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Tuesday
April 3, 1984

Selected Subjects

Administrative Practice and Procedure
Federal Grain Inspection Service
Immigration and Naturalization Service

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Color Additives
Food and Drug Administration

Energy Conservation
Federal Trade Commission

Exports
International Trade Administration

Food Additives
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Generally Recognized as Safe (GRAS) Food Ingredients
Food and Drug Administration

Government Procurement
Agency for International Development

Income Taxes
Internal Revenue Service

Intergovernmental Relations
Surface Mining Reclamation and Enforcement Office

Marketing Agreements
Agricultural Marketing Service

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National Parks
National Park Service

Quarantine
Animal and Plant Health Inspection Service

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Presidential Documents

Title 3—

The President

Executive Order 12470 of March 30, 1984

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 "the Act"), and 22 U.S.C. 287c,

I, RONALD REAGAN, President of the United States of America, find that the unrestricted access of foreign parties to United States commercial goods, technology, and technical data and the existence of certain boycott practices of foreign nations constitute, in light of the expiration of the Export Administration Act of 1979, an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national economic emergency to deal with that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by United States persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

Section 1. Notwithstanding the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), the provisions of that Act, the provisions for administration of that Act and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980, shall, to the extent permitted by law, be incorporated in this Order and shall continue in full force and effect.

Sec. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended, 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, until amended or revoked by the Secretary of Commerce, remain in full force and effect, the same as if issued or taken pursuant to this Order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations with respect to, respectively, certain donations to relieve human suffering and civil and criminal penalties for violations subject to this Order. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

Sec. 3. Provisions for the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this Order also shall constitute authority for the issuance and continuation in full force and effect of all rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, relating to the administration of section 38(e).

Sec. 4. This Order shall be effective as of midnight between March 30 and March 31, 1984 and shall remain in effect until terminated. It is my intention to terminate this Order upon the enactment into law of a bill reauthorizing the authorities contained in the Export Administration Act.

Ronald Reagan

THE WHITE HOUSE,
March 30, 1984.

[FR Doc. 84-8919
Filed 3-30-84; 3:07 pm]
Billing code 3195-01-M

Editorial note: The President's message to Congress of Mar. 30, 1984 reporting on the continuation on export controls, is printed in the *Weekly Compilation of Presidential Documents* (vol. 20, no. 13).

Presidential Documents

Executive Order 12471 of March 30, 1984

Amending the Generalized System of Preferences

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2461 *et seq.*), as amended, section 604 of the Trade Act (19 U.S.C. 2483), and section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), in order to modify, as provided by sections 504 (a) and (c) of the Trade Act (19 U.S.C. 2464(a) and (c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries; to adjust the original designation of eligible articles after taking into account information and advice received in fulfillment of sections 131–134 and 503(a) of the Trade Act (19 U.S.C. 2151–2154, 2463); to provide for the continuation, to the greatest extent possible, of preferential treatment under the Generalized System of Preferences (GSP) for articles which are currently eligible for such treatment and which are imported from countries designated as beneficiary developing countries, following changes to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) made by Proclamation 5140 (48 FR 56553); and to make technical changes in the identification of certain beneficiary developing countries, it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the GSP, the TSUS are modified as provided in Annex I to this Order.

Sec. 2. Annex II of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by substituting therefor the new Annex II to this Order.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended by substituting therefor the new Annex III to this Order.

Sec. 4. General Headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary countries listed opposite those articles, is modified by substituting therefor the General Headnote 3(c)(iii) set forth in Annex IV to this Order.

Sec. 5. In order to provide staged reductions in the rates of duty for those new TSUS items created by Annex I to this Order, Annex III to Proclamation 4707, and Annex III to Proclamation 4768, are amended as set forth in Annex V to this Order.

Sec. 6. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as, or to a lower level than, the corresponding rate of duty in the column entitled "LDDC" by Annex I to this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 7. Annexes III and IV of Proclamation 4707, Annexes II, III, and IV of Proclamation 4768, and Annex I of Executive Order No. 12413, are superseded to the extent inconsistent with this Order.

Sec. 8. General Headnote 3(c)(i) of the TSUS listing the designated beneficiary developing countries for purposes of the GSP is modified as provided in Annex VI to this Order.

Sec. 9. In order to clarify the eligibility of certain articles for benefits of the GSP, headnote 1 to subpart C, part 2 of the Appendix to the TSUS is modified by deleting "the Appendix to". This modification is effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after January 1, 1984.

Sec. 10. Unless otherwise specified, the amendments made by this Order shall be effective with respect to articles both: (1) imported on or after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on or after March 30, 1984.

Ronald Reagan

THE WHITE HOUSE,
March 30, 1984.

Billing code 3195-01-M

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.
2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Section A. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after March 30, 1984.

1. Item 406.40 and the superior heading thereto are superseded by:

	[Cyclic...:]			
	[Other:]			
	[Heterocyclic...:]			
	[Other:]			
"406.37	1,2-Dihydro-2,2,4-trimethylquinoline polymer; 2-Mercaptobenzothiazole; and N-(Oxydiethylene)benzothiazole-2-sulfenamide.....	1.7¢ per lb. + 16.2% ad val.	7¢ per lb. + 52% ad val.	
	Other:			
406.39	Products provided for in the Chemical Appendix to the Tariff Schedules.....	1.7¢ per lb. + 16.2% ad val.	7¢ per lb. + 52% ad val."	

2. Item 406.48 is superseded by:

	[Cyclic...:]			
	[Other:]			
	[Sulfonamides,...:]			
	[Sulfonamides:]			
"406.47	4-Amino-6-chloro-m-benzenedisulfonamide.....	[See Annex V]	6.8% ad val.	7¢ per lb. + 41% ad val.
406.49	2-Amino-N-ethylbenzenesulfonanilide; 5-Amino-α,α,α-trifluorotoluene-2,4-disulfonamide; Benzenesulfonamide; Benzenesulfonyl hydrazide; 2-Chloro-4-amino-5-hydroxybenzenesulfonamide; 2,5-Dimethoxysulfanilide; and Metanilamide.....	[See Annex V]	6.8% ad val.	7¢ per lb. + 41% ad val."

3. Item 411.56 and the superior heading thereto are superseded by:

	[Products...:]			
	[Obtained,...:]			
	[Drugs:]			
	[Other:]			
	[Antihistamines,...:]			
"411.53	Meclizine hydrochloride...	[See Annex V]	9.2% ad val.	7¢ per lb. + 82% ad val.
	Other:			
411.55	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	9.2% ad val.	7¢ per lb. + 82% ad val."

4.(a) Items 411.81 and 411.83 and the superior heading for item 411.83 are superseded by:

[Products...:]				
[Obtained,...:]				
[Drugs:]				
[Other:]				
[Anti-infective...:]				
[Anti-infective...:]				
"411.82	Acetylsulfisoxazole; Sulfamerazine, sodium; Sulfamethazine, sodium; Sulfamethoxazole; Sulfisoxazole; Sulfacetamide, sodium; Sulfanilamide; and Sulfaquinoxaline.....	[See Annex V]	10.8% ad val	7¢ per lb. + 96% ad val.
	Other:			
411.87	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	10.8% ad val	7¢ per lb. + 96% ad val."

(b) Conforming change: Item 411.86 is redesignated as 411.88.

5. Items 412.67 and 412.69 and the superior heading for item 412.69 are superseded by:

	[Products...:]			
	[Obtained,...:]			
	[Drugs:]			
	[Other:]			
"412.67	Chlorothiazide; Chlorpropamide; Hydrochlorothiazide; and Tolbutamide.....	[See Annex V]	6.9% ad val.	7¢ per lb. + 45% ad val.
	Other:			
412.69	Products provided for in the Chemical Appendix to the Tariff Schedules.....	[See Annex V]	6.9% ad val.	7¢ per lb. + 45% ad val."

6. Items 610.80 and 610.81 are superseded by:

	[Pipe...:]			
	"Other fittings:			
610.82	Ductile fittings.....	[See Annex V]	6.2% ad val.	45% ad val.
	Other:			
610.84	Flanges.....	[See Annex V]	6.2% ad val.	45% ad val.
610.86	Couplings.....	[See Annex V]	6.2% ad val.	45% ad val.
	Other:			
	Butt-weld type fittings:			
	Under 14 inches (inside diameter):			
610.88	Other than alloy iron or steel.....	[See Annex V]	6.2% ad val.	45% ad val.
610.89	Alloy iron or steel..	[See Annex V]	6.2% ad val.	45% ad val.
610.90	14 inches and over (inside diameter).....	[See Annex V]	6.2% ad val.	45% ad val.
610.92	Other.....	[See Annex V]	6.2% ad val.	45% ad val.
610.93	Any article described in the foregoing items 610.82 to 610.92, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).....	Free"		

7. Item 661.95 is superseded by:

	[Centrifuges;...:]			
	[Other:]			
	"Other:			
661.94	Portable air purifiers, not specially designed for industrial use, and filters therefor.....	[See Annex V]	3.9% ad val.	35% ad val.
661.95	Other.....	[See Annex V]	3.9% ad val.	35% ad val."

8. Item 674.32 is superseded by:

	[Machine...:]			
	[Metal-working...:]			
	"Boring, drilling, and milling machines, including vertical turret lathes:			
	Drilling machines:			
674.31	Not used or rebuilt, valued under $2,500 each.....	[See Annex V]	4.2% ad val.	30% ad val.
674.33	Other.....	[See Annex V]	4.2% ad val.	30% ad val.
674.34	Other.....	[See Annex V]	4.2% ad val.	30% ad val."

9.(a) Item 685.19 is superseded by:

	[Radiotelegraphic...:]			
	[Radiotelegraphic...:]			
	[Television...:]			
	"Other television apparatus and parts thereof:			
685.20	Antennas (except parabolic reflectors).....	[See Annex V]	3.7% ad val.	35% ad val.
685.22	Other.....	[See Annex V]	3.7% ad val.	35% ad val."

(b) Conforming change: Item 685.21 is redesignated as 685.23.

10.(a) Item 722.12 is superseded by:

	[Photographic...:]			
	[Other...:]			
	"Fixed-focus:			
	Hand-held type:			
722.08	110 cameras and disc cameras...	[See Annex V]	4% ad val.	20% ad val.
722.09	Instant-print cameras.....	[See Annex V]	4% ad val.	20% ad val.
722.11	Other.....	[See Annex V]	4% ad val.	20% ad val.
722.13	Other.....	[See Annex V]	4% ad val.	20% ad val."

(b) Conforming change: Item 722.10 is redesignated as 722.06.

11.(a) Item 727.50 is superseded by:

	[Furniture,...:]			
	[Of rubber...:]			
	"Other:			
727.53	Waterbed mattresses and liners, and parts of the foregoing.....	[See Annex V]		25% ad val.
727.59	Other.....	[See Annex V]		25% ad val."

(b) Conforming change: Items 727.51, 727.52, 727.55, and 727.56 are redesignated as 727.60, 727.65, 727.70, and 727.71, respectively.

Section B. Effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1988.

1. Items 411.55 and 411.58 and the superior heading thereto are superseded by:

[Products...:]			
[Obtained,...:]			
[Drugs:]			
[Other:]			
[Antihistamines,...:]			
"411.57	Other.....	9.2% ad val.	7¢ per lb. + 82% ad val."

2. Items 411.87 and 411.88 and the superior heading thereto are superseded by:

[Products...:]			
[Obtained,...:]			
[Drugs:]			
[Other:]			
[Anti-infective...:]			
[Anti-infective...:]			
"411.8[illegible]	Other.....	10.8% ad val.	7¢ per lb. + 96% ad val."

ANNEX II

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM ANY BENEFICIARY DEVELOPING COUNTRY

100.25	124.65	140.46	152.30
100.31	124.70	140.54	152.40
105.30	124.80	140.56	152.43
105.60	125.01	140.70	152.58
105.84	125.10	140.76	152.60
106.70	125.15	141.05	152.72
106.75	125.20	141.20	152.78
107.10	125.32	141.35	153.03
107.15	125.34	141.45	153.05
107.20	125.50	141.50	153.16
107.25	125.82	141.70	153.20
107.40	125.84	141.78	153.24
107.45	126.01	141.82	153.28
107.65	126.41	141.85	153.32
107.70	127.10	141.87	154.10
107.78	130.20	141.98	154.40
110.28	130.30	144.14	154.43
110.35	130.32	145.02	154.60
110.45	130.37	145.09	155.30
111.10	130.40	145.24	155.40
111.15	130.45	145.26	155.60
111.18	130.63	145.28	155.75
111.56	131.20	145.30	156.25
111.60	131.35	145.50	156.30
112.03	131.80	145.52	156.40
112.21	132.55	145.53	156.47
112.36	135.12	145.54	157.10
112.40	135.14	145.65	161.05
112.94	135.30	145.70	161.06
113.30	135.41	146.12	161.37
113.40	135.50	146.42	161.43
113.50	135.60	146.66	161.45
113.60	135.70	146.69	161.53
114.04	135.80	146.74	161.57
114.25	135.99	146.78	161.60
114.55	136.10	146.82	161.61
117.65	136.40	146.87	161.65
117.67	136.50	146.90	161.69
119.50	136.60	147.21	161.71
119.55	136.90	147.29	161.75
120.17	136.92	147.33	161.84
121.10	136.95	147.36	161.88
121.15	136.97	147.53	161.92
121.25	137.04	147.54	161.96
121.30	137.84	147.80	162.03
121.35	137.88	147.85	162.07
121.52	137.93	148.08	162.11
121.54	138.40	148.19	162.15
121.56	138.41	148.30	165.55
121.62	140.10	148.35	166.10
123.50	140.11	148.52	166.20
124.20	140.14	148.77	166.30
124.25	140.16	148.81	166.40
124.30	140.20	149.15	167.15
124.40	140.35	152.00	167.25
124.60	140.38	152.05	167.34

ANNEX II

-2-

167.40	182.20	206.65	252.10
167.50	182.30	206.95	252.13
168.12	182.32	207.00	252.15
168.13	182.35	220.10	252.17
168.14	182.36	220.15	252.20
168.16	182.40	220.31	252.25
168.36	182.45	220.35	252.27
168.37	182.46	220.36	252.30
168.39	182.49	220.37	252.35
168.41	182.52	220.39	252.40
168.42	182.58	220.41	252.42
168.54	182.90	220.47	252.45
168.57	182.96	220.50	252.50
168.59	183.01	222.30	252.57
168.61	183.05	222.32	252.59
168.96	184.50	222.34	252.61
168.98	184.51	222.36	252.63
169.04	184.53	222.40	252.70
169.07	184.58	222.41	252.73
169.08	184.65	222.42	252.75
169.32	186.10	222.44	252.77
169.37	186.15	222.55	252.81
169.38	186.20	222.57	252.84
169.39	186.30	222.60	252.86
169.42	186.40	222.62	252.90
169.44	186.50	222.64	253.05
169.47	188.30	240.10	253.10
169.48	188.34	240.12	253.15
169.49	188.50	240.14	253.20
169.58	190.10	240.16	253.25
169.59	190.25	240.19	253.30
170.10	190.68	240.21	253.35
170.15	190.85	240.30	253.40
170.63	191.18	240.32	253.45
170.67	192.17	240.34	254.05
170.70	192.45	240.36	254.09
175.36	193.10	240.40	254.15
176.01	200.06	240.50	254.18
176.14	200.45	240.52	254.20
176.29	202.38	240.54	254.25
176.30	202.54	240.56	254.30
176.49	202.56	240.58	254.35
176.50	202.60	240.60	254.40
176.70	202.66	245.00	254.42
177.12	203.10	245.10	254.44
177.16	203.20	245.30	254.46
177.22	203.30	245.45	254.48
177.24	204.05	245.50	254.50
177.26	204.10	245.60	254.54
177.40	204.20	245.70	254.56
177.58	204.30	245.80	254.58
177.62	204.35	251.10	254.63
177.69	206.30	251.15	254.65
177.72	206.45	251.20	254.70
178.30	206.50	251.25	254.80
182.05	206.52	251.30	254.85
182.10	206.53	251.45	254.90
182.11	206.54	252.05	254.95
182.15			

ANNEX II

-3-

256.05	305.20	347.35	402.20
256.10	305.22	347.72	402.24
256.13	305.30	347.75	402.28
256.15	305.40	355.04	402.32
256.20	305.50	355.20	403.27
256.25	306.11	355.42	404.04
256.30	306.42	355.55	404.42
256.35	306.53	356.25	405.02
256.40	306.60	356.40	405.31
256.42	306.61	358.06	406.16
256.44	306.70	358.14	406.37
256.48	306.71	360.04	406.47
256.52	306.72	360.35	406.72
256.54	306.80	360.36	406.81
256.56	306.81	360.44	406.86
256.58	306.82	360.77	406.96
256.65	307.02	360.79	407.00
256.67	307.04	360.82	407.09
256.70	307.06	360.84	408.00
256.75	307.08	361.21	408.08
256.80	307.16	361.23	408.12
256.84	308.06	361.26	408.16
256.90	308.10	361.43	408.21
270.45	308.16	361.53	408.22
270.50	308.18	361.85	408.23
273.30	308.20	363.02	408.24
273.50	308.30	364.09	408.28
273.55	308.35	364.14	408.29
273.65	308.45	364.18	408.31
273.70	308.47	364.21	408.32
273.75	308.51	364.25	408.36
273.85	308.55	364.35	408.38
273.90	308.80	365.05	408.41
273.95	308.90	365.14	408.44
274.00	312.10	365.15	408.48
274.05	312.30	365.25	408.54
274.10	312.40	365.29	408.61
274.15	312.50	365.72	408.64
274.20	315.25	365.76	408.68
274.23	315.30	365.91	408.72
274.27	315.55	367.28	408.76
274.29	315.75	367.31	408.81
274.33	315.80	370.17	408.84
274.35	315.85	370.19	408.88
274.60	315.90	370.22	408.92
274.65	315.95	372.60	408.96
274.70	316.50	372.65	409.02
274.75	316.70	385.95	409.06
274.80	319.07	386.13	409.10
274.85	335.50	387.25	409.14
274.90	335.70	387.32	409.18
304.10	335.85	387.33	409.22
304.12	337.20	390.16	409.26
304.14	337.72	402.00	409.28
304.22	339.10	402.04	409.30
304.40	347.20	402.08	409.34
304.44	347.28	402.12	409.38
304.48	347.30	402.16	409.42

ANNEX II

-4-

410.36	416.45	419.32	421.54
410.40	417.10	419.34	421.60
410.44	417.14	419.38	421.62
410.48	417.16	419.40	421.72
410.52	417.18	419.42	421.74
410.56	417.20	419.44	421.76
410.60	417.22	419.50	421.84
410.64	417.24	419.52	421.86
410.66	417.26	419.54	421.90
410.68	417.28	419.60	422.00
410.72	417.32	419.70	422.10
410.76	417.34	419.74	422.12
410.80	417.36	419.76	422.14
410.84	417.38	419.80	422.20
410.88	417.42	419.82	422.24
410.92	417.44	419.84	422.26
410.96	417.50	419.90	422.30
411.00	417.52	420.00	422.58
411.04	417.54	420.02	422.60
411.08	417.64	420.04	422.62
411.10	417.70	420.06	422.70
411.20	417.72	420.08	422.72
411.24	417.74	420.14	422.74
411.26	417.76	420.16	422.78
411.53	417.78	420.18	422.80
411.64	417.80	420.20	422.82
411.80	417.90	420.22	422.90
411.82	417.92	420.24	422.92
411.91	418.00	420.26	422.94
412.22	418.14	420.28	423.00
412.31	418.18	420.30	423.80
412.67	418.22	420.34	423.84
412.72	418.24	420.36	423.86
412.76	418.26	420.40	423.88
412.80	418.28	420.54	423.94
412.84	418.32	420.60	423.96
412.88	418.40	420.68	425.00
412.92	418.42	420.70	425.02
412.96	418.44	420.78	425.04
413.00	418.50	420.82	425.06
413.04	418.52	420.84	425.08
413.08	418.60	420.86	425.09
413.12	418.62	420.88	425.10
413.16	418.68	420.94	425.12
413.20	418.72	420.98	425.14
413.24	418.74	421.04	425.18
413.28	418.76	421.06	425.20
413.30	418.78	421.08	425.22
413.32	418.80	421.10	425.24
413.36	418.94	421.14	425.26
413.40	419.00	421.16	425.28
413.50	419.02	421.18	425.32
413.51	419.04	421.22	425.34
415.20	419.10	421.34	425.36
415.27	419.20	421.36	425.38
415.50	419.22	421.44	425.41
416.05	419.24	421.46	425.42
416.30	419.28	421.52	425.52

ANNEX II

-5-

425.70	427.30	429.10	437.74
425.72	427.40	429.12	437.82
425.74	427.42	429.19	437.84
425.76	427.44	429.22	437.86
425.78	427.45	429.24	438.01
425.82	427.46	429.26	438.02
425.86	427.48	429.29	439.30
425.87	427.53	429.30	439.50
425.88	427.54	429.32	440.00
425.94	427.56	429.34	445.05
426.00	427.58	429.38	445.10
426.04	427.60	429.42	445.15
426.08	427.62	429.44	445.20
426.10	427.64	429.46	445.25
426.12	427.70	429.47	445.30
426.14	427.72	429.48	445.35
426.18	427.74	429.60	445.44
426.22	427.82	429.70	445.46
426.24	427.84	429.85	445.48
426.26	427.92	429.95	445.52
426.28	427.94	432.15	445.54
426.32	427.97	432.25	445.56
426.34	427.98	435.10	445.75
426.36	428.04	436.00	446.10
426.42	428.06	437.02	446.12
426.44	428.12	437.04	446.15
426.46	428.20	437.06	446.30
426.52	428.22	437.10	450.10
426.54	428.24	437.12	450.20
426.56	428.26	437.13	452.24
426.58	428.30	437.14	452.28
426.62	428.32	437.16	452.48
426.64	428.34	437.18	452.54
426.72	428.36	437.20	452.58
426.76	428.38	437.22	452.80
426.77	428.40	437.30	455.02
426.78	428.41	437.32	455.06
426.82	428.42	437.36	455.16
426.84	428.44	437.38	455.18
426.86	428.47	437.40	455.20
426.88	428.50	437.44	455.22
426.92	428.52	437.47	455.24
426.94	428.54	437.49	455.30
426.96	428.62	437.50	455.32
426.98	428.64	437.51	455.34
427.02	428.66	437.52	455.36
427.04	428.68	437.54	455.38
427.06	428.72	437.55	455.44
427.08	428.80	437.56	455.46
427.12	428.82	437.57	460.10
427.14	428.84	437.58	460.15
427.16	428.86	437.60	460.25
427.18	428.88	437.64	460.30
427.20	428.90	437.65	460.35
427.22	428.92	437.68	460.45
427.24	428.94	437.69	460.50
427.25	428.96	437.70	460.55
427.28	429.00	437.72	460.60

ANNEX II

-6-

460.65	473.14	490.40	514.54
460.70	473.16	490.42	514.57
460.75	473.18	490.44	514.61
460.80	473.19	490.46	514.65
460.85	473.20	490.48	514.81
460.90	473.24	490.50	515.11
461.05	473.28	490.90	515.14
461.10	473.30	490.92	515.24
461.15	473.32	490.94	515.31
461.20	473.36	493.10	515.34
461.30	473.38	493.14	515.51
461.35	473.44	493.17	515.54
461.40	473.46	493.18	515.61
461.45	473.48	493.20	515.64
465.05	473.50	493.22	516.21
465.10	473.54	493.25	516.24
465.15	473.58	493.26	516.71
465.20	473.60	493.30	516.73
465.25	473.62	493.46	516.74
465.30	473.66	493.47	516.76
465.35	473.70	493.50	516.91
465.40	473.72	493.67	516.94
465.45	473.74	493.68	517.11
465.50	473.76	493.82	517.21
465.55	473.78	494.04	517.24
465.60	473.80	494.40	517.51
465.65	473.82	494.52	517.61
465.70	473.84	494.60	517.71
465.75	473.86	495.05	517.74
465.80	473.88	495.10	517.81
465.85	473.90	495.15	517.91
465.87	474.02	495.20	518.21
465.90	474.04	511.11	518.41
465.92	474.06	511.25	518.51
465.95	474.08	511.31	519.11
466.05	474.20	511.41	519.14
466.10	474.22	511.51	519.31
466.15	474.26	511.61	519.37
466.20	474.30	511.71	519.51
466.25	474.35	512.24	519.83
466.30	474.40	512.31	519.84
470.18	474.42	512.35	519.86
470.85	474.44	512.41	519.91
472.06	474.46	512.44	519.93
472.10	474.50	513.21	519.95
472.12	474.60	513.36	519.97
472.14	474.62	513.41	520.31
472.24	475.55	513.51	520.37
472.30	475.60	513.74	520.39
472.40	485.10	513.81	520.51
472.42	485.20	513.84	520.54
472.44	485.30	513.94	520.61
472.48	490.05	514.21	520.71
472.50	490.10	514.24	521.87
473.02	490.12	514.34	522.41
473.06	490.24	514.41	522.45
473.10	490.30	514.44	522.61
473.12	490.32	514.51	522.71

ANNEX II

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522.81	542.57	603.25	612.38
523.31	542.67	603.30	612.39
523.33	542.71	603.45	612.40
523.37	542.73	603.49	612.41
523.51	542.75	603.50	612.43
523.61	542.77	603.54	612.44
523.91	542.92	603.55	612.45
523.94	542.94	603.70	612.50
531.01	542.96	605.03	612.52
531.04	542.98	605.05	612.55
531.11	543.11	605.06	612.56
531.21	544.11	605.08	612.60
531.24	544.14	605.27	612.61
531.33	544.16	605.48	612.62
531.35	544.18	605.60	612.63
531.37	544.31	605.65	612.64
531.39	544.41	605.66	612.70
532.14	544.51	606.15	612.71
532.41	544.54	606.26	612.72
532.61	544.61	606.28	612.73
533.11	544.64	606.33	612.80
533.15	545.11	606.48	612.81
533.54	545.17	606.57	612.82
534.11	545.21	606.59	613.02
534.21	545.25	606.60	613.03
534.31	545.31	606.62	613.04
534.74	545.34	606.64	613.06
534.76	545.35	606.71	613.08
534.84	545.37	606.73	613.10
534.87	545.55	606.75	613.11
534.97	545.57	606.77	613.12
535.11	545.61	609.14	613.15
535.12	545.63	609.15	613.18
535.13	545.67	609.88	618.06
535.14	545.81	609.90	618.10
535.21	546.21	610.56	618.15
535.24	546.23	610.58	618.17
535.27	546.25	610.62	618.20
535.41	546.39	610.63	618.22
536.15	546.47	610.66	618.25
540.11	547.11	610.71	618.27
540.13	547.13	610.84	618.29
540.14	547.15	610.86	618.40
540.15	547.21	610.89	618.42
540.21	547.31	610.90	618.47
540.37	547.37	610.92	620.08
540.41	547.41	612.02	620.10
540.43	547.43	612.05	620.12
540.47	547.51	612.08	620.16
540.51	547.53	612.10	620.20
540.55	547.55	612.15	620.22
540.61	548.01	612.17	620.26
540.63	548.03	612.20	620.30
540.65	548.05	612.30	620.40
540.67	601.54	612.31	620.42
540.71	602.20	612.32	620.46
541.11	602.28	612.34	620.50
541.21	603.10	612.35	
541.31	603.15	612.36	

