
8409027	NM-1112-83PB	3004523689	108-PB	FIELDS #13	OTERO	0 0	EL PASO NATURAL G
8409041	NM-1145-83PB	3004509140	108-PB	GODEDE #3	BLANCO	0 0	EL PASO NATURAL G
8409050	NM-1139-83PB	3004521041	108-PB	GRAMBLING A #6	BLANCO	0 0	EL PASO NATURAL G
8409062	NM-1154-83PB	3004521561	108-PB	HANCOCK B #12	HARRIS MESA	0 0	EL PASO NATURAL G
8409021	NM-1124-83PB	3004513257	108-PB	HANCOCK B #5	OTERO	0 0	EL PASO NATURAL G
8409037	NM-1142-83PB	3004521085	108-PB	HARDIE #5	BLANCO	0 0	EL PASO NATURAL G
8409051	NM-1140-83PB	3004521590	108-PB	HOWELL E #3	BLANCO	0 0	EL PASO NATURAL G
8409050	NM-1200-83PB	3004520588	108-PB	HUBBELL #1R	OTERO	0 0	EL PASO NATURAL G
8409047	NM-1118-83PB	3004565966	108-PB	HUERFANITO UNIT #70	BALLARD	0 0	EL PASO NATURAL G
8409044	NM-1149-83PB	3004511934	108-PB	HUERFANO UNIT #157	BASIN	0 0	EL PASO NATURAL G
8409076	NM-1137-83PB	3006452991	108-PB	HUERFANO UNIT #P 229	BASIN	0 0	EL PASO NATURAL G
8409056	NM-1134-83PB	3004521139	108-PB	HUGHES A #5	BLANCO	0 0	EL PASO NATURAL G
8409029	NM-1116-83PB	3003905446	108-PB	JICARILLA A #2	BALLARD	0 0	EL PASO NATURAL G
8409067	NM-1153-83PB	3003906507	108-PB	JICARILLA J #15	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409053	NM-1151-83PB	3004521268	108-PB	JOHNSTON #12	OTERO	0 0	EL PASO NATURAL G
8409064	NM-1168-83PB	3004510338	108-PB	KERNAGHAN #4	BLANCO	0 0	EL PASO NATURAL G
8409051	NM-1114-83PB	3004511748	108-PB	LACKEY S #20	OTERO	0 0	EL PASO NATURAL G
8409022	NM-1123-83PB	30064507220	108-PB	LACKEY S 84 MV & CH	BLANCO & OTERO	0 0	EL PASO NATURAL G
8409052	NM-1130-83PB	3003921809	108-PB	LINDRITH UNIT COM #93	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409078	NM-1173-83PB	3004509232	108-PB	LUDWICK #10 PC	OTERO	0 0	EL PASO NATURAL G
8409065	NM-1175-83PB	3004509293	108-PB	LUDWICK #12	BLANCO	0 0	EL PASO NATURAL G
8409072	NM-1180-83PB	3004513113	108-PB	LUDWICK #20	BASIN	0 0	EL PASO NATURAL G
8409033	NM-1127-83PB	3004505985	108-PB	LUDWICK #7 MV & PC	BLANCO & OTERO	0 0	EL PASO NATURAL G
8409066	NM-1152-83PB	3004520283	108-PB	MUDGE #29	BLANCO	0 0	EL PASO NATURAL G
8409057	NM-1135-83PB	3004521025	108-PB	MUDGE #38 PC	BLANCO	0 0	EL PASO NATURAL G
8409054	NM-1132-83PB	3004521084	108-PB	MUDGE #42 PC	BLANCO	0 0	EL PASO NATURAL G
8409034	NM-1126-83PB	3004509240	108-PB	MURPHY C #1	OTERO	0 0	EL PASO NATURAL G
8409077	NM-1156-83PB	3004521027	108-PB	NEIL #14 PC	BLANCO	0 0	EL PASO NATURAL G
8409028	NM-1117-83PB	3004512168	108-PB	OMLER #8	FULCHER KUTZ	0 0	EL PASO NATURAL G
8409060	NM-1170-83PB	3003906693	108-PB	RINCON UNIT #101	BLANCO	0 0	EL PASO NATURAL G
8409059	NM-1169-83PB	3003906984	108-PB	RINCON UNIT #111	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409061	NM-1171-83PB	3003906791	108-PB	RINCON UNIT #77	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409074	NM-1191-83PB	3003907002	108-PB	RIPLEY #3	BLANCO	0 0	EL PASO NATURAL G
8409036	NM-1143-83PB	3004521035	108-PB	ROELOFS #6	BLANCO	0 0	EL PASO NATURAL G
8409055	NM-1113-83PB	3004521089	108-PB	ROELOFS #7	BLANCO	0 0	EL PASO NATURAL G
8409035	NM-1141-83PB	3003902882	108-PB	SAN JUAN 28-6 UNIT #92	BLANCO SOUTH	0 0	EL PASO NATURAL G
8409035	NM-1125-83PB	3003907189	108-PB	SAN JUAN 28-6 UNIT #40	BLANCO	0 0	EL PASO NATURAL G
8409070	NM-1174-83PB	3003907118	108-PB	SAN JUAN 28-6 UNIT #53	BLANCO	0 0	EL PASO NATURAL G
8409023	NM-1122-83PB	3003906072	108-PB	SAN JUAN 28-6 UNIT #7	BLANCO	0 0	EL PASO NATURAL G
8409039	NM-1129-83PB	3003907073	108-PB	SAN JUAN 28-6 UNIT #82 PC & MV	SOUTH BLANCO & BLANCO	0 0	EL PASO NATURAL G
8409063	NM-1167-83PB	3003920795	108-PB	SAN JUAN 28-7 UNIT #178 CH & FC	SOUTH BLANCO - OTERO	0 0	EL PASO NATURAL G