ANNEX II

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622.15	629.60	644.18	646.89
622.17	629.65	644.20	646.92
622.20	632.02	644.22	646.95
622.22	632.04	644.24	646.97
622.25	632.12	644.26	646.98
622.35	632.18	644.28	647.01
622.40	632.34	644.30	647.03
624.02	632.42	644.32	647.05
624.04	632.60	644.36	647.10
624.10	632.62	644.38	648.51
624.12	632.66	644.40	648.53
624.14	633.00	644.42	648.57
624.16	640.05	644.46	648.61
624.18	640.10	644.48	648.63
624.20	640.20	644.52	648.67
624.22	640.25	644.56	648.69
624.24	640.30	644.60	648.71
624.30	640.35	644.64	648.73
624.32	640.40	644.68	648.75
624.34	642.06	644.72	648.80
624.40	642.08	644.76	648.85
624.42	642.09	644.80	648.89
624.50	642.15	644.84	648.93
624.52	642.18	644.88	648.95
624.54	642.20	644.92	649.01
626.15	642.25	644.95	649.03
626.17	642.27	644.98	649.05
626.18	642.31	646.02	649.07
626.20	642.34	646.04	649.11
626.22	642.45	646.06	649.14
626.24	642.47	646.17	649.17
626.30	642.50	646.20	649.19
626.31	642.52	646.22	649.21
626.35	642.54	646.27	649.23
626.40	642.56	646.28	649.24
626.42	642.58	646.30	649.25
626.45	642.60	646.34	649.26
628.05	642.62	646.36	649.27
628.10	642.64	646.40	649.29
628.15	642.66	646.41	649.31
628.20	642.68	646.42	649.32
628.25	642.70	646.45	649.33
628.30	642.72	646.47	649.35
628.35	642.74	646.51	649.41
628.40	642.76	646.53	649.43
628.45	642.78	646.57	649.44
628.50	642.80	646.65	649.46
628.55	642.82	646.72	649.47
628.59	642.85	646.74	649.48
628.70	642.87	646.75	649.49
628.74	642.93	646.76	649.53
628.90	644.02	646.77	649.57
628.95	644.06	646.78	649.67
629.05	644.08	646.82	649.71
629.10	644.09	646.85	649.73
629.20	644.11	646.86	649.75
629.25	644.12	646.87	649.77
629.26	644.15	646.88	649.79
629.50	644.17		

ANNEX II

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649.81	652.09	656.05	662.15
649.83	652.13	656.10	662.18
649.85	652.14	656.15	662.20
649.87	652.15	656.20	662.26
649.89	652.18	656.25	662.30
649.91	652.21	656.30	662.50
650.01	652.24	656.35	664.06
650.05	652.27	657.10	664.07
650.07	652.30	657.15	664.08
650.13	652.33	657.30	666.10
650.15	652.35	657.35	666.25
650.17	652.36	657.40	668.00
650.19	652.38	657.50	668.02
650.21	652.41	657.60	668.04
650.31	652.42	657.70	668.06
650.35	652.45	657.75	668.07
650.37	652.50	657.80	668.10
650.43	652.55	657.90	668.15
650.45	652.65	658.00	668.21
650.47	652.70	660.10	668.23
650.48	652.72	660.15	668.32
650.51	652.75	660.20	668.34
650.53	652.80	660.22	668.36
650.56	652.86	660.25	668.38
650.57	652.88	660.30	668.50
650.61	652.90	660.35	670.00
650.63	652.92	660.56	670.02
650.65	652.93	660.59	670.04
650.71	653.00	660.62	670.06
650.73	653.01	660.67	670.12
650.75	653.03	660.71	670.14
650.77	653.05	660.74	670.16
650.79	653.07	660.76	670.17
650.81	653.10	660.77	670.18
650.83	653.15	660.80	670.19
650.85	653.20	660.85	670.20
650.87	653.25	660.92	670.22
650.90	653.30	660.96	670.23
651.01	653.35	660.97	670.25
651.03	653.37	661.05	670.27
651.04	653.45	661.10	670.29
651.07	653.52	661.15	670.33
651.09	653.60	661.20	670.35
651.11	653.62	661.25	670.40
651.13	653.65	661.30	670.41
651.15	653.70	661.35	670.42
651.23	653.75	661.40	670.43
651.25	653.80	661.45	670.50
651.27	653.90	661.50	670.52
651.29	653.96	661.54	670.54
651.31	654.00	661.56	670.56
651.45	654.16	661.67	670.58
651.48	654.25	661.68	670.64
651.51	654.35	661.85	670.66
651.55	654.45	661.90	670.68
651.60	654.50	661.92	670.70
651.62	654.70	661.95	670.72
652.06	654.75	662.10	670.74

ANNEX II

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670.90	681.36	688.34	703.85
672.10	681.39	690.05	704.34
672.14	682.05	690.10	704.75
672.20	682.07	690.20	704.80
672.22	682.20	690.35	704.95
672.25	682.25	690.40	705.30
674.10	682.30	692.04	705.82
674.20	682.41	692.14	705.83
674.30	682.45	692.16	705.90
674.33	682.50	692.35	706.04
674.34	682.52	692.40	706.19
674.40	682.55	692.45	706.33
674.42	682.70	692.53	706.37
674.50	682.80	692.55	706.42
674.52	682.90	694.31	706.44
674.53	682.95	694.50	706.47
674.55	683.07	694.61	706.50
674.56	683.20	694.63	708.01
674.60	683.30	694.64	708.03
674.70	683.32	694.65	708.05
674.75	683.40	694.66	708.07
674.80	683.50	694.67	708.09
674.90	683.60	694.70	708.21
676.07	683.65	696.05	708.23
676.10	683.90	696.15	708.25
676.12	683.95	696.30	708.27
676.15	684.20	696.50	708.29
676.22	684.28	700.54	708.41
676.23	684.40	702.08	708.43
676.25	684.64	702.14	708.56
676.50	685.10	702.15	708.58
678.20	685.20	702.20	708.61
678.30	685.26	702.25	708.63
678.32	685.34	702.28	708.65
678.35	685.36	702.30	708.71
678.40	685.42	702.32	708.72
678.45	685.60	702.35	708.73
680.05	685.70	702.37	708.75
680.07	686.18	702.40	708.76
680.12	686.24	702.45	708.78
680.13	686.40	702.47	708.80
680.14	686.50	702.85	708.82
680.17	686.60	702.90	708.85
680.19	686.70	702.95	708.87
680.25	686.80	703.20	708.89
680.27	686.90	703.25	708.91
680.42	687.10	703.30	708.93
680.46	687.20	703.35	709.01
680.49	687.30	703.40	709.03
680.59	687.42	703.45	709.05
680.62	687.70	703.50	709.06
680.92	687.72	703.55	709.07
681.10	688.04	703.60	709.09
681.13	688.06	703.65	709.10
681.15	688.20	703.70	709.11
681.21	688.25	703.72	709.13
681.27	688.30	703.75	709.15
681.33	688.32	703.80	709.17

ANNEX II

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709.19	711.75	722.94	727.40
709.21	711.77	722.96	727.45
709.23	711.78	723.05	727.47
709.25	711.86	723.10	727.59
709.27	711.88	723.15	727.65
709.45	711.90	723.20	727.86
709.50	711.98	723.25	728.05
709.55	712.05	723.30	728.10
709.56	712.10	723.32	728.15
709.57	712.12	723.35	728.20
709.61	712.15	724.10	728.24
709.63	712.20	724.12	728.27
709.66	712.25	724.20	730.05
710.04	712.27	724.25	730.23
710.06	712.47	724.35	730.25
710.08	712.49	724.40	730.27
710.12	713.05	724.45	730.29
710.14	713.07	725.04	730.31
710.16	713.09	725.05	730.37
710.20	713.11	725.07	730.39
710.21	713.19	725.08	730.41
710.26	715.20	725.12	730.43
710.27	715.55	725.14	730.45
710.30	720.80	725.16	730.51
710.34	720.92	725.18	730.53
710.36	721.10	725.20	730.55
710.40	722.02	725.22	730.57
710.42	722.04	725.24	730.59
710.46	722.06	725.26	730.63
710.50	722.09	725.30	730.65
710.60	722.13	725.34	730.67
710.61	722.16	725.36	730.71
710.63	722.18	725.40	730.73
710.65	722.30	725.46	730.74
710.67	722.32	725.47	730.75
710.68	722.34	725.52	730.77
710.70	722.40	726.05	730.80
710.72	722.42	726.10	730.81
710.76	722.44	726.15	730.85
710.78	722.46	726.20	730.86
710.80	722.50	726.40	730.88
710.86	722.52	726.45	730.95
710.88	722.55	726.50	730.96
710.90	722.56	726.52	730.97
711.04	722.60	726.55	730.98
711.08	722.64	726.63	730.99
711.25	722.70	726.65	731.05
711.30	722.72	726.70	731.06
711.31	722.75	726.75	731.10
711.32	722.78	726.90	731.24
711.40	722.80	727.02	731.26
711.42	722.82	727.04	731.30
711.45	722.83	727.11	731.42
711.47	722.85	727.13	731.44
711.49	722.86	727.14	731.50
711.55	722.88	727.15	731.70
711.60	722.90	727.25	732.35
711.67	722.92	727.27	732.38

ANNEX II

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732.43	745.30	756.35	773.15
732.50	745.32	756.40	773.20
732.52	745.34	756.45	773.25
732.62	745.42	756.50	773.30
734.05	745.45	756.55	773.35
734.30	745.50	756.60	774.20
734.32	745.52	760.10	774.25
734.34	745.54	760.12	774.35
734.40	745.56	760.15	774.40
734.42	745.58	760.20	774.50
734.45	745.60	760.30	790.00
734.60	745.62	760.32	790.07
734.71	745.65	760.34	790.15
734.75	745.66	760.36	790.23
734.77	745.67	760.38	790.25
734.80	745.68	760.40	790.30
734.85	745.70	760.42	790.37
734.88	748.05	760.45	790.40
734.91	748.10	760.50	790.45
734.93	748.12	760.52	790.47
734.95	748.15	760.54	790.50
735.01	748.20	760.56	790.55
735.02	748.25	760.58	790.59
735.04	748.32	766.20	790.60
735.06	748.34	770.05	790.61
735.10	748.36	770.07	790.62
735.11	748.50	770.10	790.63
735.15	748.55	770.30	791.05
735.17	750.05	770.40	791.10
735.18	750.10	770.45	791.17
737.09	750.15	770.70	791.19
737.35	750.32	770.80	791.20
737.42	750.47	771.05	791.27
737.47	750.55	771.20	791.28
737.55	750.60	771.25	791.30
737.70	750.65	771.30	791.35
740.05	750.70	771.31	791.45
740.38	750.75	771.35	791.48
740.50	750.80	771.40	791.50
740.55	751.10	771.41	791.54
740.60	751.15	771.50	791.57
740.70	751.25	771.55	791.60
740.75	755.05	772.03	791.65
740.80	755.10	772.06	791.70
741.06	755.20	772.09	791.80
741.10	755.30	772.15	791.90
741.15	755.40	772.20	792.10
741.20	755.45	772.25	792.22
741.30	755.50	772.40	792.30
741.35	756.02	772.42	792.32
741.40	756.04	772.45	792.40
741.50	756.06	772.54	792.70
745.04	756.10	772.65	799.00
745.08	756.15	772.80	
745.10	756.21	772.85	
745.20	756.23	772.95	
745.25	756.25	772.97	
745.28	756.30	773.10	

ANNEX III

ARTICLES THAT ARE ELIGIBLE FOR PREFERENTIAL TREATMENT WHEN IMPORTED FROM BENEFICIARY DEVELOPING COUNTRIES OTHER THAN THOSE SPECIFIED IN GENERAL HEADNOTE 3(c)(iii) OF THE TSUS

107.48	220.25	646.90	684.62	734.87
107.80	220.48	648.55	684.70	734.90
113.01	222.10	648.91	685.24	735.07
114.06	222.50	648.97	685.29	735.09
121.55	240.38	649.37	685.40	735.12
121.61	245.20	650.89	685.90	735.20
121.64	256.60	651.21	686.30	737.07
121.65	256.87	651.33	688.10	737.15
135.51	305.28	651.37	688.12	737.21
135.90	319.01	651.46	688.15	737.23
135.95	319.03	651.49	688.43	737.26
136.00	319.05	651.53	690.15	737.28
136.20	337.40	652.03	692.29	737.30
136.22	355.81	652.60	692.32	737.40
136.30	365.84	652.84	692.60	737.43
136.61	366.84	653.39	696.10	737.49
136.80	389.61	653.47	696.35	737.51
137.02	406.20	653.48	696.40	737.60
137.10	407.16	653.85	696.60	737.65
137.40	416.10	653.93	700.90	737.80
137.50	422.76	653.94	703.14	737.95
137.63	425.84	653.99	706.39	740.11
137.71	428.58	654.08	706.45	740.12
137.75	445.42	654.30	706.61	740.13
137.79	452.44	654.40	708.45	740.14
137.89	473.52	654.55	708.47	740.15
138.05	473.56	654.60	709.40	740.30
138.35	522.21	654.65	709.54	740.34
140.21	532.22	657.24	711.38	741.25
141.77	532.31	657.25	713.15	748.21
146.22	534.81	660.42	713.17	750.20
146.44	534.91	660.48	722.08	750.22
146.76	534.94	661.06	722.11	750.25
148.03	535.31	661.09	722.14	750.35
148.12	536.11	661.65	725.01	750.40
148.17	545.53	661.94	725.03	750.45
148.25	545.65	662.35	725.32	750.50
148.65	545.85	664.10	725.50	751.05
148.72	545.87	672.16	726.25	751.11
149.50	601.33	674.31	727.06	751.20
149.60	602.10	674.35	727.23	755.25
152.54	603.40	676.20	727.29	771.43
154.53	606.36	676.30	727.35	771.45
155.20	606.37	676.52	727.70	772.35
155.35	606.44	678.50	728.22	772.51
161.83	610.65	682.35	730.94	772.60
167.05	610.70	682.60	732.60	772.70
176.15	610.74	683.05	734.10	773.05
192.21	610.82	683.15	734.15	774.45
192.85	610.88	683.70	734.20	774.55
200.91	612.03	683.80	734.25	790.03
202.62	612.06	684.10	734.51	790.10
204.40	618.02	684.15	734.54	790.39
206.47	642.14	684.25	734.56	790.70
206.60	642.16	684.48	734.70	791.15
206.98	642.17	684.53	734.72	792.50
220.20	646.32	684.55	734.86	792.60
				792.75

ANNEX IV

"(iii) The following designated eligible articles provided for in TSUS item numbers preceded by the designation "A*", if imported from a beneficiary developing country set opposite the TSUS item numbers listed below, are not entitled to the duty-free treatment provided for in subdivision (c)(ii) of this headnote:

107.48	Brazil
107.80	Argentina
113.01	Thailand
114.06	Republic of Korea
121.55	India
121.61	Argentina
121.64	India
121.65	Argentina
135.51	Mexico
135.90	Mexico
135.95	Mexico
136.00	Dominican Republic
136.20	Mexico
136.22	Mexico
136.30	Mexico
136.61	Mexico
136.80	Mexico
137.02	Dominican Republic
137.10	Mexico
137.40	Mexico
137.50	Mexico
137.63	Mexico
137.71	Mexico
137.75	Costa Rica
137.79	Mexico
137.89	Dominican Republic
138.05	Mexico
138.35	Costa Rica
140.21	Mexico
141.77	Mexico
146.22	Turkey
146.44	Philippines
146.76	Mexico
148.03	Mexico
148.12	Mexico
148.17	Mexico
148.25	Mexico
148.65	Taiwan
148.72	Chile
149.50	Mexico
149.60	Thailand
152.54	Brazil
154.53	Taiwan
155.20	Brazil
	Dominican Republic
	Philippines
155.35	Dominican Republic
161.83	India
167.05	Mexico
176.15	India
192.21	Colombia
192.85	Mexico
200.91	Honduras
202.62	Mexico
204.40	Taiwan

206.47	Taiwan
206.60	Mexico
206.98	Taiwan
220.20	Portugal
220.25	Portugal
220.48	Portugal
222.10	Hong Kong
222.50	Taiwan
240.38	Philippines
245.20	Brazil
256.60	Republic of Korea
256.87	Mexico
305.28	India
319.01	India
319.03	India
319.05	India
337.40	Hong Kong
	Republic of Korea
355.81	Taiwan
365.84	Philippines
366.84	Philippines
389.61	Hong Kong
	Taiwan
406.20	Israel
407.16	Venezuela
416.10	Turkey
422.76	Mexico
425.84	Netherlands Antilles
428.58	Brazil
445.42	Taiwan
452.44	Brazil
473.52	Mexico
473.56	Mexico
522.21	Mexico
532.22	Republic of Korea
532.31	Mexico
534.81	Taiwan
534.91	Taiwan
534.94	Taiwan
535.31	Mexico
536.11	Israel
545.53	Mexico
545.65	Mexico
545.85	Taiwan
545.87	Taiwan
601.33	Mexico
602.10	Peru
603.40	Chile
606.36	Brazil
606.37	Brazil
606.44	Brazil
610.65	Republic of Korea
610.70	Taiwan
610.74	Republic of Korea
	Taiwan
610.82	Republic of Korea
610.88	Taiwan

ANNEX IV

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612.03	Chile
612.06	Chile
618.02	Venezuela
642.14	Republic of Korea
642.16	Republic of Korea
642.17	Republic of Korea
646.32	Republic of Korea
646.90	Mexico
648.55	Taiwan
648.91	Taiwan
648.97	Taiwan
649.37	Taiwan
650.89	Hong Kong, Taiwan
651.21	Taiwan
651.33	Hong Kong
651.37	Taiwan
651.46	Republic of Korea, Taiwan
651.49	Taiwan
651.53	Taiwan
652.03	Republic of Korea
652.60	Taiwan
652.84	Mexico
653.39	Taiwan
653.47	Taiwan
653.48	Taiwan
653.85	Taiwan
653.93	Taiwan
653.94	Republic of Korea
653.99	Taiwan
654.08	Taiwan
654.30	Republic of Korea, Taiwan
654.40	Taiwan
654.55	Taiwan
654.60	Hong Kong
654.65	Brazil
657.24	Taiwan
657.25	Taiwan
660.42	Brazil
660.48	Brazil, Mexico
661.06	Hong Kong, Taiwan
661.09	Singapore
661.65	Israel
661.94	Hong Kong, Taiwan
662.35	Mexico
664.10	Taiwan
672.16	Taiwan
674.31	Taiwan
674.35	Taiwan
676.20	Taiwan
676.30	Taiwan
676.52	Hong Kong, Mexico, Republic of Korea, Singapore, Taiwan
678.50	Hong Kong, Mexico, Republic of Korea, Taiwan
682.35	Mexico
682.60	Hong Kong, Mexico, Taiwan
683.05	Republic of Korea, Taiwan
683.15	Mexico
683.70	Hong Kong, Taiwan
683.80	Hong Kong
684.10	Taiwan
684.15	Singapore
684.25	Republic of Korea
684.48	Hong Kong
684.53	Taiwan
684.55	Mexico
684.62	Hong Kong, Taiwan
684.70	Republic of Korea, Taiwan
685.24	Hong Kong, Republic of Korea, Singapore, Taiwan
685.29	Hong Kong, Republic of Korea, Taiwan
685.40	Republic of Korea, Taiwan
685.90	Mexico, Taiwan
686.30	Taiwan
688.10	Taiwan
688.12	Mexico, Taiwan
688.15	Mexico
688.43	Hong Kong, Taiwan
690.15	Mexico
692.29	Mexico

ANNEX IV

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692.32	Brazil Mexico Taiwan
692.60	Taiwan
696.10	Taiwan
696.35	Taiwan
696.40	Taiwan
696.60	Republic of Korea
700.90	Mexico
703.14	Mexico
706.39	Hong Kong Republic of Korea Taiwan
706.45	Hong Kong
706.61	Hong Kong Taiwan
708.45	Taiwan
708.47	Hong Kong
709.40	Hong Kong
709.54	Trinidad and Tobago
711.38	Mexico
713.15	Mexico
713.17	Hong Kong
722.08	Hong Kong Republic of Korea Taiwan
722.11	Hong Kong Republic of Korea Taiwan
722.14	Taiwan
725.01	Republic of Korea
725.03	Republic of Korea
725.32	Taiwan
725.50	Taiwan
726.25	Taiwan
727.06	Mexico
727.23	Taiwan
727.29	Taiwan
727.35	Taiwan
727.70	Taiwan
728.22	Taiwan
730.94	Republic of Korea
732.60	Taiwan
734.10	Taiwan
734.15	Taiwan
734.20	Hong Kong Taiwan
734.25	Hong Kong
734.51	Taiwan
734.54	Taiwan
734.56	Haiti
734.70	Republic of Korea
734.72	Taiwan
734.86	Taiwan
734.87	Taiwan
734.90	Taiwan
735.07	Republic of Korea
735.09	Taiwan
735.12	Taiwan
735.20	Taiwan
737.07	Hong Kong
737.15	Hong Kong
737.21	Hong Kong
737.23	Taiwan
737.26	Taiwan
737.28	Republic of Korea
737.30	Republic of Korea
737.40	Republic of Korea
737.43	Hong Kong
737.49	Hong Kong Taiwan
737.51	Republic of Korea
737.60	Hong Kong
737.65	Taiwan
737.80	Hong Kong
737.95	Hong Kong Taiwan
740.11	Hong Kong Israel Peru
740.12	Hong Kong
740.13	Hong Kong
740.14	Hong Kong
740.15	Hong Kong
740.30	Hong Kong
740.34	Hong Kong
741.25	Hong Kong
748.21	Taiwan
750.20	Taiwan
750.22	Taiwan
750.25	Hong Kong
750.35	Taiwan
750.40	Hong Kong
750.45	Republic of Korea
750.50	Republic of Korea
751.05	Taiwan
751.11	Taiwan
751.20	Taiwan
755.25	Hong Kong
771.43	Taiwan
771.45	Taiwan
772.35	Taiwan
772.51	Republic of Korea
772.60	Republic of Korea
772.70	Taiwan
773.05	Taiwan
774.45	Hong Kong
774.55	Taiwan
790.03	Taiwan
790.10	Taiwan
790.39	Taiwan
790.70	Republic of Korea
791.15	Republic of Korea
792.50	Philippines
792.60	Hong Kong
792.75	Hong Kong"

ANNEX V

A. Annex III to Presidential Proclamation 4707 of December 11, 1979 is amended--

a) by deleting from Section A of the Annex the following TSUS item numbers with their corresponding rates of duty and footnotes:

610.80 661.95 674.32 685.19 722.12 727.50

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/ effective with respect to articles entered on or after January 1 --							
		1980	1981	1982	1983	1984	1985	1986	1987
610.80 3/	11% ad val.	11%	11%	10.2%	9.4%	8.6% 3/	3/	3/	3/
610.82 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.84 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.86 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.88 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.89 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.90 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
610.92 3/	3/	3/	3/	3/	3/	8.6% 3/	7.8%	7%	6.2%
661.94 3/	3/	3/	3/	3/	3/	4.5% 3/	4.3%	4.1%	3.9%
661.95 3/	5.5% ad val.	5.3%	5.1%	4.9%	4.7%	4.5% 3/	4.3%	4.1%	3.9%
674.31 2/	2/	2/	2/	2/	2/	4.9% 2/	4.7%	4.4%	4.2%
674.32 2/	6% ad val.	5.8%	5.6%	5.3%	5.1%	4.9% 2/	2/	2/	2/
674.33 2/	2/	2/	2/	2/	2/	4.9% 2/	4.7%	4.4%	4.2%
674.34 2/	2/	2/	2/	2/	2/	4.9% 2/	4.7%	4.4%	4.2%
685.19 5/	5% ad val.	4.8%	4.7%	4.5%	4.4%	4.2% 5/	5/	5/	5/
685.20 5/	5/	5/	5/	5/	5/	4.2% 5/	4%	3.9%	3.7%
685.22 5/	5/	5/	5/	5/	5/	4.2% 5/	4%	3.9%	3.7%
722.08 2/	2/	2/	2/	2/	2/	6.3% 2/	5.5%	4.8%	4%
722.09 2/	2/	2/	2/	2/	2/	6.3% 2/	5.5%	4.8%	4%
722.11 2/	2/	2/	2/	2/	2/	6.3% 2/	5.5%	4.8%	4%
722.12 2/	10% ad val.	9.3%	8.5%	7.8%	7%	6.3% 2/	2/	2/	2/
722.13 2/	2/	2/	2/	2/	2/	6.3% 2/	5.5%	4.8%	4%
727.50 3/	6% ad val.	3%	2.4%	2.4%	2.4%	2.4% 3/	3/	3/	3/
727.53 3/	3/	3/	3/	3/	3/	2.4% 3/	2.4%	2.4%	2.4%
727.59 3/	3/	3/	3/	3/	3/	2.4% 3/	2.4%	2.4%	2.4%

Footnote 3 for items 610.80, 610.82, 610.84, 610.86, 610.88, 610.89, 610.90, and 610.92:

3/ Item 610.80 is discontinued effective March 30, 1984, and is superseded by 610.82, 610.84, 610.86, 610.88, 610.89, 610.90, and 610.92.

Footnote 3 for items 661.94 and 661.95:

3/ Item 661.95 is discontinued effective March 30, 1984, and is superseded by 661.94 and 661.95.

Footnote 2 for items 674.31, 674.32, 674.33, and 674.34:

2/ Item 674.32 is discontinued effective March 30, 1984, and is superseded by 674.31, 674.33, and 674.34.

Footnote 5 for items 685.19, 685.20, and 685.22:

5/ Item 685.19 is discontinued effective March 30, 1984, and is superseded by 685.20 and 685.22.

Footnote 2 for items 722.08, 722.09, 722.11, 722.12, and 722.13.

2/ Item 722.12 is discontinued effective March 30, 1984, and is superseded by 722.08, 722.09, 722.11, and 722.13.

Footnote 3 for items 727.50, 727.53, and 727.59:

3/ Item 727.50 is discontinued effective March 30, 1984, and is superseded by 727.53 and 727.59.

c) Section A of that Annex is also amended by redesignating items 685.21, 722.10, 727.52, and 727.55 as items 685.23, 722.06, 727.65, and 727.70, respectively, effective March 30, 1984.

B. Annex III to Presidential Proclamation 4768 of June 28, 1980, is amended--

a) by deleting from Section A of that Annex the following TSUS item numbers and their corresponding rates of d v and their footnotes:

406.48	411.81	411.84	412.68
411.56	411.83	412.67	412.69

b) by inserting in Section A of that Annex the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty 1/ effective with respect to articles exported to the United States on and after July 1, 1980, and entered on or after--							
		July 1, 1980	January 1, 1981	January 1, 1982	January 1, 1983	January 1, 1984	January 1, 1985	January 1, 1986	January 1 1987
406.47 2/	2/	2/	2/	2/	2/	9.2% 2/	8.4%	7.6%	6.8%
406.48 2/	1.7¢ per lb. + 12.8% ad val.	12.4%	11.6%	10.8%	10%	9.2% 2/	2/	2/	2/
406.49 2/	2/	2/	2/	2/	2/	9.2% 2/	8.4%	7.6%	6.8%
411.53 6/	6/	6/	6/	6/	6/	14.4% 6/	12.7%	10.9%	9.2%
411.55 6/	6/	6/	6/	6/	6/	14.4% 6/	12.7%	10.9%	9.2%
411.56 6/	1.7¢ per lb. + 22.8% ad val.	21.3%	19.6%	17.8%	16.1%	14.4% 6/	6/	6/	6/
411.81 4/	4/	4/	4/	4/	18.9% 4/	16.9% 4/	4/	4/	4/
411.82 4/	4/	4/	4/	4/	4/	16.9% 4/	14.9%	12.8%	10.8%
411.83 4/	4/	4/	4/	4/	18.9% 4/	16.9% 4/	4/	4/	4/
411.84 4/	1.7¢ per lb. + 26.6% ad val.	25%	23%	20.9%	18.9% 4/	4/	4/	4/	4/
411.87 4/	4/	4/	4/	4/	4/	16.9% 4/	14.9%	12.8%	10.8%
412.67 4/	4/	4/	4/	4/	10.3% 4/	9.5% 4/	8.6%	7.8%	6.9%
412.68 4/	1.7¢ per lb. + 13.6% ad val.	12.9%	12%	11.2%	10.3% 4/	4/	4/	4/	4/
412.69 4/	4/	4/	4/	4/	10.3% 4/	9.5% 4/	8.6%	7.8%	6.9%

Footnote 2 for items 406.47, 406.48, and 406.49:

2/ Item 406.48 is discontinued effective March 30, 1984, and is superseded by items 406.47 and 406.49.

Footnote 6 for items 411.53, 411.55, and 411.56:

6/ Item 411.56 is discontinued effective March 30, 1984, and is superseded by items 411.53 and 411.55.

Footnote 4 for items 411.81, 411.82, 411.83, 411.84, and 411.87:

4/ Item 411.84 was discontinued effective March 31, 1983, and was superseded by items 411.81 and 411.83. Items 411.81 and 411.83 are discontinued effective March 30, 1984, and are superseded by items 411.82 and 411.87, respectively.

Footnote 4 for items 412.67, 412.68, and 412.69:

4/ Item 412.68 was discontinued effective March 31, 1983, and was superseded by items 412.67 and 412.69. Items 412.67 and 412.69 are discontinued effective March 30, 1984, and are superseded by items 412.67 and 412.69, respectively.

ANNEX VI

General headnote 3(c)(i) of the TSUS is modified--

(a) by inserting in alphabetical order in the list of designated independent countries "Brunei",

(b) by deleting "Brunei" from the list of non-independent countries and territories,

(c) by inserting in alphabetical order "Brunei" as a member country of the Association of South East Asian Nations (ASEAN), and

(d) by inserting in alphabetical order "Bahamas" as a member country of the Caribbean Common Market (CARICOM).

[FR Doc. 84-8934
Filed 3-30-84; 4:11 pm]
Billing code 3195-01-C

Presidential Documents

Proclamation 5170 of March 31, 1984

National Eye Donor Month, 1984

By the President of the United States of America

A Proclamation

One of the most magnificent presents that one human being can bestow upon another is the gift of sight. Human eye tissue which is donated at death may be used in research and cornea transplant operations. Each year, thousands of Americans suffer from impaired vision caused by congenital defects, injuries, and diseases. Cornea transplant surgery can improve or restore the sight of many of these people. Unfortunately, all too many people are unable to retain their sight because there is not enough corneal tissue available.

Through the efforts of 93 eyebanks across the Nation, these problems are being alleviated. The eyebanks help coordinate the nationwide distribution of donated eye tissue for use in medical education, continuing research efforts, and cornea transplants. Developing from a single institution in 1944, the eyebanks have greatly encouraged research into the prevention and treatment of eye disease and helped increase national awareness of the urgent need for more eye donations, so that others may receive the gift of sight.

The Congress, by Senate Joint Resolution 225, has designated March 1984 as "National Eye Donor Month" and has authorized and requested the President to issue a proclamation in observance of that occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of March 1984 as National Eye Donor Month. I urge all citizens, health care professionals, educators, and other public and private organizations concerned with vision and vision research to join with the Nation's eyebanks in recognizing this humanitarian cause with appropriate activities.

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

Ronald Reagan

[FR Doc. 84-9056
Filed 4-2-84; 11:31 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 49, No. 65
Tuesday, April 3, 1984

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 week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-313]

Mexican Fruit Fly; Expansion of Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends subpart 301.64 ("Subpart—Mexican Fruit Fly") of the domestic quarantine notices (7 CFR Part 301.64 *et seq.*) by expanding the area listed as a regulated area in Los Angeles County, California. This action is necessary as an emergency measure in order to prevent the artificial spread of the Mexican fruit fly, *Anastrepha ludens* (Loew), into noninfested areas of the United States. The effect of this amendment is to impose certain restrictions on regulated articles moving interstate from the regulated area.

DATES: Effective date of amendment April 3, 1984. Written comments concerning this final rule must be received on or before June 4, 1984.

ADDRESS: Written comments concerning this rulemaking should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Room 728, Federal Building, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 663, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this final action because of the possibility that Mexican fruit fly could be spread artificially to noninfested areas of the United States. This situation requires immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this emergency final action are impacticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments will be solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is an extremely destructive pest of certain fruits and vegetables. The Mexican fruit fly can cause serious economic loss and it has a short life cycle that allows rapid development of serious outbreaks.

Infestations of Mexican fruit fly were found in portions of Los Angeles County, California, on October 25, 1983. Based on these findings, an emergency rulemaking document, effective upon publication, was published in the **Federal Register** on December 6, 1983 (48 FR 54577-54584). This document amended the Mexican fruit fly regulations (7 CFR 301.64 *et seq.*) by, among other things, designating a portion of Los Angeles County as a regulated area in § 301.64-3(c). On January 16, 1984 and February 17, 1984, § 301.64-3 of the Mexican fruit fly regulations was further amended by expanding the portion of Los Angeles County designated as a regulated area by approximately 7 miles and 12 miles respectively (see 49 FR 1871-1872 and 49 FR 6075-6076). These actions were taken because of findings by the Department that the infestation of Mexican fruit fly had spread beyond the perimeter of the original regulated area.

The portion of Los Angeles County previously designated as a regulated area remains infested at this time. However, additional Mexican fruit flies have since been found outside the regulated area in Los Angeles County. These findings were based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and state agencies of California and indicate that the Mexican fruit fly has spread beyond the outer perimeter of the regulated area in Los Angeles County. Therefore, in order to prevent further spread of the Mexican fruit fly it is necessary as an emergency measure to amend § 301.64-3 of the Mexican fruit fly regulations. This amendment expands the area in Los Angeles County, California designated as a regulated area prior to the publication of this document by approximately 14 square miles to cover a previously nonregulated portion of Los Angeles County where Mexican fruit fly has been found and now occurs.

The portion of Los Angeles County that is designated as a regulated area by this rulemaking document is described as follows (the area added by this rulemaking document is enclosed in arrows):

Los Angeles County. Beginning at the point where the Santa Monica Freeway (Interstate 10) intersects the Harbor Freeway (State Highway 110;) then southerly along the Harbor Freeway to its intersection with El Segundo Boulevard; then easterly along El Segundo Boulevard to its intersection with Alpine Avenue; then northerly along Alpine Avenue to its intersection with Magnolia Avenue; then easterly along Magnolia Avenue to its intersection with Long Beach Boulevard; then northerly along Long Beach Boulevard to its intersection with Imperial Highway; then easterly along Imperial Highway to its intersection with Garfield Avenue; then northerly along Garfield Avenue to its intersection with Eastern Avenue; then northerly along Eastern Avenue to its intersection with Atlantic Boulevard; then northeasterly along Atlantic Boulevard to its intersection with Garvey Avenue; then westerly along Garvey Avenue to its intersection with the northern boundary line

of the city of Monterey Park; then westerly along said line to its intersection with the boundary line between the city of Los Angeles and Los Angeles County territory; then westerly along said line to its intersection with Medford Street; then westerly along Medford Street to Soto Street; then southwesterly along Soto Street to its intersection with San Bernardino Freeway (Interstate 10); then westerly along the San Bernardino Freeway to its intersection with the Golden State Freeway (Interstates 5 and 10); then ►northwesterly along the Golden State Freeway to the Glendale Freeway (State Highway 2); then southwesterly along the Glendale Freeway to a point due east of the intersection of Cove Avenue and Silver Lake Boulevard; then due west along an imaginary line to the intersection of Cove Avenue and Silver Lake Boulevard; then southwesterly along Silver Lake Boulevard to its intersection with Temple Street; then southerly along an imaginary line to its intersection with Council Street and Hoover Street; then south along Hoover Street through Lafayette Park to the intersection of Hoover Street and Olympic Boulevard; then easterly along Olympic Boulevard to the Harbor Freeway; then southerly along the Harbor Freeway to the point of beginning.◄

Executive Order 12291 and Regulatory Flexibility Act

The interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, the review provisions required by sections three, four and seven of Executive Order 12291 have been waived by OMB for purposes of this interim rule.

Mr. Bert W. Hawkins, Administrator of Animal and Plant Health Inspection Service, has determined that this action will not have a significant impact on a substantial number of small entities. This amendment affects the interstate movement of regulated articles from a portion of Los Angeles County, California, previously unregulated that is about 14 square miles in size. It appears that there is very little or no commercial activity that occurs in this area. Specifically, there are some local street vendors and one produce market. With the exception of some activity at the produce market, none of the regulated articles sold commercially are sold for interstate commerce. The produce market consists of approximately 200 dealers and 30 of these dealers appear to sell regulated articles interstate. Further, certain procedures followed at this market in handling the fruit diminish the possibility that any of the regulated articles would be found infested with Mexican fruit fly. These procedures include covering the fruit during the day, and selling and shipping covered fruit at night. The fruit fly is not active at night. Therefore, it is expected that because of these handling procedures little or no treatment will be required of regulated articles before they are moved interstate. Thus, this amendment will not have a significant impact on a substantive number of small entities.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Mexican fruit fly.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the description of the regulated area in Los Angeles County, California, found in paragraph (c) of § 301.64–3 is revised to read as follows:

§ 301.64–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Los Angeles County. Beginning at the point where the Santa Monica Freeway (Interstate 10) intersects the Harbor Freeway (State Highway 110); then southerly along the Harbor Freeway to its intersection with El Segundo Boulevard; then easterly along El Segundo Boulevard to its intersection with Alpine Avenue; then northerly along Alpine Avenue to its intersection with Magnolia Avenue; then easterly along Magnolia Avenue to its intersection with Long Beach Boulevard; then northerly along Long Beach Boulevard to its intersection with Imperial Highway; then easterly along Imperial Highway to its intersection with Garfield Avenue; then northerly along Garfield Avenue to its intersection with Eastern Avenue; then northerly along Eastern Avenue to its intersection with Atlantic Boulevard; then northeasterly along Atlanic Boulevard to its intersection with Garvey Avenue; then westerly along Garvey Avenue to its intersection with the northern boundary line of the city of Monterey Park; then westerly along said line to its intersection with the boundary line between the city of Los Angeles and Los Angeles County territory; then westerly along said line to its intersection with Medford Street; then westerly along Medford Street to Soto Street; then southwesterly along Soto Street to its intersection with the San Bernardino Freeway (Interstate 10); then westerly along the San Bernadino Freeway to its intersection with the Golden State Freeway (Interstates 5 and 10); then northwesterly along the Golden State Freeway to the Glendale Freeway (State Highway 2); then southwesterly along the Glendale Freeway to a point due east of the intersection of Cove Avenue and Silver Lake Boulevard; then due west along an imaginary line to the intersection of Cove Avenue and Silver Lake Boulevard; then southwesterly along Silver Lake Boulevard to its intersection with Temple Street; then southerly along an imaginary line to its intersection with Council Street and Hoover Street; then south along Hoover Street through Lafayette Park to the intersection of Hoover Street and Olympic Boulevard; then easterly along Olympic Boulevard to the Harbor Freeway; then southerly along the Harbor Freeway to the point of beginning.

* * * * *

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); secs. 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 38477, as amended; 45 FR 8564, 8565.

Done at Washington, D.C., this 29th day of March 1984.

William F. Helms,

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

[FR Doc. 84–8781 Filed 4–2–84; 8:45 am]

BILLING CODE 3410–34–M

Federal Crop Insurance Corporation

7 CFR Part 421

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing dates.

SUMMARY: Under the authority of the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of sales closing dates for accepting applications for cotton crop insurance in all counties in Oklahoma, New Mexico, and Texas having either a March 31 or April 15 closing date. This action is necessary because prospective insureds need additional time to consider adjustments in premium rate calculations being made by FCIC. The intended effect of this notice is to advise all interested parties of the extension of sales closing dates and to comply with the provisions of the cotton crop insurance regulations with respect to the authorty of the Manager, FCIC, to extend closing dates.

EFFECTIVE DATE: April 3, 1984.

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

SUPPLEMENTARY INFORMATION: Under the provisions of the Cotton Crop Insurance Regulations (7 CFR Part 421), the closing dates for accepting applications for cotton crop insurance in certain counties in Oklahoma, New Mexico, and Texas are March 31 and April 15. Because of adjustments in the method of calculating premium rates, which may result in average premium rate reductions in some cases, it is necessary to provide additional time for prospective insureds to consider this fact in their plans for crop insurance, and for agents to fully understand the adjustment in order to properly explain to applicants. For this purpose, FCIC is extending the March 31 sales closing date in all counties in Oklahoma, New Mexico, and Texas, to April 15, and the April 15 sales closing date to April 30.

Under the authority contained in the Cotton Crop Insurance Regulations (7 CFR 421.7(b), the closing date for accepting applications for crop insurance may be extended by placing the extended date on file in the service office and by publishing a notice in the Federal Register upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Notice

Accordingly, under the authority contained in the Cotton Crop Insurance Regulations (7 CFR 421.7(b)), the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for all counties in Oklahoma, New Mexico, and Texas, with a March 31 or April 15 closing date is hereby extended, effective for the 1984 crop year only, as follows:

March 31 closing date extended through close of business April 15.

April 15 closing date extended through close of business April 30.

Done in Washington, D.C., on March 26, 1984.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 27, 1984.

Merritt W. Sprague,

Manager.

[FR Doc. 84-8762 Filed 4-2-84; 8:45 am]

BILLING CODE 3410-08-M

Soil Conservation Service

7 CFR Part 631

Great Plains Conservation Program

Correction

In FR Doc. 84–7998, beginning on page 11141, in the issue of Monday, March 26, 1984, on page 11142, in the second column, in the table of contents for Part 631, the section headings now say "6631." They should say "631.".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1983–84 Crop Year for Certain Varietal Types of Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule designates final free and reserve percentages for Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins from California's 1983 production. Reserve raisins must be held by handlers in a pool for the account of the Raisin Administrative Committee, the agency which works with the USDA in administering the marketing order program. The percentages were recommended unanimously by the Committee as a means of promoting orderly market conditions for these varietal types of raisins. Reserve raisins may be sold by the Committee to handlers for free use, exported to authorized countries, carried over as a hedge against a short crop the following year, sold to government agencies, or disposed of in other outlets noncompetitive with those for free tonnage raisins.

EFFECTIVE DATES: August 1, 1983 through July 31, 1984.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5053.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) in that: (1) The relevant provisions of this part require that the percentages designated herein for the 1983–84 crop year apply to all Natural (Sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins acquired by handlers from the beginning of that crop year; (2) handlers are marketing 1983–84 crop raisins of these varietal types and this action must be taken promptly to achieve its purpose of making the full trade demand quantity computed by the Committee for these varietal types available to handlers; (3) this action relieves restrictions on handlers by making the full trade demand quantity available to handlers; and (4) handlers are aware of this action unanimously recommended by the Committee at an open meeting and need no additional time to comply with these percentages.

This final rule designates final free and reserve percentages for the 1983–84 crop year for Natural (sun-dried) Seedless raisins of 37.5 percent and 62.5 percent, for Dipped Seedless raisins of 56 percent and 44 percent, for Oleate and Related Seedless raisins of 75.5 percent and 24.5 percent, and for Monukka raisins of 30 percent and 70 percent, respectively. These percentages would apply to all standard raisins of these varietal types acquired during the 1983–84 crop year.

These final marketing percentage designations would be pursuant to §§ 989.54 and 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989; 48 FR 32973), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Pursuant to § 989.54(a), on or before August 15 of each crop year, the Committee is required to hold a meeting to review shipment data, inventory data, and other matters relating to the quantity of raisins of all varietal types. For any varietal type for which a free tonnage percentage may be recommended, the Committee is required to compute a trade demand under a formula prescribed in that

paragraph. In accordance with these provisions, the Committee computed and announced a trade demand of 130,069 tons for Natural (sun-dried) Seedless raisins, 4,654 tons for Dipped Seedless raisins, 5,251 tons for Oleate and Related Seedless raisins, and 600 tons for Monukka raisins.

As required under § 989.54(b), the Committee met on September 29, 1983, and computed and announced preliminary percentages to make 85 percent of the trade demand computed for these varietal types available to handlers as follows:

(1) Natural (sun-dried) Seedless, 35 percent free and 65 percent reserve tons.

(2) Dipped Seedless, 36 percent free and 64 percent reserve.

(3) Oleate and Related Seedless, 62 percent free and 38 percent reserve.

(4) Monukka, 18 percent free and 82 percent reserve.

Under § 989.54(c), the Committee may modify prior to February 15, the preliminary free and reserve percentages computed for a varietal type to release less than the computed trade demand. On November 21, 1983, the Committee made an interim change in the marketing percentages for Monukka raisins increasing the free percentage to 30 percent and reducing the reserve percentage to 70 percent. This was done on the basis of a handler survey conducted after the preliminary crop estimate which indicated that Monukka production for 1983–84 would total 1,760 natural condition tons, not 2,800 tons, as originally estimated.

Under § 989.54(d) of the order, no later than February 15 of a crop year, the Committee is required to recommend, to the Secretary, final free and reserve percentages which, when applied to the final production estimate of a varietal type, will tend to release the full trade demand for any varietal type for which preliminary or interim percentages have been computed and announced. Section 989.54(d) also provides that the difference between any final free percentage designated by the Secretary and 100 percent shall be the final reserve percentage.

On February 13, 1983, the Committee met and recommended final free and reserve percentages for the 1983–84 crop year and made its final production estimates for Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins.

The Committee estimated the 1983–84 season production of Natural (sun-dried) Seedless raisins at 347,498 tons (27,498 tons more than its preliminary estimate of 320,000 natural condition tons). Dividing the computed trade demand of 130,069 natural condition tons by the estimated production results in a final free percentage of 37.43 percent. The Committee rounded that percentage to 37.5 percent which results in a final reserve percentage of 62.5 percent.

For Dipped Seedless raisins, the Committee estimated the 1983–84 production at 8,344 natural condition tons (2,666 tons less than its preliminary estimate of 11,000 tons). Dividing the computed trade demand of 4,654 tons by the estimated production results in a free percentage of 55.78 percent. The Committee rounded that percentage to 56 percent which results in a reserve percentage of 44 percent.

For Oleate and Related Seedless raisins, the Committee estimated the 1983–84 production at 6,967 natural condition tons (233 tons less than the preliminary estimate of 7,200 tons). Dividing the computed trade demand of 5,251 tons by the final estimate of production for this varietal type results in a free percentage of 75.37 percent. The Committee rounded that percentage to 75.5 percent which results in a final reserve percentage of 24.5 percent.

For Monukka raisins, the Committee's final estimate of production totaled 2,670 tons (910 tons more than its interim estimate of 1,760 tons). Dividing the computed trade demand of 600 tons by the final production estimate results in a free percentage of 23.1 percent. The final free percentage cannot be lower than the preliminary or interim free percentages computed by the Committee, so the Committee recommended a final free percentage of 30 percent the same as the interim free percentage.

After consideration of all relevant matter presented, the information and recommendation submitted by the Committee, and other available information, it is further found that the designation, under §§ 989.54 and 989.55, of final free and reserve percentages for the 1983–84 crop year for Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins, as hereinafter set forth, will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 989

Marketing agreement and orders, Grapes, Raisins, California.

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Therefore, § 989.236 is added to 7 CFR Part 989 reading as follows: (The following section will not be published in the Code of Federal Regulations).

§ 989.236 Final free and reserve percentages for the 1983–84 crop year.

The percentages of standard Natural (sun-dried) Seedless, Dipped Seedless, Oleate and Related Seedless, and Monukka raisins acquired by handlers during the crop year beginning August 1, 1983, which shall be free tonnage and reserve tonnage, respectively, are designated at follows:

	Free percentage	Reserve percentage
Natural (sun-dried) Seedless	37.5	62.5
Dipped Seedless	56	44
Oleate and Related Seedless	75.5	24.5
Monukka	30	70

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

Dated: March 28, 1984.

Charles R. Brader,

Director, Fruit and Vegetable Divison.

[FR Doc. 84-8818 Filed 4-2-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 100 and 103

Statement of Organization; Powers and Duties of Service Officers; Availability of Service Records

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This document changes the position title of the equal employment opportunity officer originally designated by the INS reorganization published on March 30, 1983 (48 FR 13146) to Director for Equal Employment Opportunity. This change is made for more effective Service management.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: On March 30, 1983, at 48 FR 13146, the Immigration and Naturalization Service published the reorganization of its Central and Regional offices as approved by the Attorney General and Congress. The Equal Employment Opportunity Complaints Processing Section was placed under the direction of the Associate Commissioner for

Management with immediate supervision being handled by an Equal Employment Opportunity Officer. Since that time, the Office of Equal Employment Opportunity has been reorganized and now both the Central Office Affirmative Action Program Branch and the complaints processing function are under the Office of Equal Employment Opportunity with the office supervisory position title being changed from "Equal Employment Opportunity Officer" to "Director for Equal Employment Opportunity."

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates solely to agency management. This document will not have a significant impact on a substantial number of small entities and is not a rule within the definition of section (1)(a) of Executive Order 12291.

List of Subjects

8 CFR Part 100

Administrative practice and procedures, Authority delegation, Organization and functions (government agencies).

8 CFR Part 103

Administrative practice and procedures, Authority delegation, Organization and functions (government agencies).

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

PART 100—STATEMENT OF ORGANIZATION

In § 100.2, paragraph (b)(2)(iv) is revised to read as follows:

§ 100.2 Organization and functions.

* * * * *

(b) * * *

(2) * * *

(iv) Office of Equal Employment Opportunity, and

* * * * *

PART 103—POWERS AND DUTIES OF SERVICE; AVAILABILITY OF SERVICE RECORDS

In § 103.1, paragraph (d) is revised to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(d) *Associate Commissioner for Management.* Under the direction of the Deputy Commissioner, the Associate Commissioner for Management is delegated authority and responsibility for program planning, development, coordination, evaluation, counseling, and staff direction of the Comptroller, Personnel and Training, Administration, Equal Employment Opportunity, and Evaluation programs, and general direction to and supervision of:

(1) Comptroller,

(2) Assistant Commissioner for Personnel and Training,

(3) Assistant Commissioner for Administration,

(4) Director for Equal Employment Opportunity, and

(5) Director for Evaluation.

* * * * *

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

Dated: March 28, 1984.

Harold F. Sylvester,

Acting Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 84-8795 Filed 4-2-84; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 385 and 399

[Docket No. 40320-34]

Exports of Potassium Fluoride and Other Chemicals to Iran and Iraq; Validated Export License Required

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: This rule imposes foreign policy controls on the export from the United States to Iran and Iraq of certain chemicals used in producing chemical weapons. These chemicals are: potassium fluoride, dimethyl methylphosphonate, methyl phosphonyl difluoride, thiodiglycol, phosphorus oxychloride.

The Department of Commerce, having complied with the requirements of section 6 of the Export Administration Act and consulted with the Department of State, has determined that these controls are necessary to further significantly the foreign policy of the United States and that, notwithstanding any availability of these commodities from foreign sources, adequate evidence is available that absence of controls would prove detrimental to such interests. This rule furthers U.S. policies of opposing prohibited use of chemical weapons and maintaining neutrality in the Iran/Iraq war, and promoting a mediated end of that war.

As of the effective date and time a validated export license is required for all exports from the United States of the chemicals listed above to Iran and Iraq.

Exporters are advised that the Office of Export Administration in consultation with other agencies will review other chemicals with potential use in chemical warfare to determine whether to expand the list of commodities subject to these controls.

EFFECTIVE DATE: 12:00 noon e.s.t., March 30, 1984. Comments must be received by the Department June 4, 1984.

ADDRESS: Written comments (six copies) should be sent to: Betty Ferrell, Exporter Services Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Vincent Greenwald, Exporter Services Division (Telephone: (202) 377-3856).

SUPPLEMENTARY INFORMATION: Rulemaking Requirements and Invitation to Comment. In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96-72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act.

However, because of the importance raised by these regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. These regulations may be revised before the end of the comment period. Accordingly, interested persons who desire to comment are encouraged to do so at the earliest possible time to permit the fullest consideration of their views.

2. Applicants for the validated license required by this rule will use ITA Form 622P. This form has been approved by the Office of Management and Budget under control number 0625-0001.

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is exempt from the requirements of Executive Order 12291 (49 FR 13193, February 19, 1981), "Federal Regulation," because it relates to a foreign affairs function of the United States.

The period for submission of comments will close 60 days after publication. All comments received before the close of the comment period will be considered by the Department in

the development of final regulations. While comments received after the end of the comment period will be considered if possible, their consideration cannot be assured. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of final regulations.

All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda, which will also be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the *Code of Federal Regulations*. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

List of Subjects in 15 CFR Parts 385 and 399

Communist countries, Exports.

PART 385—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. Section 385.4 is amended by adding a paragraph (e), reading as follows:

§ 385.4 Country groups T & V.

* * * * *

(e) *Iran and Iraq.* In support of U.S. foreign policy, and particularly U.S. policies of opposing prohibited use of chemical weapons and maintaining neutrality in the Iran/Iraq war and of promoting a mediated end to that war, an individual validated license is required to export from the United States potassium fluoride, dimethyl methylphosphonate, methyl phosphonyl difluoride, thiodiglycol and phosphorus oxychloride to Iran and Iraq. Applications for validated licenses will be cosidered on a case-by-case basis. Applications will generally be denied where there is reason to believe that these chemicals will be used in producing chemical weapons or will otherwise be devoted to chemical warfare purposes. The reexport provisions of Part 374 and the provisions of § 376.12 are not applicable to the foreign policy controls covered by this paragraph 385.4(e). However, the export of these commodities from the United States to any destination with knowledge that they will be reexported, directly or indirectly, in whole or in part, to Iran or Iraq is prohibited without a validated license.

* * * * *

§ 399.1 [Amended]

2. Commodity Group 7, Chemicals, Metalloids, Petroleum Products and Related Materials, of the Commodity Control List (Supplement No. 1 to § 399.1) is amended by inserting the following sentence at the end of the *Validated License Required* paragraph of entry 6799G: "A validated license is also required for exports of potassium fluoride, phosphorus oxychloride and thiodiglycol to Iran and Iraq."

§ 399.1 [Amended]

3. Commodity Group 7, Chemicals, Metalloids, Petroleum Products and Related Materials, of the Commodity Control List (Supplement No. 1 to § 399.1) is amended by inserting the following sentence at the end of the *Validated License Required* paragraph of entry 5799D: Validated license is also required for export of dimethyl methylphosphonate and methyl phosphonyl difluoride to Iran and Iraq and by revising the *Reasons for Control* paragraph to read as follows: "National security; foreign policy. Foreign policy controls apply only to exports of dimethyl methylphosphonate and methyl phosphonyl difluoride to Iraq and Iran."

§ 399.2 [Amended]

4. Interpretation 24, Chemicals, of Supplement No. 1 to § 399.2, is amended by adding a footnote to "Potassium fluoride," (Other Inorganic Chemicals N.E.S.) "Phosphorus oxychloride" (Inorganic Chemicals Elements, Acids, Oxides, Hydroxides, Peroxides, and Halogen Salts) and "Thiodiglycol" (Organic Chemicals) reading as follows:

"[1] A validated license is required for export of potassium fluoride to Iran and Iraq."

"[1] A validated license is required for export of phosphorus oxychloride to Iran and Iraq."

"[1] A validated license is required for export of thiodiglycol to Iran and Iraq."

Authority: Sections 6, 13 and 15, Pub. L. 96–72, 93 Stat. 503, as amended, (50 U.S.C. app. 2401, et seq.); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Executive Order No. 12451 (48 FR 56563, December 22, 1983).

Dated: March 30, 1984.

Vincent F. DeCain,

Deputy to the Deputy Assistant Secretary for Export Administration.

[FR Doc. 84–8888 Filed 3–30–84; 12:00 pm]

BILLING CODE 3510–DT–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that the table in § 305.9, which sets forth the representative average unit energy costs for four residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy ("DOE").

This notice revises the table to incorporate the lastest figures for average unit energy costs as published in the **Federal Register** on February 16, 1984 by DOE.