8409026	NM-857-83PB	3003907291	108-PB	SAN JUAN 28-7 UNIT #27	BLANCO	0 0	EL PASO NATURAL G
8409049	NM-1120-83PB	3003907671	108-PB	SAN JUAN 29-7 UNIT #101	BASIN	0 0	EL PASO NATURAL G
8409073	NM-1181-83PB	3003907828	108-PB	SAN JUAN 30-4 UNIT NP #8	BLANCO EAST	0 0	EL PASO NATURAL G
8409058	NM-1178-83PB	3003907895	108-PB	SAN JUAN 30-6 UNIT #57	BLANCO	0 0	EL PASO NATURAL G
8409079	NM-1192-83PB	3004513210	108-PB	STEWART #3	BLANCO	0 0	EL PASO NATURAL G
8409030	NM-1115-83PB	3004512079	108-PB	STEWART #5	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409042	NM-1144-83PB	3004509601	108-PB	STOREY B #5	OTERO	0 0	EL PASO NATURAL G
8409069	NM-1176-83PB	3004508751	108-PB	SUNRAY F #2	BLANCO	0 0	EL PASO NATURAL G
8409081	NM-1199-83PB	3004520322	108-PB	TAPP #7	SOUTH BLANCO	0 0	EL PASO NATURAL G
8409045	NM-1148-83PB	3004507346	108-PB	WHITE KUTZ #1	FULCHER KUTZ	0 0	EL PASO NATURAL G
8409046	NM-1119-83PB	3004507339	108-PB	WHITE KUTZ #2	FULCHER KUTZ	0 0	EL PASO NATURAL G
8409025	NM-1113-83PB	3004520489	108-PB	WOODRIVER #3	BLANCO	0 0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED	11/22/83 JA: NM 4	WILDCAT	7 4	EL PASO NATURAL G
8409020	NM-1031-83	3004522254	D 108-PB	GALLEGO CANYON UNIT PC #274			
-ESTORIL PRODUCING CORP			RECEIVED	11/22/83 JA: NM 4	ANTELOPE RIDGE (ATOKA	730 0	GAS CO OF NEW MEX
8409011	NM 0538-83	3002527901	103	BELCO FEDERAL #2			
-GULF OIL CORPORATION			RECEIVED	11/22/83 JA: NM 4	IMPERIAL TUBB DRINKAR	1 4	EL PASO NATURAL G
8409012	NM-0477-83	3002526066	103	C E LAHUNYON #66			
-HNG OIL COMPANY			RECEIVED	11/22/83 JA: NM 4	PITCHFORK RANCH/MORRO	500 0	TRANSWESTERN PIPE
8409019	NM 0548-83	3002527997	102-2 103	MADERA "29" FEDERAL #1			
-KOCH INDUSTRIES INC			RECEIVED	11/22/83 JA: NM 4	BLANCO - PC	0 0	EL PASO NATURAL G
8409114	NM-1213-83PB	3004521901	108-PB	LAMBE #7			
-LIVELY EXPLORATION COMPANY			RECEIVED	11/22/83 JA: NM 4	BASIN-DAKOTA	0 0	EL PASO NATURAL G
8409098	NM-1242-83PB	3004521199	108-PB	LIVELY #12			
8409095	NM-1215-83PB	3004521075	108-PB	LIVELY #4	BASIN-DAKOTA	0 0	EL PASO NATURAL G
-NORTHERN NATURAL GAS PRODUCING CO			RECEIVED	11/22/83 JA: NM 4			
8409118	NM-1219-83PB	3004500000	108-PB	HYE FEDERAL #3			
-NORTHWEST PIPELINE CORPORATION			RECEIVED	11/22/83 JA: NM 4	BLANCO - MV	0 0	EL PASO NATURAL G
8409097	NM-1194-83PB	3004500000	108-PB	AZTEC #5			
8409100	NM-1225-83PB	3004500000	108-PB	AZTEC #5			
8409098	NM-1193-83PB	3004521583	108-PB	COX CANYON UNIT 18			
8409099	NM-1226-83PB	3003922145	108-PB	COX CANYON UNIT 18			
8409106	NM-1227-83PB	3003921133	108-PB	JICARILLA 93 #10			
8409095	NM-1197-83PB	3003987963	108-PB	ROSA UNIT #16			
8409101	NM-1235-83PB	3003907799	108-PB	SAN JUAN 30-5 UNIT 30			
8409107	NM-1196-83PB	3003907987	108-PB	SAN JUAN 31-6 #14			
8409102	NM-1233-83PB	3003907937	108-PB	SAN JUAN 31-6 UNIT 11			
8409105	NM-1228-83PB	3004510700	108-PB	SAN JUAN 32-6 UNIT 16			
8409103	NM-1231-83PB	3004510700	108-PB	SAN JUAN 32-6 UNIT 16			
8409104	NM-1229-83PB	3004510675	108-PB	SAN JUAN 32-8 UNIT 23			
-PENNZDIL COMPANY			RECEIVED	11/22/83 JA: NM 4	WHITE CITY	250 0	TRANSWESTERN PIPE
8409018	NM 0528-8	3001524162	103	EDDY 21 FEDERAL COM #1			
-R & G DRILLING CO C/O WELSH ENG			RECEIVED	11/22/83 JA: NM 4	SOUTH BLANCO - PC	0 0	EL PASO NATURAL G
8409111	NM-1203-83PB	3004520359	108-PB	HAMMOND #49			
-RAY WESTALL			RECEIVED	11/22/83 JA: NM 4	TURKEY TRACK	0 0	PHILLIPS PETROLEUM
8409103	NM-0409-83	3001524315	103	DENTON FEDERAL #5			
-SOUTHLAND Royalty CO			RECEIVED	11/22/83 JA: NM 4	GRAYBURN-JACKSON	10 0	CONTINENTAL OIL C
8409016	NM 0517-83	3001524390	103	DALE H PARKE "A" TR 1 #13			