EFFECTIVE DATES: The mandatory dates for using these revised DOE cost figures are detailed below.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–376–2893 or Lucerne D. Winfrey, 202–376–2805, attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final Appliance Labeling Rule (44 FR 66466) in response to a directive in § 324 of the Energy Policy and Conservation Act ("EPCA"), 42 U.S.C. 6201 (1975). The rule requires the disclosure of energy efficiency or cost information on labels and in retail

sales catalogs for seven categories of appliances, and mandates that these energy costs or energy efficiency ratings be based on standardized test procedures developed by DOE. The rule also requires a general disclosure, on certain point-of-sale promotional materials, of the availability of energy cost or energy efficiency information, and requires that any claims concerning energy consumption made in writing or in broadcast advertisements be based on results of the standardized test procedures. The cost and efficiency information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE.

Table 1 in § 305.9 of the rule sets forth the representative average unit energy costs to be used for all requirements of the rule. As stated in Section 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE. Table 1 was first revised by publication of new DOE figures on January 13, 1981 in the Federal Register (46 FR 2974).

On February 16, 1984, DOE published (49 FR 6005) the most recent figures for representative average unit energy costs. Consequently, Table 1 must again be updated in order to reflect these latest cost figures. Accordingly, Table 1 in 16 CFR 305.9 is revised as follows:

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FOUR RESIDENTIAL ENERGY SOURCES (1984)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu's [1]
Electricity	7.63¢/kWh [2, 3]	$0.0763/kWh	$22.36
Natural Gas	69.6¢/therm [4] or $7.07/MCF [5, 6]	0.00000696/Btu.	6.98
No. 2 heating oil	$1.09/gallon [7]	0.00000786/Btu.	7.86
Propane	84.2¢/gallon [8]	0.00000925/Btu.	9.25

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh=3,413 Btu's.
[4] 1 therm=100,000 Btu's.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,016 Btu's.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,700 Btu's.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,000 Btu's.

The dates when use of these figures becomes mandatory in calculating cost disclosures for use in reporting, labeling and advertising products covered by the Commission's rule and/or EPCA are as follows:

For 1984 Submissions of Data Under § 305.8 of the Commission's Rule: The new cost figures must be used in all 1984 submissions except clothes washers. Because the 1984 costs were not in effect on the mandatory submission date for these products, clothes washer submissions for 1984 had to be based on the 1983 cost figures.

For Labeling and Advertising of Products Under the Commission's Rule: Only those products for which new ranges have been published based on 1984 submissions using these 1984 DOE cost figures should be labeled with estimated annual cost figures calculated using these 1984 DOE representative average unit costs for energy. If such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the Federal Register. Advertising for these products must also be based on the new costs and ranges beginning ninety days after publication of the new ranges in the Federal Register.

Advertising of Products Covered by EPCA but not by the Commission's Rule: Manufacturers of products covered by § 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, humidifiers and dehumidifiers, central air conditioners, and home heating equipment, not including furnaces) must use the 1984 representative average unit costs for energy in all representations effective July 2, 1984.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94–163) (1975), as amended by the National Energy Conservation Policy Act (Pub. L. 95–619) (1978), 42 U.S.C. 6294; section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Emily H. Rock,

Secretary.

[FR Doc. 84–8803 Filed 4–2–84; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 83C–0179]

Listing of Color Additives for Coloring Contact Lenses; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of February 6, 1984, for a final rule that provides for the safe use in coloring contact lenses of the colored polymeric reaction products formed by chemically bounding certain dyes, used singly or in combination, with poly(hydroxyethyl methacrylate). These reaction products are called "poly(hydroxyethyl methacrylate)-dye copolymers." The rule responded to a petition filed by Ciba Vision Care.

DATE: Effective date confirmed: February 6, 1984.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In a final rule published in the Federal Register of January 4, 1984 (49 FR 372), FDA amended the color additive regulations to provide for the safe use of the colored polymeric reaction products formed by chemically bonding certain reactive dyes, used singly or in combination, with poly(hydroxyethy methacrylate) for coloring contact lenses. The final rule added new § 73.3121 *Poly(hydroxyethyl methacrylate)-dye copolymers* (21 CFR 73.3121) that provides for the listing of these color additives for use in coloring contact lenses. The reactive dyes listed in § 73.3121 are Reactive Black 5, Reactive Blue 21, Reactive Orange 78, and Reactive Yellow 15.

In the final rule, FDA gave interested persons until February 3, 1984, to file objections. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA has concluded that the final rule published in the Federal Register of January 4, 1984, for these color additives should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399–407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the final rule of January 4, 1984. Accordingly, the final rule adding § 73.3121 to provide for the safe use of these poly(hydroxyethyl

methacrylate)-dye copolymers in coloring contact lenses became effective February 6, 1984.

Dated: March 15, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-8769 Filed 4-2-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 74, 81 and 82

[Docket Nos. 76N-0366 and 83C-0128]

D & C Yellow No. 10; Listing as a Color Additive in Drug and Cosmetics; Termination of Stay, Confirmation of Effective Date, and Further Amendment

Correction

In FR Doc. 84-6183, beginning on page 8429, in the issue of Wednesday, March 7, 1984, on page 8431, in the second column, in the third complete paragraph in the fifth line "§ 74.2710" should read "§ 74.1710".

BILLING CODE 1505-01-M

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21 CFR Part 175

[Docket No. 82F-0161]

Indirect Food Additives: Adhesive Coatings and Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of sulfated castor oil as a miscellaneous material in resinous and polymeric coatings for food-contact use. This action responds to a petition filed by NL Chemicals/NL Industries, Inc.

DATES: Effective April 3, 1984; objections by May 3, 1984.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 15, 1982 (47 FR 25772), FDA announced that a petition (FAP 2B3628) had been filed by NL Chemicals/NL Industries, Inc., Wyckoff Mills Road, Hightstown, NJ 08520, proposing that the food additive regulations be amended to provide for the safe use of sulfated castor oil as a miscellaneous material in resinous and polymeric coatings for food-contact use.

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

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

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

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Foods (21 CFR 5.61), Part 175 is amended in § 175.300(b)(3)(xxxiii) by alphabetically inserting a new item in the list of substances to read as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

§ 175.300 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxxiii) * * *

Castor oil, sulfated, sodium salt (CAS Reg. No. 8002-33-3), for use only in coatings for containers intended for repeated use.	

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 3, 1984 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective April 3, 1984.

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

Dated: March 13, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84-8771 Filed 4-2-84; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 177

[Docket No. 83F-0098]

Indirect Food Additives; Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate at increased levels as an antioxidant and/or stabilizer in acrylic and modified acrylic plastics intended to contact food. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective April 3, 1984; objections by May 3, 1984.

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

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 12, 1983 (48 FR 15720), FDA announced that a petition (FAP 3B3714) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY. 10532, proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in acrylic and modified acrylic plastics complying with § 177.1010 (21 CFR 117.1010) intended for use in contact with food.

The current regulation provides for the use of the additive at levels not exceeding 0.01 percent by weight in rigid and semirigid acrylic and modified acrylic plastics intended for repeated food-contact use. The petition requested that § 177.1010 be amended to: (1) Increase the permitted amount of the additive to 0.2 percent by weight, and (2) permit the use of the additive in single use applications. However, the petitioner did not submit data in support of the single use of the additive with foods containing more than 15 percent alcohol. Accordingly, above 15 percent alcohol, the existing limitation remains in effect, that is, the additive is restricted to use in articles for repeated food-contact use. Additionally, the Chemical Abstracts Registry Number for the additive has been included in the regulation to ensure correct identification.

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

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

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

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director of the Bureau of Foods (21 CFR 5.61), Part 177 is amended in § 177.1010(a)(5) by revising the entry for octadecyl 3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1010 Acrylic and modified acrylic plastics, semirigid and rigid.

* * * * *

(a) * * *

(5) * * *

Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate (CAS Reg. No. 2082–79–3): For use only: (1) At levels not exceeding 0.2 percent by weight in semirigid and rigid acrylic and modified acrylic plastics, where the finished articles contact foods containing not more than 15 percent alcohol; and (2) at levels not exceeding 0.01 percent by weight in semirigid and rigid acrylic and modified acrylic plastics intended for repeated food-contact use where the finished article may be used for foods containing more than 15 percent alcohol.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 3, 1984 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation becomes effective April 3, 1984.

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

Dated: March 13, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84–8772 Filed 4–2–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Parts 182 and 184

[Docket No. 80N–0362]

GRAS Status of Propionic Acid, Calcium Propionate, and Sodium Propionate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that propionic acid, calcium propionate, and sodium propionate are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under a comprehensive safety review conducted by the agency.

DATES: Effective May 3, 1984. The Director of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 184.1081, 184.1221, and 184.1784 on May 3, 1984.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: In the Federal Register on August 13, 1982 (47 FR 35243), FDA published a proposal to affirm that propionic acid, calcium propionate, and sodium propionate are generally recognized as safe (GRAS) as direct human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on propionates; a teratogenic evaluation of calcium propionate; mutagenic evaluations of propionic acid, calcium propionate, and sodium propionate; and the report of the Select

Committee on GRAS Substances (the Select Committee) have been made available for public review in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of propionic acid, calcium propionate, and sodium propionate, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient uses for these substances, other than the proposed conditions of use. Persons asserting additional or extended uses in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions so that the safety of the prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of these propionates recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate. FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert that sanction to any future time.

No reports of prior-sanctioned uses for propionic acid, calcium propionate, or sodium propionate were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for uses of these substances under conditions different from those set forth in this final rule has been waived.

Five comments were received in response to the proposal. A summary of these comments and the agency's responses follow:

1. Three comments stated that the proposed regulations for calcium propionate and sodium propionate did not include the use of these ingredients in jams and jellies, preserves, fruit, butter, and sweet spreads. The comments requested that the final regulations for calcium propionate and sodium propionate include the food category jams and jellies as defined by § 170.3(n) (28) (21 CFR 170.3(n)(28)). One of these comments from a trade association provided information on the permitted use of calcium propionate and sodium propionate as preservatives in the standards of identity for artificially sweetened fruit jelly (21 CFR 150.141(a)(6)) and artifically sweetened fruit preserves and jams (21 CFR 150.161(a)(6)). The comment further stated that the standards of identity for conventional jams and jellies provide for the optional use of "safe and suitable" preservatives, and the comment questioned whether this term would permit the use of calcium propionate and sodium propionate in these foods.

FDA acknowledges that calcium propionate and sodium propionate may be used as optional ingredients in jams or jellies because FDA considers these ingredients to be safe and suitable preservatives. FDA also acknowledges that these substances may be used as preservatives in artificially sweetened fruit jelly, preserves, or jams when they are listed for this use in the standards of identity for these foods. Because the agency failed to include the use of calcium propionate and sodium propionate in jams and jellies in the proposed GRAS affirmation regulations for these ingredients, in response to the comments, FDA is amending those regulations (21 CFR 184.1221(c)(2) and 184.1784(c)(2)) in this final rule to include the food category jams and jellies. This change affirms as GRAS the use of calcium propionate and of sodium propionate as ingredients in jams or jellies or in artificially sweetened fruit jelly, jams, or preserves as described in the standards of identity for these foods.

2. Three comments asserted that it was not clear whether the use of sodium propionate or calcium propionate in jams and jellies used as fillings in a variety of baked goods was included in the proposal. One comment requested that an appropriate food category be established for jam- or jelly-filled baked goods because these products could be categorized either as baked goods (§ 170.3(n)(1)) or as jams and jellies (§ 170.3(n)(28)).

As described in comment 1 above, FDA has modified the regulations for calcium propionate and sodium propionate to affirm as GRAS the use of these ingredients in jams and jellies as well as in baked goods. FDA believes that this change adequately provides for the use of these ingredients in jam- or jelly-filled baked goods.

The agency has carefully considered the request that it establish a new category for jam- and jelly-filled baked goods. FDA has reviewed the definitions of the food categories established in § 170.3(n) and finds that this section incorporates by reference exhibit 33B to the report of the National Academy of Sciences/National Research Council (NAS/NRC), entitled "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972). This exhibit lists the foods included in each food category and shows that jam- or jelly-filled baked goods are listed as a subcategory of both the baked goods category on page 267 and the jams and jellies category on page 247. Thus, jam- or jelly-filled baked goods are already provided for in § 170.3(n) (1) and (28). The agency thus concludes that it is not necessary to create a new food category for these foods. The agency further advises that an ingredient may be used in the jam or jelly portion of a jam- or jelly-filled baked good when the ingredient is affirmed as GRAS for use in either baked goods or in jams or jellies.

3. Two comments requested that the baked goods category listed in the final regulations for calcium propionate and sodium propionate be modified to include fried foods such as doughnuts, waffles, and pancakes or that a new food category be added to § 170.3(n) to provide for such fried dough foods. One comment asserted that doughnuts, as well as some other dough products, are regarded as baked goods although they are not produced in ovens.

The agency has considered the need to create a new category in § 170.3(n) to include doughnuts and other fried dough products. It finds that dough products are listed in exhibit 33B of the NAS/NRC survey as a subcategory of baked goods, and that therefore, because this exhibit is incorporated by reference in § 170.3(n), dough products specified in the comment are provided for in § 170.3(n)(1). The agency believes that establishing a new category called "fried foods," which would include doughnuts as well as other dough products, would not be helpful because a wide variety of foods other than dough foods can be fried. A fried foods category could, if established, cover all existing food categories. For these reasons, the agency concludes that the use of propionates in dough products are covered by the proposed regulation, and modification of the regulation is not necessary.

4. One comment from a food manufacturer stated that calcium propionate is currently used as a substitute for sodium propionate as an antimicrobial agent in baked and certain fried foods and in various components of these foods, such as frostings. The comment specifically questioned whether the proposed regulation would permit the substitution of calcium for sodium propionate in frostings and fillings that are components of baked goods. The comment also noted that substituting the calcium salt for the

sodium salt will reduce the sodium ion intake for the consumer.

The agency finds no basis to deny the substitution of calcium for sodium salt under certain conditions of use. In fact, substitution for sodium salt is encouraged because of the agency's stated concern about sodium consumption (see the **Federal Register** of June 18, 1982; 47 FR 26590). The agency advises that it was the intent of the proposed regulations for calcium and sodium propionate to affirm as GRAS the use of both ingredients in baked goods. The agency advises further that the intent also was to permit the use of either salt in components of baked goods, such as fillings and frostings. To make clear, however, that calcium and sodium propionates may be used as antimicrobial agents in baked goods and fillings and frostings used in baked goods as well as in confections and frostings and gelatins and fillings when they are sold as separate products, the agency is modifying the regulation for calcium propionate to include two new food categories, confections and frostings (21 CFR 170.3 (n)(9)) and gelatins, puddings, and fillings (21 CFR 170.3(n)(22)). The agency cautions, however, that for any food product in which the calcium salt of propionic acid is used as a substitute for the sodium salt, the labeling must name the ingredient that is actually present.

5. Two comments expressed a concern that the listing of food categories in the proposed regulations for calcium propionate and sodium propionate has the effect of excluding their use in other foods categories.

The agency advises that the food categories listed in the proposed regulations for calcium and sodium propionate were the uses reported in the NAS/NRC survey. They are not intended to be specific limitations and do not preclude the use of these ingredients in any food category. Persons who desire to use these substances in other food categories may make independent GRAS determinations on their own responsibility. Alternatively, persons seeking FDA approval of any new uses of these ingredients may submit a food additive or GRAS petition in accordance with § 171.1 or § 170.35 (21 CFR 171.1 or 170.35).

The agency has previously determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. FDA has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency had determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

In accordance with Executive Order 12291, the agency has previously considered the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by that Order. FDA has not received any new information or comments that would alter its previous determination.

The agency's finding of no economic impact and no significant impact on a substantial number of small entities, and the evidence supporting these findings, are contained in a threshold assessment which may be seen in the Dockets Management Branch (address above).

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Indirect food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 182 and 184 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.90 [Amended]

a. In § 182.90 *Substances migrating to food from paper and paperboard products,* by removing the listing for "Propionic acid."

§ 182.3081 [Removed]

b. By removing § 182.3081 *Propionic acid.*

§ 182.3221 [Removed]

c. By removing § 182.3221 *Calcium propionate.*

§ 182.3784 [Removed]

d. By removing § 182.3784 *Sodium propionate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1081 to read as follows:

§ 184.1081 Propionic acid.

(a) Propionic acid ($C_3H_6O_2$, CAS Reg. No. 79–09–4) is an oily liquid having a slightly pungent, rancid odor. It is manufactured by chemical synthesis or by bacterial fermentation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 254, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter and a flavoring agent as defined in § 170.3(o)(12) of this chapter.

(2) The ingredient is used in foods at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

b. By adding new § 184.1221 to read as follows:

§ 184.1221 Calcium propionate.

(a) Calcium propionate ($C_6H_{10}CaO_4$, CAS Reg. No. 4075–81–4) is the calcium salt of propionic acid. It occurs as white crystals or a crystalline solid, possessing not more than a faint odor of propionic acid. It is prepared by neutralizing propionic acid with calcium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 60, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal

Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; cheeses as defined in § 170.3(n)(5) of this chapter; confections and frostings as defined in § 170.3(n)(9) of this chapter; gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter; and jams and jellies as defined in § 170.3(n)(28) of this chapter.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

c. By adding new § 184.1784 to read as follows:

§ 184.1784 Sodium propionate.

(a) Sodium propionate ($C_3H_5NaO_2$, CAS Reg. No. 137–40–6) is the sodium salt of propionic acid. It occurs as colorless, transparent crystals or a granular crystalline powder. It is odorless, or has a faint acetic-butyric acid odor, and is deliquescent. It is prepared by neutralizing propionic acid with sodium hydroxide.

(b) The ingredients meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 296, which is incorporated by reference. Copies are available from the the National Academy Press, 2101 Constitution Ave. NW., Washington DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter and a flavoring agent as defined in § 170.3(o)(12) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: baked goods as defined in § 170.3(n)(1) of this chapter; nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter; cheeses as defined in § 170.3(n)(5) of this chapter; confections and frostings as defined in § 170.3(n)(9) of this chapter; gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter; jams and jellies as defined in § 170.3(n)(28) of this chapter; meat products as defined in § 170.3(n)(29) of this chapter; and soft candy as defined in § 170.3(n)(38) of this chapter.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date. This regulation is effective May 3, 1984.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: March 5, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–8770 Filed 4–2–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co., requesting waiver of the requirements of section 512(m) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(m)) to manufacture finished feeds for chickens and swine from premixes containing not more than 50 grams of lincomycin per pound.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of NADA 97–505 providing for use of Lincomix® 20 and 50 (20-and 50-gram-per-pound lincomycin premixes) for manufacturing broiler and swine feeds. In the **Federal Register** of April 8, 1983 (48 FR 15246), FDA approved supplemental NADA 97–505 providing that intermediate premixes and finished poultry and swine feeds manufactured from premixes containing no more than 20 grams of lincomycin per pound are not required to comply with the provisions of section 512(m) of the act. The Upjohn Co. has filed an additional supplement to NADA 97–505 providing that finished poultry and swine feeds manufactured from premixes containing no more than 50 grams of lincomycin per pound are not required to comply with the provisions of section 512(m) of the act. The supplemental NADA is approved and the regulations are amended accordingly.

Lincomix® 50 meets the uniform criteria set forth in the 1971 Bureau of Veterinary Medicine memorandum for administrative waiver of the requirements of section 512(m) of the act. The pertinent provisions of the memorandum indicate that the waiver is appropriate if:

1. The feeding of 1.5X to 2X level of the product in the finished feed does not have an impact on the tissue residue picture, i.e., an impact on an existing withdrawal period or tolerance.

2. The product is not a known carcinogen or is not classed with a family of known carcinogens.

3. Appropriate documentation covering animal safety is on file. This will not require additional data since the documentation is by definition a part of the NADA.

4. The margin of safety to the animal and the consumer is such that the product label does not have to contain a statement such as "Use as the sole source of * * *."

5. Data are on file to demonstrate that the product is effective over the approved range. This data should generally satisfy current standards for the demonstration of effectiveness.

6. Except under special circumstances, the product has been used at least 3 years in the target species without significant complaints related to or associated with it. Applications of this criterion require a review of available drug experience reports.

Although Lincomix® 50 has not been used for 3 years in both target species, the sponsor has held approvals for use of other concentrations of lincomycin premix for over 3 years (broilers—35 FR 7300, May 9, 1970; swine—41 FR 26855, June 30, 1976). The agency concluded that this requirement could be satisfied on the basis of use of those premixes without significant complaints.

The 1971 memorandum explains that waiver of the ministerial requirements of section 512(m) of the act is permitted only for specific effectiveness claims or at specific levels of the drug, and that distinct products with corresponding labeling for those claims or levels

should exist. This is necessary to cover those premixes that can be made into finished feeds with various concentrations of the drug.

The foregoing criteria established in the 1971 memorandum constitute an interim agency policy, as discussed in the **Federal Register** of May 28, 1982 (47 FR 23446). In waiving the ministerial requirements of section 512(m) of the act, the agency has not waived the current good manufacturing practice regulations under Part 225 (21 CFR Part 225) for feed mills mixing such feeds.

Approval of this supplement does not change the use of the drug. Consequently, approval poses no increased risk of human exposure to residues of the animal drug and does not change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the parent NADA.

Because approval of this supplement is an administrative action that did not require reevaluation of the effectiveness or safety data in support of the waiver, a freedom of information summary is not required for this action.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(12) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal fees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (e)(3) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(e) * * *

(3) Finished poultry and swine feeds manufactured from premixes containing no more than 50 grams per pound and conforming to the requirements of paragraph (f) of this section are not required to comply with the provisions of section 512(m) of the act.

* * * * *

Effective date. April 3, 1984.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 13, 1984.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-8768 Filed 4-2-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[T.D. 7949]

Employment Taxes and Collection of Income Tax; Removal of Regulations on Mandatory Withholding From Interest and Dividends

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides a Treasury decision that removes the final regulations contained in T.D. 7880 relating to 10 percent withholding on interest and dividends. Repeal of the applicable tax law was made by the Interest and Dividend Tax Compliance Act of 1983. This Treasury decision affects persons who would have been required to withhold under the repealed provisions.

DATES: The Treasury decision is effective on March 22, 1983, except for § 31.3452 (f)–1 which is effective February 1, 1983. The regulations apply to payments of interest, dividends, and patronage dividends paid or credited after June 30, 1983, except that the regulations relating to exemption certificates (§ 31.3452 (f)–1 are effective on February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Diane Kroupa of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224.

SUPPLEMENTARY INFORMATION:

Background

Final regulations under section 3451 *et seq.* relating to 10 percent withholding on interest and dividends were published in the **Federal Register** for March 28, 1983 (48 FR 12940), after a public hearing was held on February 1, 1983. Those amendments were issued to conform the regulations to statutory changes enacted by sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 324, 576). Section 102 of the Interest and Dividend Tax Compliance of 1983 (97 Stat. 369) repealed the statutory provisions. This document, therefore, removes the regulatory provisions issued under section 3451 *et seq.*

Non-Applicability of Executive Order 12291

The Commissioner of Internal Revenue has determined that this Treasury decision is not a major rule subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, a regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of this Treasury decision is Diane Kroupa of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. Personnel from other offices of the Internal Revenue Service and Treasury Department participated, however, in developing this Treasury decision, both on matters of substance and style.

List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad Retirement, Social security, Unemployment tax, Withholding, Interest, Dividends, Patronage Dividends.

PART 31—[AMENDED]

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 31 is amended as follows:

The following paragraphs and sections are removed:

1. Section 31.3451(a)–1
2. Section 31.3451(b)(1)–1
3. Section 31.3451(b)(2)–1
4. Section 31.3451(b)(3)–1
5. Section 31.3451(b)(4)–1
6. Section 31.3451(c)–1
7. Section 31.3452(a)–1
8. Section 31.3452(b)–1
9. Section 31.3452(c)–1
10. Section 31.3452(d)–1
11. Section 31.3452(e)–1
12. Section 31.3452(f)–1
13. Section 31.3453(a)–1
14. Section 31.3453(b)–1
15. Section 31.3453(c)–1

16. Section 31.3453(d)–1
17. Section 31.3453(e)–1
18. Section 31.3454(a)–1
19. Section 31.3454(b)–1
20. Section 31.3454(c)–1
21. Section 31.3455(b)–1
22. Section 31.3456(b)–1
23. Section 31.3456(c)–1
24. Section 31.3456(d)–1
25. Section 31.6011(a)–10
26. Section 31.6071(a)–2
27. Section 31.6302(c)–5
28. Section 31.7512–1

This Treasury decision removes the regulations issued to conform to statutory provisions that have been repealed. For this reason, it is found impracticable and unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 30, 1984.

John E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 84–8932 Filed 3–30–84; 3:59 pm]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–V–FRL 2556–4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On November 29, 1982, and December 9, 1982, the State of Indiana submitted amended rule 325 IAC 11–4 as a revision to the Total Suspended Particulates (TSP) portion of its State Implementation Plan (SIP). This regulation contains site specific emission limitations for Knauf Fiber Glass in Shelby County, Indiana and constitutes an alternative emission control program (bubble). The regulation also contains procedures which allow emission limits contained in future operating permits to supersede emission limitations contained in this regulation.

EPA has reviewed this regulation and has determined that it has more stringent emission limits than the present SIP, conforms with EPA's emission trading policy, and will have an insignificant impact on the TSP National Ambient Air Quality Standards (NAAQS) in Shelby County. There were no public comments received by the Agency. Therefore, EPA approves this regulation.

EFFECTIVE DATE: This final rulemaking becomes effective on May 3, 1984.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401; Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Anne E. Tenner, at (312) 886–6036 before visiting the Region V Office.)

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

U.S Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886–6036.

SUPPLEMENTARY INFORMATION: On April 7, 1982 (47 FR 15076), the EPA issued a proposed Emission Trading Policy Statement (ETPS). This statement indicates that it is the policy of EPA to encourage use of emission trades to achieve more flexible, rapid, and efficient attainment of the NAAQS. This policy statement describes emissions trading, sets out general principles EPA will use to evaluate emissions trades under the Clean Air Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice indicates that until EPA takes final action on its policy statement, State actions involving emission trades will be evaluated under the provisions set forth in the proposed policy statement.

The State of Indiana on November 29, 1982, submitted amendments to 325 IAC 11–4, Fiber Glass Insulation Manufacturing (Superfine Process) Limitations, as a revision to the Indiana TSP SIP. The State submitted technical information to support the amended rule on December 9, 1982. The amendments change/delete particulate emission limitations for six facilities operated by Knauf Fiber Glass Company in Shelby County, Indiana. EPA has designated Shelby County as an attainment area for TSP under Section 107 of the Act (March 3, 1978, 43 FR 8962).

The amendments also add a new section (325 IAC 11–4–3.5) which contains procedures to allow emission limits contained in future operating permits to supersede emission limitations contained in this regulation.

The changes for the particulate emission limitations for the six facilities operated by Knauf Fiber Glass Company are summarized below:

Facility description	Emission rate (lbs/hr)		
	Old	New	Change
204 oven	2.4	8.00	+5.6
204 furnace	13.78	10.00	−3.78
204 forming	18.62	15.00	−3.62
205 oven	2.44	0	−2.44
205 furnace	8.62	0	−8.62
205 forming	18.16	0	−18.16

In addition to a decrease in plant emission rate (lbs/hr), annual allowable emissions should decrease by 136.9 tons/year.

EPA proposed this regulation for approval on September 1, 1983 (48 FR 39653). A more detailed discussion of the technical information and EPA's review of the information can be found in this proposal and in the accompanying technical support document. No comments were received by the Agency during the public comment period.

Therefore, EPA approves the revisions to 325 IAC 11–4 because they will not interfere with the attainment and maintenance of the TSP NAAQS in Shelby County, fulfill the requirements of the proposed ETPS, and meet the requirements of Section 110 of the Clean Air Act.

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

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

List of Subjects in 40 CFR Part 52

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

Note.—Incorporation by reference of the State Implementation Plan for the State of

Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: March 26, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.770 is amended by revising paragraph (c)(46).