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8409115	NM-1218-83PB	3004508787	105-PB		HARE #1	AZTEC-PC	0.0	EL PASO NATURAL G
-SUPERIOR OIL CO			RECEIVED:	11/22/83	JA: NM 4			
8409017	NM-1548-82	3002527772	103		CONNALLY FEDERAL #1	WILDCAT	0.0	
8409015	NM-010283102	3002527623	102-2	103	OCHOA FEDERAL #1	WILDCAT	0.0	
-TENNECO OIL COMPANY			RECEIVED:	11/22/83	JA: NM 4			
8409110	NM-1198-83PB	3004511659	105-PB		FLORENCE #56	BLANCO-PC	0.0	EL PASO NATURAL G
8409109	NM-1182-83PB	3004511615	105-PB		SCHUEROTTEGER A #1	BASIN-DAKOTA	0.0	NORTHWEST PIPELIN

NM DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER, WY								
-RELCO PETROLEUM CORPORATION			RECEIVED:	11/28/83	JA: UT 5			
8409158	035-83	4304730715	107-TF		GULF FEDERAL 1-34	WHITE RIVER	0.0	MOUNTAIN FUEL SUP
-CONSOLIDATED OIL & GAS INC			RECEIVED:	11/28/83	JA: UT 5			
8409159	033-83	4303730727	103		RECAPTURE CREEK #2	DESERT CREEK	200.0	EL PASO NATURAL G
-FRANK B ADAMS			RECEIVED:	11/28/83	JA: UT 5			
8409160	034-83	4301930664	102-4		FRANK B ADAMS #22-2 FEDERAL	GREATER CISCO AREA	32.6	NORTHWEST PIPELIN
-TRICENTROL UNITED STATES INC			RECEIVED:	11/28/83	JA: UT 5			
8409156	031-83	4303730741	102-4		NANCY FEDERAL #1-3	WILDCAT	547.5	MOUNTAIN FUEL RES
8409157	032-83	4303730814	102-4		NANCY FEDERAL #11-22	WILDCAT LITTLE NANCY	547.5	MOUNTAIN FUEL RES
8409155	030-83	4303730817	102-4		NANCY FEDERAL #3-64	WILDCAT LITTLE NANCY	547.5	MOUNTAIN FUEL RES
-CHEVRON U S A INC			RECEIVED:	11/28/83	JA: WY 5			
8409120	W728-2	4902320361	107-DP		CHEVRON-FEDERAL 1-30M	WHITNEY CANYON - CART	973.0	COLUMBIA GAS TRAN
-PRIMARY FUELS INC			RECEIVED:	11/28/83	JA: WY 5			
8409119	W727-2T	4903520692	103	107-TF	JEFFERSON UNIT 20-24	WILDCAT	0.0	NORTHWEST PIPELIN