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(46) On November 29, 1982, and December 9, 1982, Indiana submitted amendments to 325 IAC 11–4, Fiber Glass Insulation Manufacturing (Superfine Process) Limitations.

* * * * *

[FR Doc. 84–8638 Filed 4–2–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–9–FRL 2557–2]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rules.

SUMMARY: The purpose of this action is to withdraw approval of revisions to the California State Implementation Plan for the Monterey Bay Unified Air Pollution Control District (APCD). These revisions consist of two permit fee rules which were approved on November 18, 1983 (48 FR 52451). EPA is publishing a notice of proposed rulemaking elsewhere in today's **Federal Register** on these rules. EPA is taking this action in accordance with the procedures described in the November 18, 1983, final rulemaking notice.

DATE: This action is effective April 3, 1984.

ADDRESSES: Copies of the Monterey Bay Unified APCD submittal are available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95814.

Monterey Bay Unified Air Pollution Control District, 1164 Monroe Street, Suite 10, Salinas, CA 93906.

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–7641.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1983 the California Air Resources Board submitted revisions to the State Implementation Plan. These revisions included Monterey Bay Unified APCD permit fee Rules 300, "Permit Fees" and 301, "Permit Fee Schedules."

On November 18, 1983 EPA approved this submittal as a revision to the California SIP. (For further information about these revisions, see 48 FR 52451.)

In the approval notice EPA advised the public that the effective date of approval would be deferred for 60 days to provide an opportunity to submit comments on the revisions. EPA announced that, if within 30 days of the publication of the approval notice EPA received notice that someone wished to submit an adverse or critical comment, it would withdraw its approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period. EPA also published a general notice explaining this special procedure on September 4, 1981. (See 46 FR 44476.)

EPA has received a request to provide comments concerning Rules 300 and 301 as mentioned above. Therefore, in accordance with the procedures described above, EPA is today withdrawing its November 18, 1983 approval of these revisions and is proposing to approve Rules 300 and 301 elsewhere in today's **Federal Register.**

EPA is withdrawing the original approval without providing prior notice and opportunity to comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. Notice and comment would be impractical because EPA needs to withdraw its approval quickly in order to consider the comments which members of the public want to submit. In addition, further notice is not necessary because EPA has already informed the public that it would follow this procedure if a request was received to comment on the revision (see 48 FR 52451 and 46 FR 44476). For the same reasons, EPA finds it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP actions do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.) The Office of Management and Budget has exempted this action from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 27, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart F—California

1. Section 52.220 paragraph (c) is amended by revising subparagraph (127)(v)(A) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(127) * * *

(v) * * *

(A) New or amended Rule 601.

* * * * *

[FR Doc. 84–8801 Filed 4–2–84; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[A–V–FRL 2556–2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This final rulemaking action addresses the air quality attainment status redesignations of five areas in the State of Wisconsin. These areas, their respective pollutants, and the final revisions are as follows:

Sub-city area of Beloit, Total Suspended Particulates (TSP)—from "does not meet primary standards" to "does not meet secondary standards", and a reduction in the size of the secondary nonattainment area.

Vilas, Brown, Columbia, and Dane Counties, Ozone—from "does not meet primary standards" to "cannot be classified, or better than national standards" (attainment).

These final redesignations are based on a request, dated March 14, 1983, from the Wisconsin Department of Natural Resources (WDNR), and on supporting monitoring, dispersion modeling, and compliance data submitted by the WDNR. Under the Clean Air Act, an attainment status designation can be changed if sufficient data are available to warrant a redesignation. In today's action, EPA is approving the redesignations as requested by the State of Wisconsin.

EFFECTIVE DATE: May 3, 1984.

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

Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 S. Dearborn Street, Chicago, Illinois 60604

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

FOR FURTHER INFORMATION CONTACT: Colleen W. Comerford, (312) 886–6034.

SUPPLEMENTARY INFORMATION: In the October 13, 1983, **Federal Register** (48 FR 46550), EPA proposed approval of the WDNR's redesignation request for seven areas located throughout the State of Wisconsin. These seven revisions were based on two factors: (1) A request from the WDNR to revise the Section 107 attainment status designations for the seven areas; and, (2) technical support documents containing summaries of recent ambient air quality data collected from monitoring sites within the State. The WDNR submitted additional ambient monitoring data on April 18, 1983. They also submitted certifications of compliance with the emission limitations contained in the SIP for certain sources in these areas on May 13, 1983.

During the public comment period, no comments were submitted. Therefore, EPA is taking final action to approve five of the redesignation requests submitted by the WDNR. The area redesignations being approved are: (1) A sub-city area of Beloit for TSP from "does not meet primary standards" to "does not meet secondary standards", and a revision to the boundaries of the secondary nonattainment area, as specified below; and, (2) Vilas, Brown, Columbia, and Dane Counties for Ozone from "does not meet primary standards" to attainment of the Ozone National Ambient Air Quality Standards (NAAQS). Action on the sulfur dioxide (SO_2) redesignations for the two remaining areas, the sub-city area of Madison and the corporate limits of Brokaw, has been postponed pending final determination of stack height regulations. A detailed discussion of the basis for EPA's action can be found in the notice of proposed rulemaking. A brief synopsis of this discussion is given below for each geographic area.

Beloit—TSP

On March 14, 1983, WDNR requested that EPA revise the nonattainment designation for a sub-city area of Beloit from primary nonattainment to secondary nonattainment of the TSP NAAQS, and that EPA reduce the size of the secondary nonattainment area. The new boundaries of the secondary nonattainment area are as follows:

North Boundary: Portland Avenue east from Fourth Street to intersection with Woodward Avenue, Woodward Avenue east to Park Avenue

East Boundary: Park Avenue south from Woodward Avenue to Broad Street

South Boundary: Broad Street west from Park Avenue to Fourth Street

West Boundary: Fourth Street north from Broad Street to Portland Avenue.

To support its request, WDNR submitted a technical support document with summaries of the TSP ambient air monitoring data collected in Beloit during 1980–1982. WDNR also submitted a status report on the compliance of affected sources with the reasonably available control technology (RACT) particulate emission limits contained in the SIP.

EPA has determined that all available data support a redesignation of the subcity area of Beloit from primary nonattainment to secondary nonattainment of the TSP NAAQS, and that the data also support a reduction in the size of the secondary nonattainment area. The data collected during 1980–1982 show no violations of the primary TSP NAAQS at any of the monitoring sites during the last eight quarters. Two violations of the secondary TSP NAAQS were monitored in 1981.

Vilas County—Ozone

On March 14, 1983, the WDNR requested that EPA revise the designation for Vilas County from nonattainment to attainment of the ozone NAAQS. In addition, the State submitted monitoring data collected in this area during the 1981 and 1982 ozone seasons, which show that there were no exceedances of the standard. Therefore, EPA is approving the State's request to redesignate the County to attainment.

Brown County—Ozone

On March 14, 1983, the WDNR requested that EPA revise the designation for Brown County from nonattainment to attainment of the ozone NAAQS. The Green Bay monitor provides the only ozone monitoring data in Brown County. Available data show that the Green Bay monitor obtained valid daily maximum concentrations for over 80 percent of the days during the 1981 and 1982 ozone seasons. No exceedances were recorded during either year. Wisconsin also has limited data collected from this monitor by an industry in 1979 and 1980, but these data are not quality assured by the State. These data also show no exceedances of the standard. The data from 1981 and 1982 indicate attainment of the standard. Therefore, EPA is revising the designation to attainment for ozone.

Dane and Columbia Counties

On March 14, 1983, the WDNR requested that EPA redesignate Dane and Columbia Counties from nonattainment to attainment of the ozone NAAQS. EPA considers Dane and Columbia to be a single source-receptor area for ozone, so EPA reviewed the State's request and supporting monitoring data for both Counties together. Only one exceedance occurred in Dane and Columbia Counties between 1980 and 1982, as recorded by the Military Road site on May 23, 1980. This site would be expected to have a 0.4 exceedance per year. All other sites in Dane and Columbia Counties would be expected to show a 0.0 exceedance per year. The ozone standard allows up to 1.0 expected exceedance. Consequently, EPA is approving the State's request to designate these Counties to attainment for ozone.

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

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas, Intergovernmental relations.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: March 27, 1984.

William D. Ruckelshaus,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES—WISCONSIN

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

1. Section 81.350—*Wisconsin*, the attainment status designation table for Total Suspended Particulates is amended by revising the designation for a sub-city of Beloit, Rock County, as follows:

§ 81.350 Wisconsin

WISCONSIN—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * *				
AQCR 73:				
Rock County: Beloit sub-city defined as follows.		X		
North: Portland Avenue east from Fourth Street to intersection with Woodward Avenue, Woodward Avenue east to Park Avenue				
West: Fourth Street north from Broad Street to Portland Avenue.				
South: Broad Street west from Park Avenue to Fourth Street.				
East: Park Avenue south from Woodward Avenue to Broad Street.				
* * * * *				

2. The attainment status designation table for Ozone is amended by revising the designations for Brown, Vilas, Columbia, and Dane Counties (O_3) as follows:

§ 81.350 Wisconsin.

WISCONSIN—OZONE(O_3)

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
* * * * *		
AQCR 237:		
Brown County		X
* * * * *		
AQCR 238:		
* * * * *		
Vilas County		X
* * * * *		
AQCR 240:		
Columbia County		X
Dane County		X
* * * * *		

[FR Doc. 84-8685 Filed 4-2-84; 8:45 am]

BILLING CODE 6560-50-M

Proposed Rules

Federal Register
Vol. 49, No. 65
Tuesday, April 3, 1984

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

Federal Grain Inspection Service

7 CFR Part 800

Conditions for Obtaining or Withholding Official Services, and Delegations, Designations, Approvals, and Contractual Arrangements

AGENCY: Federal Grain Inspection Service.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for periodic review of existing regulations, the Federal Grain Inspection Service (FGIS or Service) has reviewed and is proposing to revise the regulations under the United States Grain Standards Act, as amended (Act), concerning Conditions for Obtaining or Withholding Official Services, and Delegations, Designations, Approvals, and Contractual Arrangements. The proposed revision involves rewriting, revising, and reorganizing these regulations to simplify, clarify, and condense certain language; and promote a better understanding of policy and procedure.

In addition, as mandated by changes in the Act, other revisions are proposed to allow additional eligible States to be delegated, and to include automatic terminaiton of a delegation or designation when user fees are not paid within 30 days of the due date.

DATE: Comments must be submitted on or before June 4, 1984.

ADDRESS: Comments should be submitted, in writing, in duplicate, to Lewis Lebakken, Jr., Information and Resources Management Branch, Resources Management Division, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512–1. This action has been classified as "nonmajor" because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* because: (a) It applies to a limited number of (1) State and private grain inspection and weighing agencies which are delegated or designated under the Act, (2) scale testing and certification organizations, and (3) persons under contract with the Service; all of which are not considered to be small entities because they are dominant in their area of operation; (b) most users of the inspection and weighing services do not meet the requirements for small entities; and (c) this action poses no new or additional duties or obligations to business entities involved in the loading, weighing, handling, or sampling of grain.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and section 3504(h) of that Act, the previously approved information collection and recordkeeping requirements contained in this proposed rule have been submitted to OMB for review. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201, NEOB, Washington, D.C. 20503.

Regulations Review

The review of the regulations on Conditions for Obtaining or Withholding Official Services (7 CFR 800.45–800.52); and Delegations, Designations, Approvals, and Contractual Arrangements (7 CFR 800.195–800.208) included a determination of the continued need for and consequences of the regulations.

An objective of the review was to ensure that the language of the regulations is clear and that the regulations are consistent with FGIS policy and authority. FGIS has determined that, in general, these regulations are serving their intended purpose, are consistent with FGIS policy and authority, and should remain in effect. FGIS proposes, however, to make certain changes to §§ 800.45–800.52 and §§ 800.195–800.208.

Section 800.46 contains requirements for obtaining official services. Sections 800.195–800.208 also contain provisions regarding conditions for obtaining official services (approval of weighing facilities). FGIS proposes to consolidate all the provisions for obtaining official services in § 800.46.

In addition, FGIS proposes other amendments in the following sections.

(a) *Section 800.45,* Availability of official services, by (1) clarifying and condensing language; (2) eliminating superfluous references to U.S. grain in Canadian ports; (3) combining language regarding inspecition, sacked grain, and weighing; and

(4) restructuring the section as: Original inspection and weighing services; Reinspection, review of weighing, and appeal inspection services; and Proof of authorization.

(b) *Section 800.46,* Requirements for obtaining official services, by (1) clarifying and condensing language, and adding representative samples as a condition for accessibility, and (2) including present §§ 800.116 (a) and (b), 800.126 (a) and (b), and 800.136 (a) and (b) provisions for completing application forms in § 800.46(b)(8).

(c) *Section 800.47,* Withdrawal of request for official services, by (1) clarifying and condensing language; (2) eliminating subparagraph (b) which already appears in § 800.51; and (3) restructuring so there are no subparagraphs.

(d) *Section 800.48,* Dismissal of request for official services, by (1) clarifying and condensing language; (2) restructuring subparagraph (a) to read General, Original services, Reinspection and appeal inspection services, and Review of weighing services; and (3) including provisions for dismissing

requests for official services presently contained in §§ 800.117, 800.127, and 800.137 of the regulations.

(e) *Section 800.49,* Conditional withholding of official services, by clarifying and condensing language.

(f) *Section 800.50,* Refusal of official services, no change is proposed.

(g) *Section 800.51,* Expenses of agency, field office, or Board of Appeals and Review, by clarifying and condensing language.

(h) *Section 800.52,* Official services not to be denied, no change is proposed.

The proposed revision to §§ 800.195–800.208 involves reorganizing the sections by subject. Thus, the four subject topics, Delegations, Designations, Approvals, and Contracts, would each be addressed in a separate section.

In addition, FGIS proposes revisions in the following sections:

(a) *Section 800.195,* would be amended by changing the heading to read Delegation, condensing language, and including pertinent provisions presently contained in §§ 800.71, 800.200, 800.201(a), 800.202(a), 800.204, 800.206(a), 800.207, and 800.208. Other proposed changes include incorporating recent amendments to the Act. The Agriculture and Food Act of 1981 (Pub. L. 97–98, December 22, 1981, 95 Stat. 1213), amended Section 7(e) of the Act to allow additional eligible States to be delegated. Prior to the amendment, only State agencies that were performing official inspection at export port locations under the Act on July 1, 1976, and were qualified and met the criteria in Section 7(f)(1)(A) of the Act could be delegated. The amendment to the Act provides for delegation of additional States which (1) were performing official inspection at an export port location at any time prior to July 1, 1976; (2) were designated under Section 7(f) of the Act on December 22, 1981; and (3) operate in a State from which total annual grain exports do not exceed, as determined by the Administrator, 5 percent of the total amount of grain exported from the United States annually. FGIS proposes to address this new provision in § 800.195(c).

The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981), amended Sections 7(j) and 7A(1) of the Act by providing for automatic termination of a delegation for failure to pay user fees within 30 days after the date due. The amendment also provides for reinstatement upon payment of the fees plus late payment penalties. These provisions have already been included in § 800.71. FGIS proposes to address these provisions in § 800.195(g).

FGIS also proposes to change the description of the area of responsibility assigned to a delegated State from either the switching limits, or the area within a 25-mile radius, to providing official services to export elevators at export port locations in the State (see § 800.195(f)(1) of the proposal). This will alleviate the confusion caused when a request for service is made at an export port location by a nonexport elevator within these limits.

FGIS proposes to delete the requirement that file copies of official certificates be carbon copies. This will allow the use of microrecords to maintain copies of official certificates.

Section 800.195 would also be revised to provide for: (1) Rotation of licensees, where feasible, among elevators and other facilities as is necessary to preserve the integrity of the official inspection and weighing systems; (2) prohibiting delegated States or their employees from engaging in any outside work or activity that consists, in whole or in part, of performing unofficially any function or related activity they perform officially; and (3) a statement of the responsibility to adhere to the conflict-of-interest provisions of the Act and regulations. These provisions are part of the delegation of authority signed by each delegated State and FGIS proposes to include them in § 800.195(f). Further revision would provide explicitly for Class Y weighing at export elevators at export port locations. FGIS has provided Class Y weighing at export elevators at export port locations since November 24, 1980. FGIS proposes to include these provisions in § 800.195(a).

(b) *Section 800.196,* would be revised by changing the heading to read Designation, expanding certain language, and clarifying and condensing other language including pertinent provisions presently contained in §§ 800.200, 800.200(a), 800.201(b), 800.203, 800.205, 800.206(b), 800.207, and 800.208, and by incorporating an amendment to the Act by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, August 13, 1981). The Omnibus Budget Reconciliation Act amended Sections 7(j) and 7A(1) of the Act by providing for automatic termination of a designation for failure to pay user fees within 30 days after due. The amendment also provides for reinstatement of the designation upon payment of the fees plus late payment penalties. These provisions are already in § 800.71. FGIS proposes to address these new provisions in § 800.196(h)(2).

FGIS proposes to delete the requirement that file copies of official certificates be carbon copies. This will allow designated agencies to use microrecords to maintain copies of official certificates.

Section 800.196 would also be revised to provide for: (1) Rotating agency licenses, where feasible, among elevators and other facilities as is necessary to preserve the integrity of the official inspection and weighing systems; (2) prohibiting designated agencies, or their employees, from engaging in any outside work or activity that consists, in whole or in part, of performing unofficially any function or related activity they perform officially; and (3) a statement of the responsibility of agencies to adhere to the conflict-of-interest provisons of the Act and regulations. These provisions are part of the designation agreement signed by each agency, and FGIS proposes to include them in § 800.196(g).

(c) *Section 800.197,* would be revised by changing the heading to read Approval of scale testing and certification organizations, clarifying and condensing language, and including pertinent provisions presently contained in §§ 800.200, 800.201(c), and 800.208. Other proposed changes including requiring State and local governmental agencies, which want to perform scale testing and certification under the Act and are not already approved, to request approval. The current regulations (§ 800.198(c)) grant automatic approval to State and local government weights and measures organizations operating on September 29, 1977. A request for approval is not required. Automatic approval was included to ensure that there would be no lapse in scale testing and certification services, for purposes of the Act, when the regulations were implemented.

FGIS evaluated and approved several State organizations to perform scale testing and certifying for Class X and Class Y weighing. Since the initial approval process has been completed, exemption for State and local governments scale testing and certification organizations is no longer needed. FGIS proposes to delete the exemption provisions and require that a request be submitted.

Furthermore, State and local governmental scale testing and certification organizations which were operating on September 29, 1977, would be made subject to the termination of approval provisions. These organizations were exempted from the termination of approval provisions in conjunction with their exemption from the application provisions previously discussed. Approvals of scale testing and certification organizations would not have a termination date but would

be subject to termination for cause. FGIS proposes to delete the exemption in current § 800.201(c).

(d) *Section 800.198,* would be amended by changing the heading to read Contracts, adding language from current § 800.196(d), redefining the types of services that FGIS may contact, and including pertinent provisions presently contained in §§ 800.200, 800.201(d), and 800.202(d).

(e) *Section 800.199,* would be amended by changing the heading to read Conflict of interest and adding pertinent language from current § 800.196(e).

(f) Sections 800.200–800.208, would be deleted and the provisions moved to sections 800.45–800.52, and 800.195–800.199 as described above.

List of Subjects in 7 CFR Part 800

Administrative practices and procedure, Export, Grain.

PART 800—GENERAL REGULATIONS

Accordingly, it is proposed that Part 800 be amended by:

1. Revising the undesignated center heading and §§ 800.45–800.49, to read as follows:

Conditions for Obtaining or Withholding Official Services

§ 800.45 Availability of official services.

(a) *Original inspection and weighing services.* Original inspection and weighing services on grain are available according to this section and §§ 800.115 through 800.119, when requested by an interested person.

(b) *Reinspection, review of weighing, and appeal, inspection services.* Reinspection, review of weighing, appeal inspection, and Board appeal inspection services are available when requested by an interested person, according to §§ 800.125 through 800.130 and §§ 800.135 through 800.140.

(c) *Proof of authorization.* If an application for official services is filed by a person representing the applicant, the agency or the field office receiving the application may require written proof of the authority to file the application.

(Approved by the Office of Management and Budget under control number 0580–0003)

§ 800.46 Requirements for obtaining official services.

(a) *Consent and agreement by applicant.* In submitting a request for official services, the applicant and the owner of the grain consent to the special and general requirements specified in paragraphs (b) and (c) of this section. These requirements are essential to carry out the purposes or provisions of the Act.

(b) *General requirements.*—(1) *Accesss to grain.* Grain on which official services are to be performed shall, except as provided in §§ 800.85, 800.86, 800.98, and 800.99, be made accessible by the applicant for the performance of the requested official service and related monitoring and supervision activities. For the purposes of this section, grain is not "accessible" if it is offered for official services (i) in containers or carriers that are closed and cannot, with reasonable effort, be opened by or for official personnel; (ii) when any portion is located so as to prohibit the securing of a representative sample; or (iii) under conditions prescribed in the Instructions as being hazardous to the health or safety of official personnel.

(2) *Working space.* When official services are performed at an elevator, adequate and separate space must be provided by the applicant for the performance of the requested service and related monitoring and supervision activities. Space will be "adequate" if it meets the space, location, and safety requirements specified in the Instructions.

(3) *Notice of changes.* The operator of each facility at which official services are performed must notify the appropriate agency or field office promptly, in full detail of changes in the grain handling and weighing facilities, equipment, or procedures at the elevator that could or would affect the proper performance of official services.

(4) *Loading and unloading conditions.* As applicable, each applicant for official services must provide or arrange for suitable conditions in the (i) loading and unloading areas and the truck and railroad holding areas; (ii) gallery and other grain-conveying areas; (iii) elevator legs, distributor, and spout areas; (iv) pier or dock areas; (v) deck and stowage areas in the carrier; and (vi) equipment used in loading or unloading and handling the grain. Suitable conditions are those which will facilitate accurate inspection and weighing, maintain the quantity and the quality of the grain that is to be officially inspected or weighed, and not be hazardous to the health and safety of official personnel as prescribed in the Instructions.

(5) *Time arrangements.* A request for official services shall be made in a timely manner; otherwise, official personnel may not be available to provide the requested service. For the purpose of this paragraph, "timely manner" shall mean not later than 2 p.m., local time, of the preceding business day.

(6) *Observation of activities.* Each applicant for official services must provide any interested person, or his agent, an opportunity to observe sampling, inspection, weighing, and loading or unloading of the grain. Appropriate observation areas shall be mutually defined by the Service and facility operator. The areas shall be safe and shall afford a clear and unobstructed view of the performance of the activity, but shall not permit a close over-the-shoulder type of observation by the interested person.

(7) *Payment of bills.* Each applicant for services under the Act must pay bills for the services according to §§ 800.70 through 800.73.

(8) *Written confirmations.* When requested by the agency or field office, verbal requests for official services shall be confirmed in writing. Each written request shall be signed by the applicant, or the applicant's agent, and shall show or be accompanied by the following information: (i) The identification, quantity, and specific location of the grain; (ii) the name and mailing address of the applicant; (iii) the kind and scope of services desired; and (iv) any other information requested by the agency or field office.

(9) *Names and addresses of interested persons.* When requested, each applicant for official services shall show on the application form the name and address of each known interested person.

(10) *Surrender of superseded certificates.* When a request for official service results in a certificate being superseded, the superseded certificate must be promptly surrendered.

(11) *Recordkeeping and access.* Each applicant for official services must comply with applicable recordkeeping and access-to-facility provisions in §§ 800.25 and 800.26.

(12) *Monitoring equipment.* Owners and operators of elevators shall, upon a finding of need by the Administrator, provide equipment necessary for the monitoring by official personnel of grain loading, unloading, handling, sampling, weighing, inspection, and related activities. The finding of need will be based primarily on a consideration of manpower and efficiency.

(c) *Special requirements for official Class X and Class Y weighing services.*—(1) *General.* Weighing services shall be provided only at weighing facilities which have met the conditions, duties, and responsibilities specified in section 7A(f) of the Act and this section of the regulations. Weighing

services will be available only in accordance with the requirements of § 800.115(b). Facilities desiring weighing services should contact the Service in advance to allow the Service time to determine if the facility complies with the provisions of the Act and regulations.

(2) *Conditions.* The facility shall provide the following information annually to the Service: (i) The facility owner's name and address; (ii) the facility operator's name and address; (iii) the name of each individual employed by the facility as a weigher and a statement that each individual: (A) Has a technical ability to operate grain weighing equipment and (B) has a reputation for honesty and integrity; (iv) a blueprint or similar drawing of the facility showing the location of: (A) The loading, unloading, and grain handling systems; (B) the scale systems used or to be used in weighing grain; and (C) the bins and other storage areas; (v) the identification of each scale in the facility that is to be used for weighing grain under the Act; (vi) the following information regarding automated data processing systems: (A) Overall system intent, design, and layout; (B) make, model, and technical specifications of all hardware; (C) description of software, language used, and flow charts of all programs, subprograms, routines, and subroutines; and (D) complete operating instructions; and (vii) any other information deemed necessary to carry out the provisions of the Act. If a facility has, or plans to have, an automated data processing system which is used in conjunction with any portion of the scale system, grain handling system, or the preparing or printing of official weight certificates, the facility shall make available to the Service sufficient documentation to ensure that the system cannot be used deceptively or otherwise provide inaccurate information. The Service or approved scale testing and certification organization shall conduct an onsite review to evaluate the performance and accuracy of each scale that will be used for weighing grain under the Act, and the performance of the grain loading, unloading, and related grain handling equipment and systems.

(3) *Duties and responsibilities of weighing facilities requesting official services.*—(i) *Providing official services.* Upon request, each weighing facility shall permit official weighing services to be performed promptly.

(ii) *Supervision.* Each weighing facility shall supervise its employees and shall take action necessary to assure that employees are performing their duties according to the Act, regulations, and Instructions and are not performing prohibited functions or are not involved in any action prohibited by the Act, regulations, and Instructions.

(iii) *Facilities and equipment.*—(A) *General.* Each weighing facility shall obtain and maintain facilities and equipment which the Service determines are needed for weighing services performed at the facility. Each facility shall operate and shall maintain each scale system and related grain handling system used in weighing according to instructions issued by the manufacturer and by the Service. A scale log book for each approved scale used for official weighing services shall be maintained according to Instructions at each weighing facility.

(B) *Malfunction of scales.* Scales or scale systems that are operating in other than a correct and approved manner shall not be used for weighing grain under the Act. Before the malfunctioning scale or scale system can be used again for weighing grain under the Act it shall be repaired and determined to be operating properly by the Service or approved scale testing and certification organization.

(iv) *Oral directives.* FGIS oral directives issued to elevator personnel shall be confirmed in writing upon request by elevator management. Whenever practicable, the Service shall issue oral directives through elevator management officials.

(Approved by the Office of Management and Budget under control number 0580–0003)

§ 800.47 Withdrawal of request for official services.

An applicant may withdraw a request for official services any time before official personnel release results, either verbally or in writing. See § 800.51 for reimbursement of expenses, if any.

§ 800.48 Dismissal of request for official services.

(a) *Conditions for dismissal.*—(1) *General.* An agency or the Service shall dismiss requests for official services when (i) § 800.78 prohibits the requested service; (ii) performing the requested service is not practicable; (iii) the agency or the Service lacks authority under the Act or regulations; or (iv) sufficient information is not available to make an accurate determination.

(2) *Original services.* A request for original services shall be dismissed if a reinspection, review of weighing, appeal inspection, or Board appeal inspection has been performed on the same lot at the same specified service point within 5 business days.

(3) *Reinspection, appeal inspection, or Board appeal inspection services.* A request for a reinspection, appeal inspection, or Board appeal inspection service shall be dismissed when (i) the kind and scope are different from the kind and scope of the last inspection service; (ii) the condition of the grain has undergone a material change; (iii) the request specifies a representative file sample and a representative file sample is not available, (iv) the applicant requests that a new sample be obtained and a new sample cannot be obtained; or (v) the service cannot be performed within 5 business days of the date of the last inspection date.

(4) **Review of weighing services.** A request for review of weighing services shall be dismissed when the request (i) is filed before the weighing results have been released, or (ii) is filed more than 90 calendar days after the date of the original service.

(b) *Procedure for dismissal.* When an agency or the Service proposes to dismiss a request for official services, the applicant shall be notified of the proposed action. The applicant will then be afforded reasonable time to take corrective action or to demonstrate there is no basis for the dismissal. If the agency or the Service determines that corrective action has not been adequate, the applicant will be notified again of the decision to dismiss the request for service, and any results of official services shall not be released.

§ 800.49 Conditional withholding of official services.

(a) *Conditional withholding.* An agency or the Service shall conditionally withhold requests for official services when an applicant fails to meet any requirement prescribed in § 800.46.

(b) *Procedure and withholding.* When an agency or the Service proposes to conditionally withhold official services, the applicant shall be notified of the reason for the proposed action. The applicant will then be afforded reasonable time to take corrective action or to show that there is no basis for withholding services. If the agency or the Service determines that corrective action has not been adequate, the applicant will be notified. Any results of official services shall not be released when a request for service is withheld.

2. Revising § 800.51 to read as follows:

§ 800.51 Expenses of agency, field office, or Board of Appeals and Review.

For any request that has been dismissed or withdrawn under §§ 800.47, 800.48, or 800.49, respectively,

each applicant shall pay expenses incurred by the agency or the Service.

3. Revising the undesignated center heading and §§ 800.195–800.199 and removing §§ 800.200–800.208 as follows:

* * * * *

Delegations, Designations, Approvals, Contracts, and Conflict-of-Interest

Sec.
800.195 Delegations.
800.196 Designations.
800.197 Approval as a scale testing and certification organization.
800.198 Contracts.
800.199 Conflict-of-interest provisions.

Authority: Secs. 8, 9, 10, 13, and 18, Pub. L. 94–582, 90 Stat. 2870, 2875, 2877, 2880, and 2884, 7 U.S.C. 79, 79a, 79b, 84, 87, and 87e.

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Delegations, Designations, Approvals, Contractual Arrangements, and Conflict of Interest

§ 800.195 Delegations.

(a) *General.* Eligible States may be delegated authority to perform official services (excluding appeal inspection) at export port locations within their respective States.

(b) *Restrictions.* Only the Service or the delegated State may perform official inspection, Class X, and Class Y weighing services at an export port location within the State. If official inspection services, at export port locations within the State, are performed by the Service, only the Service may perform Class X and Class Y weighing services at the locations. If official inspection services are performed by a delegated State, either the State or the Service may perform Class X and Class Y weighing services at the export port locations within the State.

(c) *Who can apply.* States which (1) were performing official inspection at an export port location under the Act on July 1, 1976, or; (2)(i) performed official inspection at an export port location at any time prior to July 1, 1976; (ii) were designated under section 7(f) of the Act on December 22, 1981, to perform official inspections; and (iii) operate in a State from which total annual exports of grain do not exceed, as determined by the Administrator, 5 per centum of the total amount of grain exported from the United States annually may apply to the Service for a delegation.

(d) *When and how to apply.* A request for authority to operate as a delegated State should be filed with the Service not less than 90 calendar days before the State proposes to perform the official services. A request for authority to operate as a delegated State shall show (1) the export port location(s) where the State proposes to perform official inspection, Class X, and Class Y weighing services; (2) the estimated annual volume of inspection and weighing services for each location; and (3) the schedule of fees the State proposes to assess. A request for a revision to a delegation shall (A) be filed with the Service not less than 90 calendar days before the desired effective date, and (B) specify the change desired.

(e) *Review of eligibility and criteria for delegation.* Each applicant for authority to operate as a delegated State shall be reviewed to determine whether the applicant meets the eligibility conditions contained in paragraph (c) of this section and the criteria contained in section 7(f)(1)(A) of the Act. The requested delegation may be granted if the Service determines that the applicant meets the eligibility conditions and criteria. If an application is dismissed, the Service shall notify the applicant promptly, in writing, of the reasons(s) for the dismissal.

(f) *Responsibilities*—(1) *Providing official services.* Each delegated State shall be responsible for providing each official service authorized by the delegation at all export elevators at export port locations in the State. The State shall perform each official service according to the Act, regulations, and Instructions.

(2) *Staffing, licensing, and training.* Delegated States shall employ official personnel on the basis of job qualifications rather than political affiliations. The State shall employ sufficient personnel to provide the services normally requested in an accurate and timely manner. The State shall only use personnel licensed by the Service for the performance of official services and shall train and assist its personnel in acquiring and maintaining the necessary skills. The State shall keep the Service informed of the employment status of each of its licensees and any substantial change in a licensee's duties.

(3) *Rotation of personnel.* Where feasible, each delegated State shall rotate licensees among elevators and other facilities as is necessary to preserve the integrity of the official inspection and weighing systems.

(4) *Supervision.* The State and its officials shall be responsible for the actions of the official personnel employed by the State, for direct supervision of the daily activities of such personnel, and for the conduct of official services and related activities in the State. The State shall supervise official activities according to the Act, regulations, and Instructions and shall take action necessary to ensure that its employees are not performing prohibited functions and are not involved in any action prohibited by the Act, regulations, or Instructions. Each State shall report to the Service information which shows or may show a violation of any provision of the Act, regulations, or Instructions and information on any instructions which have been issued to State personnel by Service personnel or by any other person which are contrary to or inconsistent with the Act, regulations, or Instructions.

(5) *Conflict of interest.*—(i) *General.* The delegated State and any commissioner, director, employee, or other related person or entity shall not have a conflict of interest, as defined in section 11 of the Act and § 800.199 of the regulations. A conflict of interest may be waived pursuant to § 800.199(d).

(ii) *Unofficial activities.* The delegated State or personnel employed by the State shall not perform any unofficial service that is the same as any of the official services covered by the delegation.

(6) *Fees.* The delegated State shall charge fees according to § 800.70.

(7) *Facilities and equipment*—(i) *General.* The laboratory and office facilities of each delegated State shall be: Located; equipped; and large enough so that requested services are provided in an orderly and timely manner.

(ii) *Equipment testing.* Each delegated State shall test the equipment that it uses for official services according to the Instructions.

(8) *Security.* Each delegated State shall provide sufficient security to assure that official samples, records, equipment, and forms are reasonably secure from theft, alteration, or misuse.

(9) *Certificate control system.* Each delegated State shall establish a certificate control system for all official certificates it receives, issues, voids, or otherwise renders useless. The system shall provide for (i) recording the numbers of the official certificates printed or received; (ii) protecting unused certificates from fraudulent or unauthorized use; and (iii) maintaining a file copy of each certificate issued, voided, or otherwise rendered useless in a manner that would permit retrieval.

(10) *Records.* Each delegated State shall maintain the records specified in §§ 800.145–800.155.

(g) *Termination*—(1) *Automatic Termination.* Failure to pay the user fees prescribed by the Service for supervisory costs related to official inspection and weighing services within 30 days after due shall result in the automatic termination of the delegation.

The delegation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination, are paid within 60 days after the termination.

(2) *Voluntary cancellation.* A State may request that its delegation be canceled by giving 90 days written notice to the Service.

(3) *Revocation.*—(i) *Without hearing.* The Administrator may revoke the delegation of a State without first affording the State opportunity for a hearing. Unless otherwise provided, the revocation shall be effective when the State receives a notice from the Service regarding the revocation and the reason(s) therefor.

(ii) *Informal conference.* At the discretion of the Administrator, before the delegation of a State is revoked under paragraph (g)(3)(i), the Service may (A) notify the State of the proposed action and the reason(s) therefor, and (B) afford the State an opportunity to express its views in an informal conference before the Administrator.

(h) *Provision of services following termination.* If a State's delegation is terminated, official services at the export port locations in the State shall be provided by the Service.

(The information collection requirements contained in paragraph (d) were approved by the Office of Management and Budget under control number 0580–0003. The information collection requirements contained in paragraphs (f)(2) and (f)(4) were approved under control number 0580–0006.)

§ 800.196 Designations.

(a) *General.* Eligible persons or governmental agencies may be designated to perform official services (excluding appeal inspection) within a specified area (other than export port locations).

(b) *Restrictions*—(1) *General.* If official inspection services are performed in an area by a designated agency, Class X and Class Y weighing services in that area may be performed only by the designated agency if the agency applies for designation to provide weighing services and is found qualified by the Service. If the agency designated to provide official inspection services is found not qualified or does not apply, the Class X and Class Y weighing services may be performed by another available agency that is found qualified and is designated by the Service, or the official services may be performed by the Service.

(2) *Interim authority*—(i) *By agency.* A designated agency may perform official services outside its specified area on an interim basis when authorized by the Service.

(ii) *By Service.* Official inspection services and/or Class X and Class Y weighing services may be performed by the Service in an area (other than export port locations) on an interim basis in accordance with sections 7(h) and 7A(c) of the Act.

(c) *Who can apply.* Any State or local governmental agency or any person may apply, subject to sections 7 and 7A of the Act, to the Service for designation as an official agency to perform official inspection services (excluding appeal inspection) and/or Class X and Class Y weighing services in a given area (other than export port locations) in the United States.

(d) *When and how to apply.* An application for designation should be filed with the Service, according to the provisions of the **Federal Register** notice which requests applicants for designation to perform official services in existing or new geographic areas. The application for designation (1) shall be submitted on a form furnished by the Service; (2) shall be typewritten or legibly written in English; (3) shall show or be accompanied by documents which show all information requested on the form, or otherwise required by the Service; and (4) shall be signed by the applicant or its chief operating officer.

(e) *Review of conditions and criteria for designation.*—(1) *Application.* Each application for a designation shall be reviewed to determine whether it complies with paragraph (d) of this section. If an application is not in compliance, the applicant shall be provided an opportunity to submit the needed information. If the needed information is not submitted within a reasonable time, as determined by the Service, the application may be dismissed. When an application is dismissed, the Service shall notify the applicant, in writing, of the reason(s) for the dismissal.

(2) *Applicant.* Each applicant for authority to operate as a designated agency shall be reviewed to determine whether the applicant meets the conditions and criteria contained in sections 7(f)(1) (A) and (B) of the Act, § 800.199 of the regulations, and paragraph (g) of this section. The requested designation may be granted if the Service determines that (i) the requested action is consistent with the need for official services; (ii) the applicant meets the conditions and criteria specified in the Act and regulations; and (iii) the applicant is better able than any other applicant to provide official services.

(f) *Area of responsibility.*—(1) *General.* Each agency shall be assigned an area of responsibility by the Service. Each area shall be identified by geographical boundaries and, in the case of a State or local government, shall not exceed the jurisdictional boundaries of the State or the local government, unless otherwise approved by the Service. The area of responsibility may not include any export elevators at export port locations or any portion of an area of responsibility assigned to another agency that is performing the same functions. A designated agency may perform official services at locations outside its assigned area of responsibility only after obtaining approval from the Service.

(2) *Amending.* A request for an amendment to an assigned area of responsibility shall (i) be submitted to the Service in writing; (ii) specify the change desired; (iii) be signed by the applicant or its chief operating officer; and (iv) be accompanied by the fee prescribed by the Service. The assigned area may be amended if the Service determines that the amendment is consistent with the provisions and objectives of the Act, regulations, and Instructions. Upon a finding of need, the Service may initiate action to change an assigned area of responsibility.

(3) *Specified service points.* An agency may change its specified service points by notifying the Service in advance. Interested persons may obtain a list of specified service points within an agency's area of responsibility by contacting the agency. The list shall include all specified service points and shall identify each specified service point which operates on an intermittent or seasonal basis.

(g) *Responsibilities.*—(1) *Providing official services.* Insofar as practicable, each agency shall be responsible for providing at all locations in its assigned area each service authorized by the designation. An agency may, subject to Service approval, make arrangements with a neighboring agency to provide official services requested infrequently. The agency shall perform all official services according to the Act, regulations, and Instructions in effect at the time of designation of which may be promulgated subsequently.

(2) *Fees.* The agency shall charge fees according to § 800.70.

(3) *Staffing, licensing, and training.*—(i) *General.* The agency shall employ sufficient personnel to provide the official services normally requested in an accurate and timely manner. Each agency shall only use personnel licensed by the Service for the performance of official services and shall train and assist its personnel in acquiring and maintaining the necessary skills. Each

agency shall keep the Service informed of the employment status of each of its licensees and any substantial change in a licensee's duties.

(ii) *State agencies.* State agencies shall employ official personnel on the basis of the job qualifications rather than political affiliations.

(4) *Rotation of personnel.* Where feasible, each agency shall rotate licensees among elevators and other facilities as is necessary to preserve the integrity of the official inspection and weighing systems.

(5) *Supervision.* The agency and its officials shall be responsible for the actions of the official personnel employed by the agency, for direct supervision of the daily activities of such personnel, and for the conduct of official services and related activities at the agency. The agency shall supervise official activities, in accordance with the Act, regulations, and Instructions, and shall take action necessary to ensure that its employees are not performing prohibited functions and are not involved in any action prohibited by the Act, regulations, or Instructions. Each agency shall report to the responsible field office information which shows or may show a violation of any provision of the Act, regulations, or Instructions and information on any instructions which have been issued to agency personnel by Service personnel or by any other person which are inconsistent with the Act, regulations, or Instructions.

(6) *Conflict of interest.*—(i) *General.* Each agency and any officer, director, stockholder, employee, or other related entity shall not have a conflict of interest, as defined in section 11 of the Act and § 800.199 of regulations. A conflict of interest may be waived pursuant to § 800.199(d). The agency shall advise the Service immediately of any proposed change in name, ownership, officers or directors, or control of the agency and, if a trust, any change affecting the trust agreement.

(ii) *Unofficial activities.* The agency or personnel employed by the agency shall not perform any unofficial service that is the same as the official services covered by the designation.

(7) *Facilities and equipment*—(i) *General.* The laboratory and office facilities of each agency shall be: located; equipped; and large enough so that requested services are provided in an orderly and timely manner.

(ii) *Equipment testing.* Each agency shall test the equipment it uses for official services according to the Instructions.

(8) *Security.* Each agency shall provide sufficient security to ensure that official samples, records, equipment, and forms are reasonably secure from theft, alteration, or misuse.

(9) *Certificate control system.* Each agency shall establish a certificate control system for all official certificates it receives, issues, voids, or otherwise renders useless. The system shall provide for (i) recording the numbers of the official certificates printed or received; (ii) protecting unused certificates from fraudulent or unauthorized use; and (iii) maintaining a file copy of each certificate issued, voided, or otherwise rendered useless in a manner that would permit retrieval.

(10) *Records.* Each agency shall maintain the records specified in §§ 800.145–800.155.

(h) *Termination and renewal*—(1) *Triennial.* (i) *Termination.* A designation shall terminate at a time specified by the Administrator, but not later than 3 years after the effective date of the designation. A notice of triennial termination shall be issued by the Service to a designated agency at least 120 calendar days in advance of the termination date. The notice shall provide instructions for requesting renewal of the designation. Failure to receive a notice from the Service shall not exempt a designated agency from the responsibility of having its designation renewed on or before the specified termination date.

(ii) *Renewal.* Designations may be renewed, upon application, in accordance with the criteria and procedures for designation prescribed in section 7(f) of the Act and this section of the regulations. The Administrator may decline to renew a designation if (A) the requesting agency fails to meet or comply with any of the criteria for designation set forth in the Act, regulations, and Instructions, or (B) the Administrator determines that another qualified applicant is better able to provide official services in the assigned area.

(2) *Automatic Termination.* Failure to pay the user fees prescribed by the Service for supervisory costs related to official inspection and weighing services within 30 days after due shall result in the automatic termination of the designation. The designation shall be reinstated if fees currently due, plus interest and any further expenses incurred by the Service because of the termination, are paid within 60 days after the termination.

(3) *Voluntary cancellation.* An agency may request that its designation be canceled by giving 90 days written notice to the Service.

(4) *Suspension or revocation of designation.*—(i) *General.* A designation is subject to suspension or revocation, under section 7(g)(3) of the Act, by the Service, whenever the Administrator determines that (A) the agency has failed to meet one or more of the criteria specified in section 7(f) of the Act or the regulations for the performance of official functions, or otherwise has not complied with any provision of the Act, regulations, or Instructions, or (B) has been convicted of any violation of other Federal law involving the handling or official inspection of grain.

(ii) *Summary suspension.* The Service may, without first affording the agency (hereafter referred to in this subparagraph as the "respondent") an opportunity for a hearing, suspend a designation or refuse to reinstate a designation when the suspension period has expired, pending final determination of the proceeding whenever the Service has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection and weighing system. A suspension or refusal to reinstate a suspended designation shall be effective upon the respondent's receipt of a notice from the Service. Within 30 calendar days following the issuance of a notice of such action, the Service shall afford the respondent an opportunity for a hearing under paragraph (iii) of this section. The Service may terminate the action if it finds that alternative managerial, staffing, financial, or operational arrangements satisfactory to the Service can be and are made by the respondent.

(iii) *Other than summary suspension.* Except as provided in paragraph (h)(4)(ii) of this section, before the Service revokes or suspends a designation, the respondent shall be (A) notified by the Service of the proposed action and the reason(s) therefor, and (B) afforded an opportunity for a hearing in accordacne with the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 CFR Part 1, Subpart H). Before initiating formal adjudicatory proceedings, the Service may, at its discretion, afford the respondent an opportunity to present its views on the proposed action and the reasons(s) therefor in an informal conference. If, as a result of the informal conference, a consent agreement is reached, no formal adjudicatory proceedings shall be initiated.

(i) *Provision of services following suspension or termination.* If the designation of an agency is suspended, terminated, or the renewal of a designation is not granted, the Service shall attempt, upon a finding of need, to

arrange for a replacement agency. If a qualified replacement agency cannot be designated on a timely basis, a qualified agency, if available, shall be designated on an interim basis. If a qualified agency is not available on an interim basis, the Service shall provide needed services on an interim basis.

(The information collection requirements contained in paragraph (d) were approved by the Office of Management and Budget under control number 0580–0003. The information collection requirements contained in paragraphs (g)(3) and (g)(5) were approved under control number 0580–0006.)

§ 800.197 Approval as a scale testing and certification organization.

(a) *Who may apply.* Any State, local government, or person may request approval to perform scale testing and certification under the Act.

(b) *When and how to apply.* A request for approval to perform scale testing and certification under the Act should be filed with the Service not less than 90 calendar days before the requested action's effective date. A request for approval to perform scale testing and certification shall (1) show or be accompanied by documents which show all information required by the Service; (2) certify that each employee scheduled to perform official scale testing and certification services is competent to test weighing equipment and has a working knowledge of the regulations and Instructions applicable to such services; (3) be accompanied by the fee prescribed in § 800.71; and (4) be signed by the applicant or its chief operating officer.

(c) *Review of applicant.* The review of an applicant for authority to perform scale testing and certification shall include an evaluation of the applicant's policies and procedures for testing and certifying scales for Class X and Class Y weighing.

(d) *Termination.*—(1) *Voluntary.* A scale testing and certification organization may request cancellation of its approval by notifying the Service.

(2) *Suspension of revocation of approval*—(i) *General.* An approval is subject to suspension or revocation whenever the Administrator determines that the approved organization has violated any provision of the Act or regulations, or has been convicted of any violation involving the handling, weighing, or inspection of grain under Title 18 of the United States Code.

(ii) *Summary suspension.* The Service may, without first affording the organization an opportunity for a hearing, suspend an approval or refuse to reinstate an approval when the suspension period has expired, pending final determination of the proceeding whenever the Service has reason to believe there is cause for revocation of the approval and considers such action to be in the best interest of the official weighing system. A suspension or refusal to reinstate a suspended approval shall be effective when the organization receives a notice from the Service. Within 30 calendar days following the issuance of a notice of such action, the Service shall give the organization an opportunity for a hearing under paragraph (d)(2)(iii) of this section. The Service may terminate its action if it finds that alternative managerial, staffing, or operational arrangements satisfactory to the Service can be and are made by the organization.

(iii) *Other than summary suspension.* Except as provided in paragraph (d)(2)(ii) of this section, before the Service revokes or suspends an approval, the organization shall be notified by the Service of the proposed action and the reason(s) therefor and shall be given an opportunity for a hearing. Before the Service initiates a hearing, it may, at its discretion, give the organization an opportunity to present its views on the proposed action and the reason(s) therefor in an informal conference. If a consent agreement is reached during the informal conference, no formal adjudicatory proceedings shall be initiated.

(The information collection requirements contained in paragraph (b) were approved by the Office of Management and Budget under control number 0580–0003)

§ 800.198 Contracts.

(a) *Services contracted and who may apply.* The Service may enter into a contract with any person, State, or governmental agency to perform on an occasional basis (1) specified official sampling, laboratory testing, or other similar objective technical activities involved in the testing of grain for official factors or official criteria, and (2) monitoring activities in foreign ports with respect to export grain that has been inspected and weighed under the Act.

(b) *Restrictions*—(1) *Conflict of interest.* A person, State or governmental agency with a conflict of interest prohibited by section 11 of the Act or § 800.199 shall not be eligible to enter into a contract with the Service.

(2) *Appeal service.* An agency or employees of agencies shall not be eligible to enter into a contract with the Service to obtain samples for, or to perform other services involved in, appeal inspection or Board appeal inspection services. However, agencies may forward file samples to the Service in accordance with § 800.154(b).

(3) *Monitoring services.* Agencies, employees of agencies, organizations, employees of organizations, and other persons that regularly provide official services to persons who export grain from the United States are eligible to enter into a contract with the Service to perform monitoring services on export grain in foreign ports only if they are under Service employees' direct supervision during monitoring activities.

(c) *When and how to apply.* An application for a contractual arrangement shall (1) be typewritten or legibly written in English; (2) conform to the invitation to bid or other instructions issued by the Service or be filed on a form furnished by the Service; (3) show or be accompanied by documents which show any information requested by the Service; and (4) be signed by the applicant or its chief operating officer. All contracts shall be issued by the Department and shall follow Departmental procedures.

(d) *Termination and renewal.* A contract with the Service shall terminate annually unless otherwise provided in the contract. A contract may be renewed in accordance with Departmental procedures.

(e) *Cancellation.* A contract may, upon request of the governmental agency or person that entered into the contract with the Service, be canceled by the Department in accordance with the terms of the contract or Departmental procedures and regulations.

(The information collection requirements contained in paragraph (c) were approved by the Office of Management and Budget under control number 0580–0003)

§ 800.199 Conflict-of-interest provisions.

(a) *Meaning of terms.* For the purpose of this section, the following terms shall have the meaning given for them below:

(1) *Grain business.* The term "grain business" shall include (i) any entity that is engaged in the commercial transportation, storage, merchandising or other commercial handling of grain, which includes: the commercial buying, selling, transporting, cleaning, elevating, storing, binning, mixing, blending, drying, treating, fumigating, or other preparation of grain (other than as a grower of grain or the disposition of inspection samples); the cleaning, treating, or fitting of carriers or containers for transporting or storing of grain; the merchandising of equipment for cleaning, drying, treating, fumigating, or other processing, handling, or storing of grain; the merchandising of grain

inspection and weighing equipment (other than the buying or selling by an agency or official personnel of the equipment for their exclusive use in the performance of their official inspection or Class X or Class Y weighing services); and the commercial use of official inspection and Class X or Class Y weighing services and (ii) any board of trade, chamber of commerce, grain exchange, or other trade group composed, in whole or in part, of one or more such entities.

(2) *Interest.* The term "interest" when used with respect to an individual, shall include the interest of a spouse, minor child, or blood relative who resides in the immediate household of the individual.

(3) *Related.* The term "related" when used in reference to a business or governmental entity means an entity that owns or controls another entity, or is owned or controlled by another entity, or both entities are owned or controlled by another entity.

(4) *Substantial stockholder.* The term "substantial stockholder" means any person holding 2 per centum or more, or 100 shares or more of the voting stock of the corporation, whichever is the lesser interest.

(b) *Prohibited conflicts of interest.* Unless waived on a case-by-case basis by the Administrator under section 11(b)(5) of the Act, the following conflicts of interest for a business or association are prohibited:

(1) *Agency and contractor.* No agency or contractor, or any member, director, officer, or employee thereof, and no business or governmental entity related to any such agency or contractor, shall be employed in or otherwise engaged in, or directly or indirectly have any stock or other financial interest in, any grain business or otherwise have any conflict of interest specified in § 800.187(b).

(2) *Grain business.* No grain business or governmental entity conducting any such business, or any member, director, officer, or employee thereof, and no other business or governmental entity related to any such entity, shall operate or be employed by, or directly or indirectly have any stock or other financial interest in, any agency or contractor.

(3) *Stockholder in any agency or contractor.* No substantial stockholder in any agency or contractor shall be employed in or otherwise engaged in, or be a substantial stockholder in, any grain business, or directly or indirectly have any other kind of financial interest in any such business or otherwise have any conflict of interest specified in § 800.187(b).

(4) *Stockholder of a grain business.* No substantial stockhoder in any grain business shall operate or be employed by or be a substantial stockholder in, or directly or indirectly have any other kind of financal interest in, an incorporated agency or contractor.

(5) *Gratuity.* No person described in paragraph (b)(1) of this section shall give to or accept from a person described in paragraph (b)(2) of this section any gratuity, and no person described in paragraph (b)(2) of this section shall give to or accept from a person described in paragraph (b)(1) of this section any gratuity. A "gratuity" is defined in § 800.187(a).

(c) *Exempt conflicts of interest*—(1) *Agency and contractor.* An agency or contractor may use laboratory or office space or inspection, weighing, transportation, or office equipment that is owned or controlled, in whole or in part, by a grain business or related entity when the use of the space or equipment is approved by the Service for the performance of onsite official services under the Act.

(2) *Financial institution.* A bona fide financial institution that has a financial relationship with one or more grain businesses or related entities may have a financial relationship with an agency, contractor, or related agency.

(3) *Grain business.* A grain business or related entity may furnish laboratory or office space or inspection, weighing, transportation, or office equipment for use by an agency, contractor, or field office when use of the space or equipment is approved by the Service for the performance of onsite official inspection or weighing service.

(d) *Disposition of a conflict of interest.* Upon being informed that a prohibited conflict of interest exists in the ownership, management, or operation of an agency and that remedial action is required, the agency shall take immediate action to resolve that conflict of interest and inform the Service of the action taken. An agency which believes that remedial action will cause undue economic hardship or other irreparable harm may request a waiver by forwarding to the Service a written statement setting forth the facts, the circumstances, and the reasons for requesting a waiver.

§§ 800.200–800–208 [Removed]

(Secs. 8, 9, 10, 13, and 18, Pub. L. 94–582, 90 Stat. 2870, 2875, 2877, 2880 and 2884, 7 U.S.C. 79, 79a, 79b, 84, 87, and 87e)

Dated: March 17, 1984.

Kenneth A. Gilles,

Administrator.

[FR Doc. 84–8713 Filed 4–2–84; 8:45 am]

BILLING CODE 3410–EN–M

CIVIL AERONAUTICS BOARD

14 CFR Part 255

[Economic Regulations Docket 41686]

Carrier-Owned Computer Reservations Systems

March 1, 1984.

AGENCY: Civil Aeronautics Board.

ACTION: Correction to proposed rulemaking.

SUMMARY: This notice corrects an inadvertent error in the statement of the review and termination date in the text of the proposed rule, § 255.10(b), EDR–466C published March 27, 1984 (49 FR 11644) relating to operation of computer reservation systems by airlines.