[FR Doc. 83-33980 Filed 12-21-83; 8:45 am]

BILLING CODE 6717-01-C



U.S. GOVERNMENT
BUDGET DEFERRALS

Thursday
December 22, 1983

Part IV

**Office of
Management and
Budget**

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET**Budget Deferrals**

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report five new deferrals of budget authority totaling \$354,427,600 and five supplementary deferrals of budget authority totaling \$511,079,613.

The deferrals affect programs in Funds Appropriated to the President; the Departments of Defense (Military), Energy, Health and Human Services, Justice and Treasury; and the Railroad Retirement Board.

The details of the deferrals are contained in the attached reports.

Ronald Reagan.

The White House,
December 14, 1983.

BILLING CODE 3110-01-M

SUPPLEMENTARY REPORT.		
Military construction, Army National Guard	214/82083	71-2084-0-1-051
Military construction, Army National Guard	211/72035	21-2084-0-1-051
Military construction, Army National Guard	212/82083	21-2084-0-1-051
Military construction, Army National Guard	213/72083	21-2084-0-1-051
Military construction, Army National Guard	210/42083	21-2084-0-1-051
Military construction, Air National Guard	574/82083	51-3820-0-1-051
Military construction, Air National Guard	513/72039	51-3820-0-1-051
Military construction, Air National Guard	512/82039	51-3820-0-1-051
Military construction, Air National Guard	511/52039	51-3820-0-1-051
Military construction, Air National Guard	570/42039	51-3820-0-1-051
Military construction, Army Reserve	714/82038	21-2084-0-1-051
Military construction, Army Reserve	213/72038	21-2084-0-1-051
Military construction, Army Reserve	212/62038	21-2084-0-1-051
Military construction, Army Reserve	213/52038	21-2084-0-1-051
Military construction, Army Reserve	210/42038	21-2084-0-1-051
Military construction, Naval Reserve	174/82025	12-1225-0-1-051
Military construction, Naval Reserve	173/72235	17-1225-0-1-051
Military construction, Naval Reserve	172/62235	17-1225-0-1-051
Military construction, Naval Reserve	171/52235	17-1225-0-1-051
Military construction, Naval Reserve	170/42235	17-1225-0-1-051
Military construction, Air Force Reserve	574/82030	51-3720-0-1-051
Military construction, Air Force Reserve	573/72030	51-3720-0-1-051
Military construction, Air Force Reserve	572/62030	51-3720-0-1-051
Military construction, Air Force Reserve	571/52030	51-3720-0-1-051
Military construction, Air Force Reserve	570/42030	51-3720-0-1-051
North Atlantic Treaty Organization Infrastructure	9702004	71-2084-0-1-051
Military construction, Reserve Components, generally	972/52005	21-2084-0-1-051

This report updates Deferral No. D84-5 transmitted to the Congress on October 3, 1983.

This revision to a deferral of Department of Defense family housing funds increases the amount previously reported as deferred from \$53,000,000 to \$71,131,000. Administrative delays will delay obligation of \$20,131,000 of the increase in budgetary resources made available by the Military Construction Appropriation Act, 1983 (Public Law 98-116).

^{**}If these accounts were the subject of a similar deferral during FY 1983 (981-64), revised from previous report.

Justification:

The above amounts in the listed five-year and longer appropriations are currently deferred under provisions of the Antideficiency Act (31 U.S.C. 1512) which authorizes the establishment of reserves for contingencies.

These funds are deferred due to administrative delays. Such as project designs not being completed and incomplete coordination of projects with other federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination.

Estimated Program Effect: None.