FOR FURTHER INFORMATION CONTACT: Barry L. Molar (202) 673–5205, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

Supplementary Information

In EDR–466C, 49 FR 11644, the Board proposed to adopt rules governing operation of computer reservation systems by airlines. The Board proposed to include a provision calling for review of the rules and automatic termination of its proposed rules on December 31, 1990 unless specifically extended on the basis of that review. EDR–466C at 62. The termination date was inadvertently stated in the text of the proposed rule itself, § 255.10(b) as December 31, 1991.

On page 11674, first column, § 255.10(b) should be corrected to read as follows:

§ 255.10 Review and termination.

* * * * *

(b) Unless extended on the basis of the review specified above, this rule shall terminate on December 31, 1990.

Dated: March 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–8821 Filed 4–2–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 100, 182, and 184

[Docket No. 83N-0211]

Copper Gluconate, Copper Sulfate, Cuprous Iodide, and Peptonized Copper; Proposed Actions on GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 84-2695 beginning on page 4008 in the issue of Wednesday, February 1, 1984, make the following correction.

On page 4012, third column, second line of § 184.1261(a), the portion of the formula reading "$15H_20$" should have read "$5H_2O$".

BILLING CODE 1505-01-M

21 CFR Part 161

[Docket No. 84N-0023]

Quick-Frozen Shrimps or Prawns; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Correction

In FR Doc. 84-6184, beginning on page 8627, in the issue of Thursday, March 8, 1984, in the page 8628, in the first column, in paragraph 2.3.3(iv), in the second line, "preparation of" should read "preparation as described in 2.3.3, the peeled segments of".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-279-81]

Incentive Stock Options; Proposed Rulemaking

Correction

In FR Doc. 84-3336 beginning on page 4504 in the issue of Tuesday, February 7, 1984, make the following corrections:

§ 1.422A-1 [Corrected]

1. On page 4507, column two, § 1.422A-1(b)(2), line ten, "form" should read "from".

§ 1.422A-2 [Corrected]

2. On page 4509, column three, § 1.422A-2(b)(4)(i), line thirteen, "limited" should read "limit".

3. On same page, column three, § 1.422A-2(b)(4)(ii), line nine, "Th" should read "The".

4. On page 4512, column one, § 1.422A-2(h)(3), Example (2), line five, "the number of" should appear between "of" and "P".

§ 1.422A-3 [Corrected]

5. On page 4514, column one, § 1.422A-3(a)(2), lines four and five, "converted into incentive stock options, but only if the" should be removed.

§ 1.425-1 [Corrected]

6. On page 4518, column three, § 1.425-1(a)(6), line thirty-two, "entitled" should read "entitling"; also in line thirty-four, "of" should appear between "stock" and "X".

7. On page 4519, column three, § 1.425-1(e)(5)(iii), line eight, "be" should read "by".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

Permanent State Regulatory Program of Arkansas

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

ACTION: Proposed rule.

SUMMARY: OSM is proposing to modify the deadline for Arkansas to promulgate rules governing the training, examination and certification of blasters. On March 9, 1984, Arkansas requested a 120 day extension of time for the submission of its blaster certification regulations. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) are required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

DATE: Comments not received by May 3, 1984 at the address below, no later than 5:00 p.m. will not necessarily be considered by OSM.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. Robert Markey, Field Office Director, Tulsa Field Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markey, Field Office Director, Tulsa Filed Office, Office of Surface Mining, 333 West 4th Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 745-7927.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Arkansas's program, the applicable date is 12 months after the approval of the State program, or March 4, 1984.

On March 9, 1984, the State of Arkansas submitted to OSM a request for a 120 day extension to submit final rules addressing the blaster certification program. The State's letter stated that the extension was needed for the State regulatory authority (Department of Pollution Control and Ecology) to work out procedures for the development of the program with the Arkansas Department of Labor, which presently certifies Arkansas blasters. The State has indicated a need for additional time in which to develop an adequate program consistent with the requirements of 30 CFR Part 850.

Therefore, OSM is seeking comment on the State's request for additional time to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August

28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 904

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

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1326, 91 Stat. 40532).

Dated: March 29, 1984.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 84–8808 Filed 4–2–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 934

Public Comment Period and Opportunity for Public Hearing on an Amendment to the North Dakota Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of North Dakota to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The approval was effective upon publication of the notice of conditional approval in the December 15, 1980 **Federal Register** (45 FR 82215–82248). The proposed program amendment consists of proposed provisions to implement a blaster training, examination and certification program as required by the Federal regulations at 30 CFR Part 850.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments not received on or before 4 p.m. on May 3, 1984 will not necessarily be considered by OSM. A public hearing on the proposal will be held on April 30, 1984, at the address listed below under "**ADDRESSES.**" Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the OSM Casper Field Office by 4:00 p.m. on April 18, 1984. If no one has contacted Mr. Thomas to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting, rather than a hearing may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: The public hearing will be held at the North Dakota State Capitol Building, Bismark, North Dakota.

Written comments should be mailed or hand-delivered to Mr. William Thomas, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644.

See "**SUPPLEMENTARY INFORMATION**" for address where copies of the North Dakota program amendment and administrative record on the North Dakota program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Casper Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644. Telephone: (307) 261–5824.

SUPPLEMENTARY INFORMATION: Copies of the North Dakota program amendment, the North Dakota program and the administrative record on the North Dakota program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 "L" Street, N.W., Washington, D.C. 20240

Office os Surface Mining Reclamation and Enforcement, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644

North Dakota Public Service Commission, Reclamation Division, Capitol Building, Bismarck, North Dakota 58505

Background

The North Dakota program was approved by the Secretary of the Interior on December 15, 1980, conditioned on the correction of 13 minor deficiencies. Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the North Dakota program can be found in the December 15, 1980 **Federal Register** (45 FR 82215–82248), February 9, 1983 **Federal Register** (48 FR 8902), and the November 9, 1983 **Federal Register** (48 FR 51458).

Proposed Amendment

On February 27, 1984, the State of North Dakota submitted to OSM an amendment to its approved permanent regulatory program. The proposed amendment is intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. The proposed amendment consists of a narrative description of the blaster's training, examination and certification program; proposed regulations governing the use of explosives and the training, examination and certification of blasters; and a comparison of State and Federal regulations for blaster certification.

At the time of the Secretary's approval of the North Dakota program, OSM has not yet promulated Federal rules governing the training and certification of blasters. Therefore, the State was not required to include such requirements in its program. However, in the notice announcing conditional approval of the North Dakota program, the Secretary specified that North Dakota would be required to adopt such provisions following promulgation of the Federal standards (45 FR 82233 December 15, 1980).

On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). OSM is seeking comment on whether the North Dakota proposed modifications are no less effective than the

requirements of the Federal regulations and satisfy the criteria for approval of State program amendment at 30 CFR 732.15 and 732.17.

The full text of the program modification submitted by North Dakota for OSM's consideration is available for public review at the addresses listed under "ADDRESSES."

Additional Determinations

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

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

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

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

List of Subjects in 30 CFR Part 934

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

Authority: Sec. 503, Pub. L. 95–87 (30 U.S.C. 1253).

Dated: March 29, 1984.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 84–8807 Filed 4–2–84; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Public Comment Procedures and Opportunity for Public Hearing on Proposed Modifications to the Ohio Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of program amendments submitted by Ohio as amendments to the State's permanent regulatory program (hereafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

The amendments submitted are proposed changes to the Ohio regulations concerning surface water information required in an underground mining permit application. This notice sets forth the times and locations that the Ohio program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed for the public hearing.

DATES: Written comments from the public not received by 4:30 p.m., May 3, 1984, will not necessarily be considered in the decision on whether the proposed amendments should be approved and incorporated into the Ohio regulatory program. A public hearing on the proposed amendments will be held only if requested. If no one requests a public hearing, none will be held. If only one person requests a public hearing a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record. If a hearing is requested and scheduled, a notice announcing the time and location of the hearing will be announced in the **Federal Register.** Requests for a public hearing should be directed to Ms. Nina Rose Hatfield at the address or telephone number listed below by 4:00 p.m., April 18, 1984.

ADDRESSES: Written comments and requests for a hearing should be directed to Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

Copies of the Ohio program, the proposed modifications to the program, a listing of any scheduled public meetings, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the office of the State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Field Office Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

II. Submission of Revisions

By letter dated March 9, 1984, Ohio submitted regulatory amendments to revise the surface water information requirements in an underground mining permit application.

Specifically, the proposed amendments include the following revisions to Ohio rule 1501:13–4–13 *Underground Mining Permit Application Requirements for Information on Environmental Resources:*

(1) Paragraph (E)(2)(a) is revised to require water quantity descriptions including, at a minimum, information on seasonal flow rates; and

(2) Paragraph (E)(2)(b)(vii) is revised to require total dissolved solids in milligrams per liter or specific conductance corrected to twenty-five degrees centigrade.

The full text of the proposed program amendments submitted by Ohio is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendments are no less effective than the Federal regulations. If approved, the amendments will become part of the Ohio program.

III. Procedural Requirements

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

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

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

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

List of Subjects in 30 CFR Part 935

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

Authority: Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*

Dated: March 29, 1984.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 84-8806 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD5-83-04]

Anchorage Ground; Hampton Roads, VA

Correction

In FR Doc. 84-7725, appearing on page 10678, in the issue of Thursday, March 22, 1984, in the second column, in the fifth line from the bottom, "7°21'21" W. Should read "76°21'12" W.".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 13

National Park System Units in Alaska

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking, in accordance with the Alaska National Interest Lands Act (ANILCA), provides a relatively comprehensive regulation concerning cabins and other structures on National Park System lands in Alaska. The rulemaking attempts to provide guidance by addressing the following types of cabin use in park areas:

(1) Use pursuant to a valid existing lease or permit;

(2) Personal occupancy and use by a qualified occupant of a cabin not under valid existing lease or permit;

(3) New cabins and other structures necessary for subsistence uses;

(4) New cabins and other structures otherwise authorized by law;

(5) Use for authorized commercial activities;

(6) General public use;

(7) Use for official government business;

(8) Use of temporary facilities directly and necessarily related to the taking of fish and wildlife;

(9) other uses (including extraordinary hardship).

Consistent with the purposes of the park areas, the intent of today's proposed regulations is to permit both the continuation of appropriate existing cabin use and the development of appropriate new cabin use where the law allows. The Department is persuaded that much existing cabin use in Alaska is compatible with the purposes and values of the park areas. To the extent possible, therefore, the Department is hopeful that this proposed regulation will minimize the regulatory burden on Alaskan residents required by law, but without sacrificing the "due process"—i.e., legal procedures—necessary for protection of these residents' interests.

The Department invites thorough public discussion of these and related issues before promulgation of the final rulemaking.

DATES: Written comments, suggestions, or objections will be accepted until June 4, 1984.

ADDRESS: Comments should be addressed to: Alaska Regional Director, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Roger J. Contor, Alaska Regional Director, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503. Telephone: (907) 271-4196.

SUPPLEMENTARY INFORMATION:

Background

The Alaska National Interest Lands Conservation Act ("ANILCA"), signed into law (Public Law No. 96-487, 94 Stat. 2371, 16 U.S.C. 3101, *et seq.*) on December 2, 1980, contains several provisions which pertain to cabins and other structures on Federal lands in Alaska. In regulations promulgated on June 17, 1981 (46 FR 31836 codified at 36 CFR Part 13), by the National Park Service (NPS), provided interim guidance on certain kinds of cabin use authorized by ANILCA. For the most part, these existing regulations repeat the statutory language and consequently, leave interpretation of the statutory language to field application in individual cases. Thus, in an effort to assure uniform treatment of cabin permit applicants in Alaska park areas, the Alaska Regional Office (ARO) of the National Park Service developed guidelines in 1982 to instruct Superintendents in the issuance of cabin permits. The Citizens Advisory Commission on Federal Areas and other persons raised procedural and substantive questions regarding guidelines. The Department of the Interior also agreed that the guidelines merited additional Departmental review. As a result of this review, the Department proposes to revise § 13.17 of the existing Alaska NPS regulations to provide a relatively comprehensive regulation concerning cabins and other structures in park areas in Alaska.

Throughout this preamble and the proposed regulations, the phrase "park areas" is used in accordance with its definition in 36 CFR 13.1(m) to mean "lands and waters administered by the National Park Service within the State of Alaska."

Section-by-Section Analysis

Section 13.17(a) Administration.

(1) *Policy:* This paragraph declares that the NPS shall manage cabins in Alaska park areas in accordance with applicable with applicable law, particularly ANILCA and the NPS Organic Act (16 U.S.C. 1, *et seq.*).

Sections 1303, 1315, 1316, and 205 of ANILCA pertain directly to cabins. There are other sections of ANILCA that pertain indirectly to cabins, e.g., §§ 201, 202, 203, 801, 802, 810, 1301, and 1313. Title 16 U.S.C. §§ 3193, 3203, 3204, 410hh-4; 410hh, 410hh-1, 410hh-2, 3111, 3112, 3120, 3191, 3201 are also relevant. Several of these statutory sections authorize the use of cabins in park areas, subject to certain conditions and reasonable regulations. No statutory section, however authorizes cabin use

that may cause significant detriment to the principal purpose of the affected park area.

What are the purposes of the park area? Title II of ANILCA, establishes and expands most of Alaska's park areas, and lists several of the purposes, although the list is expressly non-exhaustive. (*1*) For pre-ANILCA park areas, including areas that were subsequently expanded by ANILCA, the various enabling acts, as amended, set forth most of the purposes. (*2*) In addition, the "fundamental purpose" of all units of the National Park System, according to the NPS Organic Act:

"* * * is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations * * * 16 U.S.C. 1: *see also, id.* 1a–1 *et seq.*

With respect to park areas layered with a wilderness designation (*see,* 16 U.S.C. § 1132), the Wilderness Act, as modified by relevant sections of ANILCA, establishes additional purposes for the establishment and management of wilderness areas. *See,* 16 U.S.C. 1131, 1133; ANILCA, section 707. Finally, the various management plans for each park area, *e.g.,* the general conservation and management plan required by 16 U.S.C. 3191 and 1a–7(b), statements for management, specific resource management plans, and land protection plans, shed additional light on the purposes and values of the area.

Section 13.17, as proposed, attempts to provide guidance on most types of cabin use allowed in park areas. Section 13.17(a) includes, as paragraphs (i) through (ix), a list of cabin use categories covered in § 13.17.

(2) *Permittee's Interest Limited to Occupancy and Use:* This paragraph reflects the principle that, to the extent that a trespass structure on parklands is government property, the Federal Government must authorize its alienation, as by sale or exchange. Nothing in these regulations, however, abrogates a permittee's interest in the personal property within a cabin other structure, unless such personal property has been legally abandoned.

(3) *Notice and Comment on Proposed Permit:* This paragraph requires the Superintendent to publish notice and invite public comment for at least thirty days before issuing a permit for cabin use on parklands except short-term (14 days or less) public cabin use. The purpose of this procedure is to elicit competing claims to the cabin as well as additional evidence relevant to the existing claim before the permit is issued. This procedure should aid conflict resolution and improve decisionmaking on cabins with complex or disputed histories of use and occupancy.

(4) *Access:* For cabins and other structures on Federal lands which were not under a valid existing lease or permit on December 2, 1980, the Superintendent will specify resonable methods and routes of access, if necessary, consistent with the purposes and values for which the park area was established. In most cases, the NPS anticipates that the cabin occupant will not have to request special access provisions since section 1110(a) of ANILCA, 16 U.S.C. 3170(a), and the NPS general regulations on access in park areas, 36 CFR 13.10–13.14, establish a liberal "open unless closed" policy concerning most access. *See, also,* proposed 43 CFR 36.11, **Federal Register** notice 48 FR 32515 (July 15, 1983). If the cabin occupant's desired access is restricted, however, the Superintendent will specify the appropriate access in the cabin permit in accordance with traditional NPS authorities and policies. The Superintendent will work with these cabin occupants to determine a mutually acceptable method and route of access to their cabins or structures compatible with park purposes. As § 13.17(a)(4) makes clear, however, those cabin occupants not subject to a valid existing lease or permit on December 2, 1980 and who by definition possess no interest in the land on which their cabins are located—do not qualify for the privilege of guaranteed "adequate and feasible" access granted by section 1110(b) of ANILCA, 16 U.S.C. 3170(b), and implemented by 36 CFR 13.15 (*see, also,* proposed 43 CFR 36.10, 48 FR 32515 (July 15, 1983).

Section 13.17(b) Valid Existing Lease or Permit.

Section 13.17(b), that implements § 1303(d) of ANILCA, 16 U.S.C. 3193(d), applies to valid existing leases or permits in effect at the time of ANILCA's enactment on December 2, 1980, for cabins, homesites, or similar structures on Federal lands in park areas. These cabins are not so-called "trespass" cabins; rather, the leaseholders or permittees to these structures recognized and complied with the legal requirements for cabin occupancy on Federal lands at some point before the enactment of ANILCA. Section 13.17(b) would direct the Superintendent to renew these valid existing leases or permits upon expiration (as long as the expiring lease or permit does not prohibit renewal), unless the Superintendent factually determines that the particular cabin use consititutes a direct threat to, or impairment of, the purposes of the park area. The provisions of the new lease or permit would conform to the provisions of the expiring lease or permit, subject to any modifications or new conditions necessary for protection of the values and purposes of the park area.

Since section 1303(d) of ANILCA does not specifically address revocation of a valid existing lease or permit, the NPS is today proposing in § 13.17(b)(4) a regulatory interpretation of the law. Section 13.17(b)(4)(i) borrows the procedural protections of section 1303(c)(2) of ANILCA to govern revocation of a lease or permit for a "residential structure" i.e., a structure in which the leaseholder or permittee has lived during a "substantial" portion of the term of the lease or permit. With respect to revocation of a lease or permit for a "non-residential structure," § 13.17(b)(4)(ii) uses the less elaborate procedural protections established for lease or permit renewal by section 1303(d) itself, requiring "specific findings following notice and opportunity for the leaseholder or permittee to respond."

Finally, in regard to the transferability of the valid existing lease or permit, in contrast to most other permittees under § 13.17, the § 13.17(b) leaseholder or permittee or his/her estate may transfer (*e.g., sell*) the property interests contained in a valid existing lease or permit to another person.

Section 13.17(c) Personal Occupancy and Use by a Qualified Occupant to a Cabin Not under Valid Existing Lease or Permit.

Section 13.17(c) implements section 1303(a) (1) and (2) of ANILCA, 16 U.S.C. 3193(a) (1) and (2), regarding so-called "trespass cabins" in certain park areas. These "trespass cabins" are cabins on Federal lands in which the occupants have no legal interest for one reason or another, *e.g.,* the lands were closed to entry, the occupants did not file an application for the cabin with the Federal Government, etc. Referring to such cabin occupants, the Senate Committee on energy and Natural Resources said the following:

> While recognizing that many of these occupants hold no legal interest in these sites, it is the intent of the Committee that the Secretary be fair and equitable in his administration of the permitting authority granted under provisions of this Act * * * The Committee intends that the Secretary utilize this permitting system wherever possible and where there is not real conflict or danger to the resources for which the units have been established.

(Senate Report No. 96-413, 96th Cong., 1st Session 304 (1979))

As detailed below, the proposed regulations would authorized the NPS to permit a qualifying "claimant" to continue to use his/her trespass cabin according to a sliding scale of terms and conditions based on the date of the cabin claim and the length of the claimant's occupancy.

Applicability: Section 1303(a) (1) and (2) apply to National Park System units "created or enlarged" by ANILCA. Proposed § 13.17(c)(1) would interpret the quoted phrase as including all park areas except Klondike Gold Rush and Sitka National Historical Parks, whose boundaries were not affected by ANILCA. The Department believes that Congress intended section 1303(a) to be the sole ANILCA provision governing "trespass cabins" in park areas. As a result, the Department has applied traditional park authorities prohibiting residences on parklands to Klondike and Sitka.

It should be noted that, in contrast to today's proposed interpretation, the June 17, 1981 interim regulations interpreted the phrase "unit[s] of the National Park System created or enlarged" by ANILCA to exclude the former (pre-December 2, 1980) Mt. McKinley National Park, Glacier Bay National Monument, and Katmai National Monument, in addition to Klondike Gold Rush and Sitka National Historical Parks. Upon review, however, the Department has decided that the quoted phrase more accurately includes the three former park areas that were enlarged by ANILCA. This proposed interpretation should not have much practical effect since the NPS knows of no "trespass cabins" in its three former park areas (and no subsistence cabins will be permitted under proposed § 13.17(d) since subsistence uses are prohibited in these former park areas). Nevertheless, the Department recognizes that the quoted statutory phrase is not free from ambiguity and, consequently, welcomes comments as to the appropriate interpretation.

Definitions: The proposed regulations would use the definitions of key terms in section 1303(a) (1) and (2) of ANILCA, and particularly the term "claimant," to implement certain limitations which Congress intended to impose on the legitimization of trespass cabins. The statute requires a "claimant" to a cabin or other structure to demonstrate a "possessory interest" in, or "right of occupancy" to, the structure. Congress provided no specific guidance as to the meaning of the terms "claimant," "possessory interest," or "right of occupancy," making definition of the phrases a matter of regulatory interpretation. The statutory terms raise several questions. For example, how can a claimant have a "right" of occupancy to a *trespass* cabin? Is ownership of a woodburning stove or a doorknob in the cabin a sufficient "possessory interest" to entitle a claimant to a cabin permit? As a final example, if two claimants seek permits for occupancy and use of the same cabin based on respective claims of "possessory interest" and "right of occupancy," to whom should the Superintendent award the permit?

Fortunately, Congress' purpose in enacting section 1303(a) (1) and (2), as expressed in the legislative history, suggests meaningful approaches to the definition of these key terms. The legislative history, albeit short, consistently emphasizes Congress' intent to permit the "continued use and occupancy" of the trespass cabins grandfathered by the statute by their "occupants" or "residents," so that these people may carry on their "unique lifestyles." *See* Senate Report No. 413, *supra.* To implement this intent, the NPS proposes to define the key word "claimant" as a person who not only demonstrates a "possessory interest" or "right of occupancy" in the cabin, but who also has *lived in* the cabin or structure during a "substantial portion" of the time since the date of his/her claim. As a general guide, the Department proposes that the phrase "substantial portion of time" means occupancy of the cabin or structure as a place of residence at least 33⅓ percent of the time since the date of the claim (as soon as the cabin was suitable for occupancy) and, in addition, at least four consecutive months each year since January 1, 1979. The Department believes that, consistent with Congressional intent, these residency guidelines will generally preclude occasional recreational cabin users from obtaining permits under this subsection of the regulations, but generally allow "bush" residents to qualify for cabin permits necessary to continuation of their special lifestyles. The Department welcomes comments on whether these particular residency guidelines—33⅓ percent of the claim period and four consecutive months annually in recent years—constitute a reasonable implementation of Congressional intent.

As explained above, the Department has chosen to make the word "claimant" the key to a person's qualification for a cabin permit under § 13.17(c) of the proposed regulations. Conversely, in light of the problems mentioned above, the Department has not attempted to make the definitions of the phrases "possessory interest" and "right of occupancy" critical to a person's cabin permit qualifications. The Department welcomes comments on this regulatory approach.

Permit Terms Dependent on Cabin Age and Occupancy: In general, according to the scheme of section 1303(a) (1) and (2) of ANILCA, the longer a claimant has occupied a "trespass cabin" in a park area, the greater the privileges the claimant may obtain in a cabin permit under § 13.17(c) of the proposed regulations. This statutory scheme no doubt reflects the lengthy tradition of personal use of such cabins, the uncertain status of Federal lands in the late 1960's and early 1970's, and the often substantial investment, in effort if not money, that some claimants have put into their structures. *See,* Senate Report No. 413, *supra;* Senate Committee on Energy and Natural Resources, Transcript of Proceeding (not reviewed for accuracy or edited): Markup Session on S. 9, Alaska Lands, at 134–140 (October 11, 1979) (hereinafter referred to as "Senate Committee Markup"); NPS Alaska National Monuments-General Management Regulations, **Federal Register** notice 44 FR 37732, at 37733–34, 37736–37, 37745–46 (June 28, 1979).

ANILCA's scheme creates two categories of claims eligible for different degrees of privilege under proposed section 13.17(c):

(1) Claims dating from December 18, 1973 or earlier, and

(2) Claims dating between December 18, 1973 and December 1, 1978.

All claims based on a date after December 1, 1978 are eligible for a residential permit under proposed § 13.17(c); however, claimants to these post December 1, 1978 cabins should be aware that they may qualify for a cabin use permit under another provision of the proposed regulations, *e.g.,* § 13.17(g) concerning public use cabins.

With respect to the first category of residential cabin claims, *i.e.* those based on pre-December 18, 1973 occupancy and use, § 13.17(c)(3)(i) of the proposed regulations would make clear that qualifying claimants to these cabins may obtain a five-year, renewable, nontransferable permit for occupancy and use, as long as such use is compatible with the principal purposes of the affected park area. Upon application and subject to revocation (*see* discussion, below), the Superintendent would renew the permit, with any necessary modifications, every five years until the death of the "last immediate family member of the claimant residing in the cabin or structure under permit." ANILCA,

section 1303(c)(1), 16 U.S.C. 3193(c)(1). Section 13.17(c)(3)(i) of the proposed regulations would define this quoted phrase to mean any person related to the claimant by blood, marriage, or adoption who resides in the cabin under permit during a "substantial portion" of the term of the expiring permit. As a general guideline, the Department again proposes that four consecutive months a year constitutes a "substantial portion of time," but exceptions to this general guideline may be appropriate in such cases as a family member away for school or a clearly temporary or seasonal job. Proposed section 13.17(c)(4)(i)(F) would require the claimant to list in the permit application all family members residing in the cabin for substantial portions of time and to specify respective periods of residence during the expiring term and for the proposed term. The claimant would update this list every five years upon application for renewal of the permit; in addition, the NPS recommends that the permittee contact the Superintendent to update the list as appropriate in light of changed circumstances.

As for the second category of claims, *i.e.*, those based on occupancy and use beginning between December 18, 1973 and December 1, 1978, § 13.17(c)(3)(ii) of the proposed regulations would allow qualifying claimants to these cabins to obtain a one-year, generally nonrenewable, nontransferable permit for occupancy and use, as long as such use is compatible with the principal purposes of the affected park area. Although this category of permit is generally nonrenewable, the Superintendent may nevertheless extend the term of the permit, subject to additional appropriate permit conditions, for such reasons as the Superintendent determines are equitable and just on a case-by-case basis after opportunity for informal hearing upon the permittee's request. In other words, this provision fulfills the legislative intent to give the Superintendent "the discretion to judge cases in which the equity clearly is with those who have put up the cabins." Senate Committee Markup, *supra*, at 139. In a close case, the Superintendent should err on the side of the permittee in order "to permit the continuation of * * * [the claimant's special] lifestyle wherever possible and where there is no real conflict or danger to the resources for which the units have been established." Senate Report No. 413, *supra*.

Permit Applications: Proposed § 13.17(c)(4) sets forth the requirements and procedures for residential permit applications. Present 36 CFR § 13.31, which articulates the procedures for permit application as well as appeal of permit decisions and which is cross-referenced at several points throughout proposed § 13.17(c), reads as follows:

§ 13.31 Permits.

(a) *Application.* (1) Application for a permit required by any section of this part shall be submitted to the Superintendent having jurisdiction over the affected park area, or in the absence of the Superintendent, the Regional Director. If the applicant is unable or does not wish to submit the application in written form, the Superintendent shall provide the applicant an opportunity to present the application orally and shall keep a record of such oral application.

(2) The superintendent shall grant or deny the application in writing within 45 days. If this deadline cannot be met for good cause, the Superintendent shall so notify the applicant in writing. If the permit application is denied, the Superintendent shall specify in writing the reasons for the denial.

(b) *Denial and appeal procedures.* (1) An applicant whose application for a permit, required pursuant to this part, has been denied by the Superintendent has the right to have the application reconsidered by the Regional Director by contacting him/her within 180 days of the issuance of the denial. For purposes of reconsideration, the permit applicant shall present the following information:

(i) Any statement or documentation, in addition to that included in the initial application, which demonstrates the applicant satisfies the criteria set forth in the section under which the permit application is made.