Deflay Effect: None.

5902,937,426*

DOI internal No.: 004-214

DEFERRED BUDGET AUTHORITY
Report Pursuant to Section 1035 of P.L. 91-594

Agency	Department of Energy	New budget authority (P.L. 91-594)	\$ 200,000 *
Program	Energy Programs	Other budgetary resources	72,500,000 *
Appropriation title & symbol		Total budgetary resources	531,750,000 *
Fossil Energy R&D 3000213 1		Amount to be deferred: Part of year	1 0 *
		Entire year	200,000 *
OMB identification code: 3000213-2-1-21		Legal authority (in addition to sec. 1032): <input type="checkbox"/> Antideficiency Act	
Grant program		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other _____
Type of account or fund: <input type="checkbox"/> Annual		Type of budget authority: <input type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	
<input type="checkbox"/> Multiple-year <input type="checkbox"/> No year <input type="checkbox"/> Multiple-year <input type="checkbox"/> Year-end			

Justification: The \$200,000 being deferred results from unbudgeted funds taken from the carry-over of gasification demonstration projects. These deferred funds will be used to offset the 1984 budget, and the amount to be deferred will be adjusted over time as additional unbudgeted funds become available.

Estimated Program Effect: None.

Policy Effect: None.

Justification: The \$200,000 being deferred results from unbudgeted funds taken from the carry-over of gasification demonstration projects. These deferred funds will be used to offset the 1984 budget, and the amount to be deferred will be adjusted over time as additional unbudgeted funds become available.

Estimated Program Effect: None.

Policy Effect: None.

* Revised from a previous report.

Supplementary Report

Report Pursuant to Section 1034(c) of Public Law 93-344.

This report updates Deferral No. 004-21 transmitted to Congress on November 17, 1983.

This revision to a Deferral of Department of Energy fossil energy research and development funds decreases the part of year deferral from \$20,206,000 to zero, and increases the entire year deferral from zero to \$500,000; a net decrease of \$19,806,000. The former adjustment is a result of the enactment of the FY 1984 appropriations bills; the latter is unbudgeted funding from gasification demonstration projects.

Justification: The \$200,000 being deferred results from unbudgeted funds taken from the carry-over of gasification demonstration projects. These deferred funds will be used to offset the 1984 budget, and the amount to be deferred will be adjusted over time as additional unbudgeted funds become available.

Estimated Program Effect: None.

Policy Effect: None.

* Revised from a previous report.

* The amount of \$200,000 was previously deferred to this account, and reported in Deferral 004-21. This account was the subject of four deferrals in FY 1983 (004-1, 003-48, 003-73 and 003-85).

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SECTION OF STUDENT ATTENDANCE

Agency	Department of Energy		
Bureau	Energy Programs		
Appropriation title & fiscal year	Fossil Energy, construction 1/ 090321-*		
Line budget authority	\$ 1,345,000	Other budgetary resources	\$ 24,445,000 *
Total budgetary resources	\$ 25,790,000 *		
Account to be deferred:	\$ 0	Part of year	\$ 24,000,000 *
		Entire year	
Legal authority (mark one per 10221)		Type of budget authority	
<input type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other _____		<input type="checkbox"/> Appropriations <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	
DSC identification code: 090321-1718			
Grant program	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	
Type of account or funds:			
<input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year _____ <input type="checkbox"/> Special			

Report Pursuant to Section 101(e) of Public Law 93-324

This report updates Referral No. 084-21 transmitted to Congress on November 17, 1983.

A previous deferral of \$38,038,000 is being revised to reflect the enactment of the FY 1994 Appropriations Bill, and an increase in the unbudgeted balance carried forward. The enacted legislation directed that \$26,000,000 of the \$38,038,000 deferral be transferred to fossil energy and for use in FY 1994. The remaining \$12,038,000 in deferred funds was then increased by \$1,952,000, to include additional funds available from the solvent refined oil demonstration plant. 1.

Justification: A previous deferral of \$38,000 is being revised to reflect the enactment of the P.L. 1344 Appropriations Bill and an increase in the unobligated balance carried forward. The unobligated legislation directed that \$36,000,000 of the \$38,000 deficit be transferred to Fossil Fuel Energy Bldg 18300211 for use in FY 1984. The remaining \$51,018,000 in deficit funds was then increased by \$1,463,000, to include additional unobligated funds available from the Solvent Retired Coal Demonstration Plant No. 1. These deferrals will be used to offset the 1355 budget. The amount to be deferrals will be further adjusted over time as additional appropriations become available.

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If the amount of \$38,038,000 was previously deferred in this account, but reported in deferrals 264-21, this account was the subject of a deferral in FY 1983 (003-458).
* Revised from a previous report.

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Deferral No.: 084-27

DEFERAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-364

Agency	Department of Energy	New budget authority (P.L. 98-248)	\$ 159,770,000
Subsidiary	Energy Program	Other budgetary resources	130,207,000
Appropriation title & symbol		Total budgetary resources	279,977,000
Strategic Petroleum Reserve		Amount to be deferred: Part of year	\$ 12,703,000
89K 918 1/		Entire year	15,565,000

Type of account or fund:	Type of budget authority:		
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Appropriation	<input type="checkbox"/> Contract authority	<input type="checkbox"/> Other _____
<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Appropriation date _____	<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Appropriation date _____
<input checked="" type="checkbox"/> 30-year		<input type="checkbox"/> 30-year	

Justification: Funds appropriated to this account are for the development of the Strategic Petroleum Reserve (SPR), including facilities construction, planning and program administration.

Prior year unbudgeted funds have been set aside as a contingency to cover over-budget deficiency judgments and contract claims. Since the timing and magnitude of these judgments and claims cannot be known in advance, it is possible that some or all of these funds may not be obligated during FY 1984. Hence, these funds are being deferred under the provisions of 31 U.S.C. 1512. As the need arises, these funds will be released.

Estimated Program Effect: None.

Budget Effect: None.

1/ This account was the subject of a deferral in FY 1982 (083-50).

DEFERAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-364

Agency	Department of Health and Human Services	New budget authority (P.L. 98-248)	\$ 1,20,000
Bureau	Centers for Disease Control	Other budgetary resources	12,377,231
Appropriation title & symbol		Total budgetary resources	12,597,231
Proventive Health Services	7502943 1/	Amount to be deferred: Part of year	\$ _____
Entire year		Entire year	12,565,000

OMB identification code:	Type of budget authority:		
75-0515-0-1-550	<input checked="" type="checkbox"/> Appropriation	<input type="checkbox"/> Contract authority	<input type="checkbox"/> Other _____
Grant program	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Type of account or fund:			
<input type="checkbox"/> Annual			
<input type="checkbox"/> Multiple-year			
<input checked="" type="checkbox"/> 30-year			

Justification: Funds for the construction of a new high containment virology laboratory were requested in the FY 1984 President's Budget. To make an early commitment to this project, Congress appropriated the required \$15,500,000 in FY 1983 under the Emergency Supplemental Appropriations to Meet National Needs Act, 1983 (Public Law 98-41). The architectural and engineering contractor for the design of the laboratory has been selected. These funds are being deferred since the earliest possible obligation date for the construction of the laboratory is the fourth quarter of FY 1985. This deferral action of the 30-year funds is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Budget Effect: None.

1/ This account was the subject of a deferral in FY 1982 (083-50).

Deferal No: 034-78

DEFERAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-364

Agency	Department of Justice	Agency	Department of the Treasury
Account	Federal Prison System	Source	Surplus of the Mint
Appropriation	Appropriation title & symbol	Appropriation title & symbol	Appropriation title & symbol
Buildings and Facilities	15X-003 1/	Expenditure and Improvements to 1513	Expenditure and Improvements to 1513
Amount to be deferred:	\$	Amount to be deferred:	\$
Part of year		Part of year	
Entire year	22,035,000	Entire year	
CMS Identification code:	Legal authority (or authority to act)	CMS Identification code:	Legal authority (or authority to act)
15-1003-0-1-733	<input type="checkbox"/> Antideficiency Act	20-14-9-1-031	<input type="checkbox"/> Antideficiency Act
Grant program	<input type="checkbox"/> Yes	Grant program	<input type="checkbox"/> Yes
Type of account or fund:	<input type="checkbox"/> Other	Type of account or fund:	<input type="checkbox"/> Other
<input type="checkbox"/> Annual	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual
<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year
<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial
<input type="checkbox"/> Decade	<input type="checkbox"/> Decade	<input type="checkbox"/> Decade	<input type="checkbox"/> Decade

Explanations: This administration provides funding for projects in debt and equipment for staff and inmates and close of and anticipated inmates. This deferral of \$22 million is for the following projects: \$10.5 million for the Los Angeles Metropolitan Correctional Center, \$1.5 million for the Phoenix Federal Correctional Institution, and \$1.0 million for the Duluth Alien Detention Center. These projects cannot be completed in FY 1984 due to the time required for planning and obtaining grants and selecting contractors.

Estimated Program Effect: None.

Other Effect: None.

77-765 account was the subject of a similar deferral in FY 1983 (282-264).

Period of Effect: FY 1984.

Period of Effect: FY 1984
Contributing Perscription:

Debt: \$11,000,000
Def. comp. actn. (15-1003-0-1-733)
Difference, amount deferred: \$22,000
\$22,000

Contributing Perscription:
None.
Difference, amount deferred: \$22,000

Deferal No: 034-78

DEFERAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-364

Agency	Department of the Treasury	Legal authority (or authority to act)	Legal authority (or authority to act)
Source	Surplus of the Mint	<input type="checkbox"/> New Budget Authority (P.L. 93-364)	<input type="checkbox"/> New Budget Authority (P.L. 93-364)
Appropriation	Other budgetary resources	<input type="checkbox"/> Other budgetary resources	<input type="checkbox"/> Other budgetary resources
Total budgetary resources	\$2,039,000	\$1,859,341	\$1,859,341
Buildings and Facilities	Total budgetary resources	Total budgetary resources	Total budgetary resources
Amount to be deferred:	\$	Amount to be deferred:	\$
Part of year		Part of year	
Entire year		Entire year	
CMS Identification code:	CMS Identification code:	CMS Identification code:	CMS Identification code:
15-1003-0-1-733	20-14-9-1-031	20-14-9-1-031	20-14-9-1-031
Grant program	<input type="checkbox"/> Yes	Grant program	<input type="checkbox"/> Yes
Type of account or fund:	<input type="checkbox"/> Other	Type of account or fund:	<input type="checkbox"/> Other
<input type="checkbox"/> Annual	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual	<input type="checkbox"/> Annual
<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year	<input type="checkbox"/> Multiple-year
<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial	<input type="checkbox"/> Biennial
<input type="checkbox"/> Decade	<input type="checkbox"/> Decade	<input type="checkbox"/> Decade	<input type="checkbox"/> Decade

Explanations: The deferral proposed above represents the difference between the debt for which deferral was taken by the First Contracting Resolution for FY 1983 (a.k.a. 93-363) and anticipated congressional action on the regular FY 1984 request for the 41 day period the Contracting Resolution was in effect. The First Contracting Resolution (2-11-93-107) authorized funding based on the FY 1983 level of \$5,200,000. From the record of House and Senate action on the regular appropriations bill, this was above what would have been provided and was not needed. Final congressional action on the Second Contracting Resolution (2-11-93-151) provided \$2.1 million as anticipated. Since the amount authorized by 2-11-93-151 was more than needed or intended to be provided through the regular appropriations process, a deferral of \$255,600 was initiated (see detail).

Type of budget authority:
 Appropriation
 Contract authority
 Other

Period of Effect: FY 1984
Contributing Perscription:

Debt: \$11,000,000
Def. comp. actn. (15-1003-0-1-733)
Difference, amount deferred: \$22,000
\$22,000

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(C) of Public Law 93-344

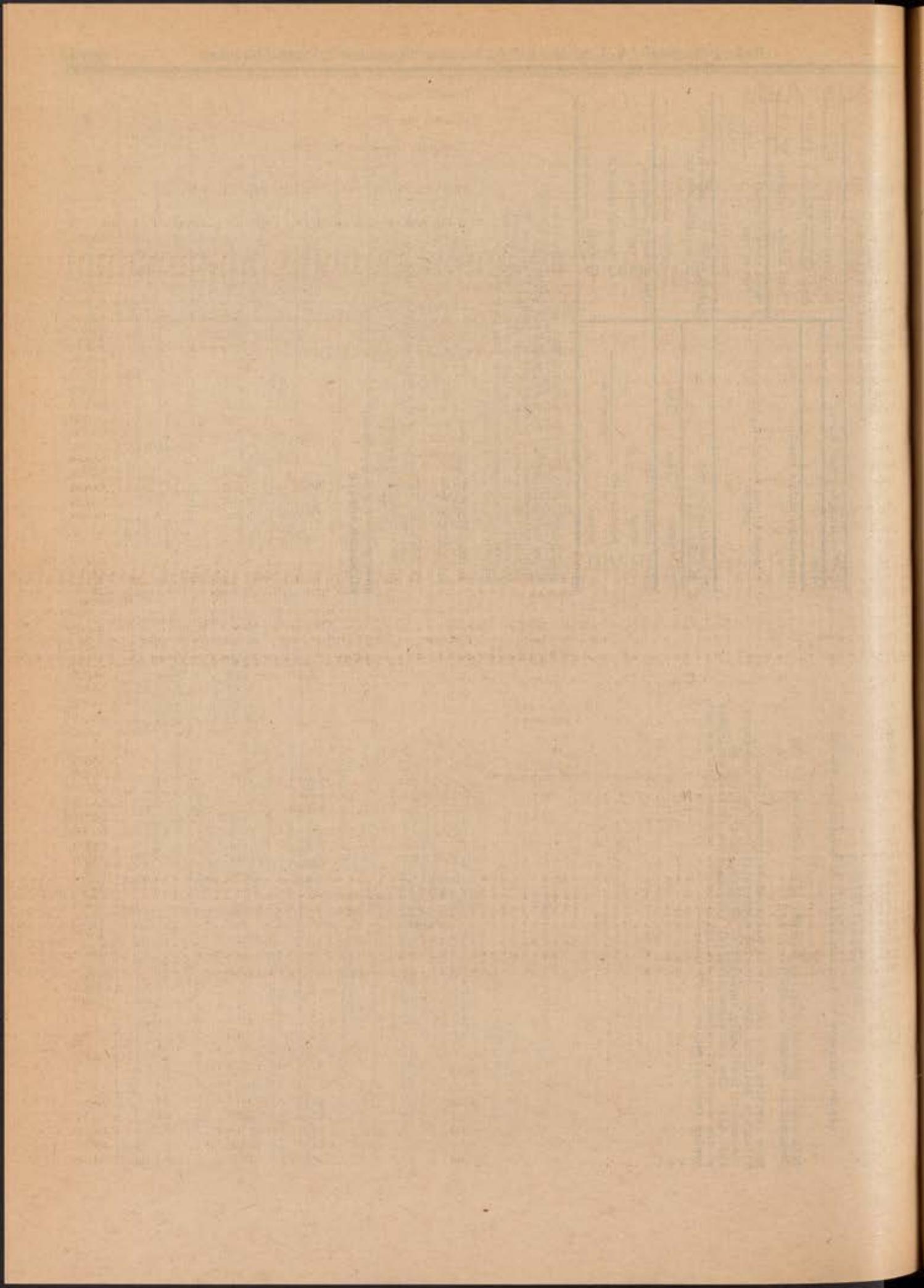
This report updates Deferral No. D84-18 transmitted to the Congress on October 3, 1983.

This revision to a deferral of Railroad Retirement Board, Milwaukee Railroad Restructuring Administration funds increases the amount previously reported as deferred from \$85,000 to \$231,613. The increased deferral results from revised estimates of the amount of resources available to the account that are not needed for obligation in FY 1984.

DEFERAL OF BUDGET AUTHORITY	
Report Pursuant to Section 1014 of P.L. 93-344	
Agency	Railroad Retirement Board
Function	
Appropriation title & symbol	
Re: Milwaukee Railroad Restructuring Administration 60-010109	
Classification code: 60-0108-0-1-003 1/	
Grant program	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Type of account or funds: <input type="checkbox"/> Annual <input type="checkbox"/> Multi-year _____ (expansion date) <input checked="" type="checkbox"/> Non-year	
Type of budget authority: <input type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other _____	
Justification: This account funds administrative expenses incurred by the Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act and the Stock 13 Act. The Board estimates that only \$405,000 in administrative expenses will be charged to this account in fiscal year 1984, and \$231,613 will be carried forward into fiscal year 1985. This deferral represents amounts not required for obligation in fiscal 1984. The amount deferred is being reserved for contingencies under the provision of the Act (deficiency Act [31 U.S.C. 1511]). Estimated Program Effect: None. Outlay Effect: None.	
17 This account was the subject of a similar deferral in fiscal year 1983 (083-205). * Revised from previous report.	

[FR Doc. 83-3624 Filed 12-21-83 2:15 am]

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Thursday, December 22, 1983

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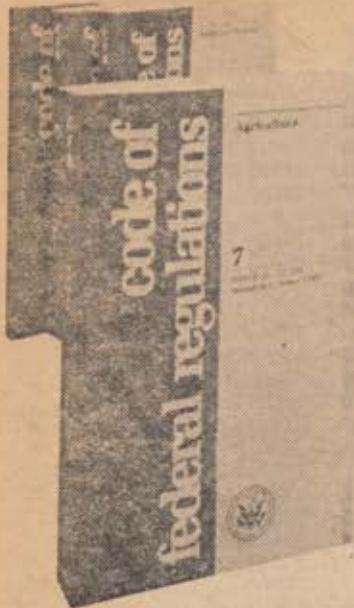
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