(ii) The basis for the permit applicant's disagreement with the Superintendent's findings and conclusions; and

(iii) whether or not the permit applicant request an informal hearing before the Regional Director.

(2) The Regional Director shall provide a hearing if requested by the applicant. After consideration of the written materials and oral hearings, if any, and within a reasonable period of time, the Regional Director shall affirm, reverse, or modify the denial of the Superintendent and shall set forth in writing the basis for the decision. A copy of the decision shall be forwarded promptly to the applicant and shall constitute final agency action.

Abandonment (Permit Application Deadline): In § 13.17(c)(5), the NPS proposes to establish a deadline of December 31, 1985 for permit applications under § 13.17(c). The NPS considers this administrative deadline desirable for two reasons. First, the establishment of an application deadline for these residential cabin permit applications would enable the NPS thereafter to identify cabins not under permit and finalize management plans for these remaining cabins. Cabins are a valuable resource in park areas. Cabins which are not subject to permits under § 13.17 (c) or (b) will be made available to the public for use in emergencies involving the safety of human life (*see*, proposed § 13.17(h)) and, where appropriate, for general use in accordance with a public use allocation system (*see*, proposed § 13.17(g)). In addition, the NPS may designate certain cabins for subsistence use (*see* proposed § 13.17(d)), authorized commercial activities (*see* proposed § 13.17(f)), temporary hunting or fishing use (*see*, proposed § 13.17(i)), official government business, including park administrative purposes (*see* proposed § 13.17(h)), or other authorized use. Second, the establishment of an application deadline for § 13.17(c) cabin permits might work as an administrative tool to reinforce Congress' intent behind these residential cabin permts, *i.e.*, to allow continuation of a special lifestyle rather than occasional use of a private recreational cabin. Since the NPS plans to provide ample and, to the extent possible, personal notice of its cabin regulations to "bush" residents, all potential permitees should know to apply for a permit well before the December 31, 1985 deadline. Of course, proposed § 13.17(c)(5) provides that the Superintendent may extend the permit application deadline in extraordinary cases.

Revocation: Proposed § 13.17(c)(6) would implement section 1303(c)(2) of ANILCA governing revocation of permits. The statute requires notice, hearing, and a determination:

> * * * On the basis of substantial evidence in the administrative record as a whole, that the use under the permit is causing or may cause significant detriment to the principal purposes for which the * * * [park area] was established.
>
> (16 U.S.C. 3193(c)(2))

In the proposed regulation, the NPS has added a second possible reason for revocation, i.e., breach of a permit condition. Furthermore, the NPS has interpreted the statutory language as requiring an adjudicatory hearing upon request if the Superintendent and the permittee cannot beforehand agree to a solution. *See*, 5 U.S.C. 554.

The proposed regulation would require an administrative law judge (ALJ) from the Department's Office of Hearings and Appeals to conduct a trial-type hearing and render to the Superintendent a "recommended decision," based on substantial evidence in the administrative record as a whole. The Superintendent would then review and accept, reject, or modify the "recommended decision," setting forth in writing the basis for the decision. The

proposed regulation would allow the permittee to ask the Regional Director to review the Superintendent's decision pursuant to the procedures of 36 CFR 13.31(b). Under this provision, the permittee first specifies his/her disagreements with the Superintendent's decision. The Regional Director then reconsiders the ALJ's "recommended decision" and the basis for the Superintendent's decision. In addition, if the permittee requests an informal hearing, the Regional Director provides the permittee an opportunty to be heard (this informal hearing is not another adjudicatory hearing). Within a reasonable period of time, the Regional Director affirms, reverses, or modifies the Superintendent's decision in writing, setting forth the basis for this final agency decision.

Section 1303(c)(2) of ANILCA establishes the revocation procedure which the proposed regulations would apply to several types of cabin use permits covered by proposed § 13.17. Accordingly, regulatory language similar to proposed § 13.17(c)(6) also appears in proposed regulations § 13.17(b) (4)(i), (d)(5), and (f)(2). The above explanation of the revocation procedure similarly applies to these three other regulatory provisions.

Section 13.17(d) New Cabins and Other Structures Necessary for Subsistence Uses.

Section 13.17(d) of the proposed regulations would implement the provision in section 1303(a)(4) of ANILCA which authorizes permits for "the temporary use, occupancy, construction, and maintenance of new cabins or other structures * * * necessary to reasonably accommodate subsistence uses." 16 U.S.C. 3193(a)(4). In recognition of the value of the subsistence culture in certain park areas, this provision, among other things, authorizes an exception to the traditional NPS prohibition against construction of new cabins in parks for non-government use. This exception, however, has important limitations reflected in the permit decisionmaking standards of the proposed regulation. For example, as discussed more fully below, the applicant for a subsistence cabin permit must be a "local rural resident"; the subsistence cabin may be located only in locations within park areas where subsistence uses are allowed; the applicant's desired use must involve a legitimate "subsistence use" under ANILCA; the applicant's desired use should be a customary and traditional aspect or outgrowth of the applicant's—and his/her community's—subsistence lifestyle; the Superintendent must decide whether an existing, or less elaborate, structure can "reasonably accommodate" the applicant's subsistence uses; as a general rule, the permit decision should minimize any impact on other local rural residents engaged in subsistence uses; the cabin permit must be compatible with the purposes and values of the affected park area; the period of occupancy under the permit should be limited to only those weeks or months reasonably necessary to accommodate the permittee's specified subsistence uses; the Superintendent must disallow primarily residential or recreational cabin use under the pretense of a subsistence cabin permit.

Applicability: Section 13.17(d)(1) would substantially define the "who," "where," and "for what purpose" criteria of subsistence cabin permits. *Who* may apply for subsistence cabin permits? Only "local rural residents". Present 36 CFR § 13.42(a) defines a "local rural resident" with respect to national parks and monuments as a person who either lives in a designated "resident zone" (*see* 36 CFR 13.42(b), 13.43) or holds a "subsistence permit" (*see* 36 CFR 13.44). In brief, "resident zones" are designated, and "subsistence permits" are issued, on the basis of customary and traditional utilization of park or monument lands for subsistence uses without use of aircraft as a means of access except as permitted under ANILCA. *See* 46 FR 31840–42, 31849–52 (June 17, 1981). Proposed § 13.17(d)(1) would use the same functional approach to defining "local rural residents" in national preserves as present 36 CFR 13.42(a) uses for national parks and monuments, but without the procedural steps of designating resident zones and issuing subsistence permits. Proposal § 13.17(d)(1) would provide the Superintendent alternative grounds for adjudging a person to be a "local rural resident" with respect to a national preserve. Under § 13.17(d)(1), the Superintendent would determine, in his/her best judgment, whether a permit applicant for a subsistence cabin in a preserve maintains legal domicile within or near that preserve. Alternatively, under § 13.17(d)(1)(i)(ii), the Superintendent would determine whether the permit applicant has customarily and traditionally engaged in a pattern of subsistence uses, without use of an aircraft for access, that involves the affected national preserve as a past, or appropriate new, location. It might be noted that the proposed regulations would use the idea that people engaged in subsistence uses generally do not use aircraft for access to subsistence activities. The proposed regulations, as the existing June 17, 1981 regulations, do not prohibit the use of aircraft for access to subsistence uses in national preserves.

Where may subsistence cabins be located? Proposed § 13.17(d)(1) states, subsistence cabins may be located only in park areas, or portions thereof, where subsistence uses are allowed. Present 36 CFR 13.41 lists these areas as the following:

(a) In national preserves;

(b) In Cape Krusenstern National Monument and Kobuk Valley National Park;

(c) Where such uses are traditional (as may be further designated for each park or monument in Subpart C of [36 CFR Part 13] in Aniakchak National Monument, Gates of the Arctic National Park, Lake Clark National Park, Wrangell-St. Elias National Park, and the Denali National Park addition.

For what *purpose* may subsistence cabins be requested? The purpose of subsistence cabins is to reasonably accommodate "subsistence uses," as that term is defined in present 36 CFR 13.42(c). *See* detailed discussion at 46 FR 31849–50 (June 17, 1981). In essence, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of fish, wildlife, and other wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles from the nonedible by-products of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. The regulatory definition generally conforms to section 803 of ANILCA, 16 U.S.C. 3113, but expands upon it in one aspect in order to provide guidance as to the statutorily-undefined term "customary trade." Present 36 CFR § 13.42(c) limits "customary trade" to the exchange of furs for cash and, in Kobuk Valley National Park and in the southwestern preserve unit of Gates of the Arctic National Park and Preserve, the selling of handicraft articles made from plant materials. With respect to trapping as well as other consumptive uses, the Superintendent must distinguish trapping as a subsistence use, which could warrant a subsistence cabin permit, from commercial or even "recreational" trapping, which could not. The preamble to the June 17, 1981 regulations characterized subsistence trapping as follows:

With respect to the exchange of furs for cash, trapping furbearers is an integral and

longstanding part of the subsistence lifestyle in many regions of Alaska. While some of the furs are utilized for personal or family use, it is recognized that a portion of the furs ultimately become items for sale on the commercial market. The cash remuneration, in turn, helps to provide the basic tools and supplies associated with trapping and the subsistence lifestyle of which trapping is a part. For example, local rural residents may engage in trapping to obtain the cash required for necessary store-bought supplies such as gasoline and ammunition. The allowance of cash interchange related to fur trading is intended to provide continuity to the traditional and customary harvest of furbearers by those who are authorized to engage in subsistence uses within * * * [park areas].

46 FR 31849–50 (June 17, 1981)).

Permit Decisionmaking Steps: Section 13.17(d)(3) of the proposed regulations sets forth the following three categories of questions to guide the Superintendent in exercising his/her discretion whether, and under what terms and conditions, to issue a subsistence cabin permit.

(i) *Is a New Cabin "Necessary to Reasonably Accommodate" Subsistence Uses?* Under this first criterion, the Superintendent would examine the subsistence uses at issue to determine whether a cabin or other structure would, in fact, be necessary to the reasonable pursuit of these subsistence uses. The Superintendent would compare the desired subsistence uses with the applicant's past patterns of subsistence uses and future subsistence use plans. In this regard, the possible use of a subsistence cabin in a park area should not serve as an artificial incentive for new patterns of subsistence uses in park areas; rather, it should serve as an accommodation of ongoing subsistence use patterns, including the natural evolution of such patterns. The Superintendent must exercise his/her best judgment in making these difficult distinctions so as to permit subsistence cabin use consistent with an applicant's past and future subsistence patterns as they might have developed in the absence of government regulation.

Also under this first criterion, the Superintendent would analyze the applicant's desired cabin use and associated subsistence uses in light of the affected subsistence community or communities. In this regard, the subsistence culture, and particularly the Native subsistence culture, which Congress recognized as a value of certain park areas, generally depends for its vitality on community custom and tradition. Therefore, the Superintendent should closely scrutinize any permit application which would allow a subsistence activity or use not traditional to a specific location or resource. The Superintendent should also scrutinize closely an application that would adversely affect the subsistence uses of other local rural residents. As with all discretionary cabin permit decisions, the analysis required by §810 of ANILCA, 16 U.S.C. 3120, will facilitate the Superintendent's decisionmaking.

Finally, under this first criterion, the Superintendent would decide whether a structure of any kind requiring a permit would be necessary to accommodate the applicant's subsistence uses in light of custom, tradition, past and future subsistence use patterns, available and reasonable alternatives to either the desired subsistence uses or the desired method of engaging in the subsistence uses. For example, the Superintendent might conclude that a portable wall tent could accommodate the applicant's subsistence uses reasonably, with less departure from custom and tradition, and/or with less impact on other subsistence uses. Or, the Superintendent might conclude that a smaller, less elaborate structure than the one applied for could accommodate the applicant's subsistence uses reasonably.

(ii) *Is a New Cabin Necessary?* Under this second criterion, the Superintendent would allow construction of a *new* cabin on parklands only if a less permanent or disruptive alternative were unavailable. Proposed § 13.17(d)(ii) suggests two categories of generally less intrusive alternatives. One category would include available existing cabins or other structures, either not under permit or under nonexclusive use permits. The second category would include new cabins new cabins or other new structures designed originally for other nonexclusive uses, such as temporary hunting and fishing facilities or public use cabins. If a structure in either of these alternative categories could reasonably accommodate the applicant's subsistence uses—causing no significant hardship for the applicant while reducing the potential impact of a new cabin on the park area—then the Superintendent should authorize use of the alternative structure in the subsistence cabin permit.

(iii) *Should the Permit be Issued?* The ultimate decision on a subsistence cabin application is discretionary with the Superintendent. The Superintendent must evaluate several, sometimes conflicting, management considerations before deciding whether, and/or under what terms and conditions, to issue a subsistence cabin permit. The factors listed in proposed § 13.17(d)(3)(iii) for the Superintendent's consideration are the same factors listed in existing 36 CFR 13.17(c). In the final analysis, the Superintendent's decision must be compatible with the purposes and values of the park area.

Permit Terms: Section 13.17(d)(4) of the proposed regulations focuses on certain permit terms which underscore the circumscribed nature of a subsistence cabin permit. The purpose of a subsistence cabin permit is solely to facilitate a local rural resident's continued participation in subsistence uses consistent with custom and tradition. Toward this end, the Superintendent would tailor the permitted periods of cabin use and occupancy during the year to the applicant's specific plans for subsistence uses. Under no circumstances would the Superintendent permit primarily residential use of cabin or structure under a subsistence permit; rather, a local rural resident would have to obtain a residential cabin permit under the provisions of proposed § 13.17(c) in order to "live in" the cabin. Thus, a particular cabin occupied for a time by local rural resident engaged in subsistence uses in accordance with § 13.17(d) might be available at other times of the year for other uses.

Revocation: As with residential cabin permits under proposed § 13.17(c), section 1303(c)(2) of ANILCA is the statutory provision governing the revocation procedures for subsistence cabin permits. Section 13.17(d)(5) of the proposed regulations implementing this statutory provision, is identical to § 13.17(c)(6) of the proposed regulations. Therefore, see discussion of § 13.17(c)(6), *above*, for an explanation of the substantive and procedural aspects of revocation.

Section 13.17(e) New Cabins and Other Structures Otherwise Authorized by Law.

Section 13.17(e) of the proposed regulations implements language in section 1303(a)(4) of ANILCA concerning specifically authorized structures. Its application is intended to be narrow. An example of its application might include cabin permits for researchers specifically authorized to conduct field studies in park areas.

The NPS proposes to interpret section 1303(a)(4) of ANILCA for "specifically authorized" cabins in § 13.17(e) as it does for subsistence cabins in § 13.17(d). For example, proposed § 13.17(e) would make existing cabins and other structures, not otherwise under permit or under nonexclusive use permits, available for permit for "specifically authorized" use. Furthermore, unless the law unequivocably mandates non-

discretionary issuance of a "specifically authorized" permit, the decisions to issue a § 13.17(e) permit would be discretionary with the Superintendent. In reaching a decision, the Superintendent would examine the same decisionmaking steps expressly outlined in § 13.17(d)(3) of the proposed regulations. The Superintendent would tailor the permit terms narrowly to allow only—but reasonably—for the purpose specifically authorized by law. If revocation of a permit were at issue, the Superintendent would comply with the requirements expressly outlined in § 13.17(d)(5) of the proposed regulations.

Section 13.17(f) Authorized Commercial Activities.

In an attempt to provide a relatively comprehensive index of cabin use on parklands in Alaska, § 13.17(f) of the proposed regulations (1) refers to cabin use authorized under concession contracts, business use licenses, and mining plans of operations, and (2) repromulgates and elaborates upon the existing regulation on cabin use authorized in connection with valid existing commercial fishing rights.

Concessions, Business Uses, and Mining Operations: Section 13.17(f)(1) recognizes that, consistent with the general management plan and/or statement for management for the park area, the Superintendent may permit the use of cabins on parklands in accordance with the terms of a concessions contract or permit (*see* 36 CFR Part 51), a business use license (*see* 16 U.S.C. 20, *et seq.*), or a mining plan of operations (*see* 36 CFR Part 9). Proposed § 13.17(f)(1) does not expressly address the construction of new cabins on parklands in connection with authorized commercial activities. As a general rule, the Superintendent would follow the basic approach of proposed § 13.17(d) with regard to new cabins. The Superintendent would permit the construction of a new cabin or other new structure if (1) no existing structure were available which could adequately and reasonably accommodate the commercial interest's needs with a lesser impact on the values and purposes for which the park area was established, and (2) no other type of new structure (*e.g.*, a temporary facility or a public use cabin) could adequately and reasonably accommodate the commercial interest's needs with a lesser impact on the park area.

Cabins Directly Incident to Certain Commercial Activities: Section 13.17(f)(2) would repromulgate and expand upon the second sentence in existing 36 CFR § 13.21(b). This regulation implements section 205 of ANILCA, 16 U.S.C. 410hh-4, which allows the continuation of valid commercial fishing rights and privileges obtained prior to December 2, 1980, as well as certain directly related uses of parklands, including existing campsites, cabins, and other structures, in Cape Krusenstern National Monument, the Malaspina Glacier Forelands area of Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve.

The proposed regulation would fulfill Congress' direction that:

> • • • The Secretary allow these existing land based facilities to continue • • • [subject to] reasonable regulations to insure that such activities do not result in any permanent or substantial harm to the environment.
>
> (Senate Report No. 413, *supra*, at 172)

The clear intent of section 205 of ANILCA is to grandfather, at their pre-ANILCA level, certain parkland uses directly incident to valid commercial fishing offshore of the specified park areas. "It is not to authorize or permit any significant expansion or new use to occur." *Id.* Proposed § 13.17(f)(2)(ii) would implement this cap at about the 1979 level of similar activities in the general vicinity within the park area and at a level of use which would not jeopardize the park area's purposes.

Please note that the permit revocation provision under proposed § 13.17(f)(2) is identical to proposed § 13.17 (c)(6) and (d)(5). See *above*, therefore, for a discussion of this provision.

Section 13.17(g) General Public Use.

Under the authority of section 1303(a)(3) and section 1315 (c) and (d) of ANILCA and the NPS Organic Act, § 13.17(g) of the proposed regulations provides for the designation and/or establishment of public use cabins in park areas in accordance with the applicable general management plan and/or statement for management. In general, in non-wilderness park areas, the Superintendent would consider available existing cabins (either not under permit or under nonexclusive use permits) and possible new cabins; then, from this pool, the Superintendent could designate and/or establish for public use such cabins as he/she determines necessary for public health and safety or for appropriate enjoyment of the area. In park wilderness areas, the Superintendent would consider available existing cabins as well as a minimal number of possible new cabins, and could then designate and/or establish for public use any cabins deemed necessary for public health and safety. The Superintendent would ensure that new cabins in park areas use only materials which blend in and are compatible with the park landscapes.

The NPS recognizes that the public is concerned over both the removal and the construction of public use cabins in park areas. Proposed § 13.17(g)(1) would require the Superintendent to provide prior notice to the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources concerning the removal of an existing or construction of a new public use cabin in a park area. Notification can be accomplished by sending the committees either a letter on the matter or a copy of the general management plan or statement for management which discusses the matter. This proposed notification requirement would expand upon the notification requirement contained in section 1315(c) of ANILCA so as to apply equally in wilderness and non-wilderness park areas.

Allocation System: Under proposed § 13.17(g)(3), the Superintendent would develop a system for allocating public use cabins among people desiring to use them. Typically, as in most units of the National Park System, the allocation system would provide for short-term use of cabins on, for exaple, a first come, first served basis. The Superintendent would provide information to the public on the system upon request.

Proposed § 13.17(g)(3) suggests a "prior qualified user" option, unique to Alaska, for allocation of certain public use cabins. Where the Superintendent determines that an applicant has persuasively demonstrated a consistent history of use of a particular cabin for at least five years prior to the park area's establishment, the Superintendent may permit the applicant to continue this demonstrated pattern of use. The reasons for this allocation option are equitable: although the applicant may not qualify for or desire an exclusive residental cabin permit under § 13.17(c) of the proposed regulations, he/she may have made a significant investment in the cabin in money or effort, and may have achieved personal identification with the cabin in the local community. The Superintendent would not permit under this provision, however, either a significant expansion of the applicant's past use or more than four months' total annual occupancy. At other times of the year, the cabin would be available for other uses. In addition, the NPS is proposing a December 31, 1985 deadline for first applications for this "prior qualified user" privilege, since applicants genuinely interested in and

identified with a particular cabin should have ample notice and sufficient motivation to apply to the Superintendent by this date.

The Superintendent would exercise management discretion in deciding whether to include this "qualified prior user" privilege in the park area's allocation system, as well as whether to award the privilege to a particular applicant. The Superintendent's decision on these issues is appealable pursuant to the procedures of existing 36 CFR § 13.31(b).

Section 13.17(h) Use for Official Government Business.

Section 13.17(h) of the proposed regulations implements the NPS authority, under section 1303(a)(3) of ANILCA as well as the NPS Organic Act, to establish cabins and other structures for administrative purposes and other official government business. In accordance with the NPS basic approach in these proposed cabin regulations, the Superintendent would first consider for official government purposes existing cabins either not under permit or under nonexclusive use permit. Only where the Superintendent determines that use of existing cabins is infeasible would he/she authorize construction of a new cabin for official government business. As a matter of good public policy, the regulations require the Superintendent to justify in writing the government's need for each official government business cabin.

The superintendent may fulfill this requirement by preparing a separate document on each official government business cabin project or by including a discussion of these projects in the general management plan and/or statement for management for the park area.

Section 13.17(i) Use of Temporary Facilities Directly and Necessarily Related to the Taking of Fish and Wildlife.

Section 13.17(i) of the proposed regulations implements § 1316 of ANILCA which allows use of certain equipment and facilities essential to authorized hunting and fishing activities and compatible with the values and purposes of the affected park areas. This proposed paragraph would extend exceptional accommodation to the hunter or fisher in Alaska who reasonably requires use of a temporary facility in order to pursue an "allowed use" in a park area. The purpose of this provision is to regulate the temporary facilities in order to protect the park area; it is not to regulate the hunting or fishing activity itself.

Applicability: proposed § 13.17(i) would apply only in park areas where the applicant's hunting or fishing activity is permitted. For example, a sport hunter may obtain a temporary facility permit in a national preserve, where sport hunting is allowed, but not in national park or monument, where sport hunting is prohibited. As another example, a sport fisher may obtain a temporary facility permit in a park area, where sport fishing is allowed; however, a commercial fisher may not obtain this permit in most park areas, because commercial fishing is generally prohibited in park areas except where specifically authorized by statute or regulation (*e.g.*, non-wilderness waters of Glacier Bay). Please note that, with regard to certain land-based activities associated with commercial fishing activities off Cape Krusenstern National Monument, the Malaspina Glacier area of Wrangell-St. Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the applicant should apply for a permit pursuant to the specific provisions of proposed § 13.17(f)(2). Similarly, with regard to cabins and other structures necessary to reasonably accommodate subsistence uses, the applicant should apply for a permit pursuant to the specific provisions of proposed § 13.17(d).

Proposed § 13.17(i)(1) would provide guidance on the types of "temporary facilities" encompassed by the regulation. *See* H.R. Rep. No. 97, 96th Cong., 1st Sess. 208 (1979). Proposed § 13.17(i)(1) would also provide guidance on the interpretation of the term "temporary" for purposes of subsection to the regulations. *Cf.* 36 CFR § 13.1(t). The clear meaning of "temporary" is a limited period of time. Section 1316(a) of ANILCA states that the temporary facilites need not necessarily be removed "upon regular or seasonal cessation" of use. Therefore, under permit terms and conditions that will ensure compatibility with the values and purposes of the park area, the Superintendent may authorize a time period longer than the regular or seasonal period of use if the applicant cannot practically remove the facilities upon each cessation of use. Of course, the Superintendent may require regular or seasonal removal if the applicant agrees, seasonal relocation of temporary facilities if necessary for park protection, annual removal if practical, etc.

Permit Decisionmaking Steps: Section 13.17(i)(3) of the proposed regulations sets forth several factors which the Superintendent would consider in determining whether a temporary facility is "directly and necessarily related" to the applicant's hunting or fishing activity and, if so, what type of temporary facility to permit. The Superintendent would consider a temporary facility to be "directly and necessarily related" to an applicant's hunting or fishing activity, for example, if the applicant could not practically engage in the activity "but for" the facility. Consistent with Congress' intent, then, the Superintendent would authorize the minimal facility necessary to accommodate reasonably the applicant's activity. *See* H.R. Rep. No. 97, *supra.* The Superintendent would include in any temporary facility permit whatever terms and conditions would be necessaary to ensure the facility's compatibility with the values and purposes of the park area.

Consistent with the NPS basic approach in these proposed regulations, the Superintendent would not authorize construction of a temporary facility unless no available existing structure could reasonably accommodate the applicant's needs with less impact on the park area. Furthermore, as proposed § 13.17(i)(3)(iii) makes clear, the Superintendent would have discretion to deny an application for significant expansion of existing facilities or uses beyond the pre-ANILCA levels if such expansion would impair the purposes for which the park area was established. ANILCA, § 1316(b).

Permit Terms: As a general rule the Superintendent would include in any temporary facility permit whatever terms and conditions would be necessary to ensure the facility's compatibility with the park area. In addition, § 13.17(i)(4) of the proposed regulations provides some guidance on specific permit terms, *e.g.*, times of use, removal or relocation of facilities, type of construction, expiration of permit.

Revocation: The proposed revocation provision for temporary facility permits is virtually identical to the revocation provisions for valid existing permits for non-residential structures (proposed § 13.17(b)(4)(ii) and public use cabin permits (proposed § 13.17(b)(4)). It would not require an adjudicatory hearing presided over by an administrative law judge. It would require, however, notice and opportunity for the permittee to respond, and specific findings supporting a determination either that a permit term had been breached or that continuation of the permit constituted a direct threat to, or significant impairment of, the purposes of the park area. *Cf.* ANILCA, § 1303(d).

Section 13.17(j) Other Uses—Extraordinary Hardship.

This final subsection of the proposed regulations authorizes the Superintendent to deal equitably with extraordinary hardship cases so long as issuance of a cabin permit would neither threaten the park area nor violate a statutory prohibition. Under the proposed regulation, the extraordinary hardship special use permit would be rare:

(1) The applicant would have to show his/her inability to obtain a cabin permit under any other § 13.17 category.

(2) The applicant would have to demonstrate an established pattern of using a specified structure for legitimate, nonrecreational, noncommercial purposes.

(3) The applicant would have to show a continued need to use the structure for these purposes.

(4) The Superintendent would have to find that the applicant would suffer "extraordinary hardship" if he/she were prohibited from continuing to use the structure.

Furthermore, the terms of an extraordinary hardship special use permit would be limited. For example, the permit term could not exceed two years, and the Superintendent could revoke the permit on thirty days' notice.

The Department welcomes comments on this proposal for an extraordinary hardship special use permit.

Footnotes

(1) *Purpose of ANILCA Park Areas:* For the areas established or expanded by ANILCA, Title II provides in pertinent part as follows: "Section 201 * * * (1) Aniakchak National Monument * * * and Aniakchak National Preserve * * * shall be managed for the following purposes, among others: to maintain the caldera and its associated volcanic features and landscape, including the Aniakchak River and other lakes and streams, in their natural state; to study, interpret, and assume continuation of the natural process of biological succession; to protect habitat for, and populations of, fish and wildlife, including, but not limited to, brown/grizzly bears, moose, caribou, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl and in a manner consistent with the foregoing, to interpret geological and biological processes for visitors.

"(2) Bering Land Bridge National Preserve * * * shall be managed for the following purposes, among others: To protect and interpret examples of arctic plant communities, volcanic lava flows, ash explosions, coastal formations, and other geological processes; to protect habitat for internationally significant populations of migratory birds; to provide for archeological and paleontological study, in cooperation with Native Alaskans, of the process of plant and animal migration, including man, between North America and the Asian Continent; to protect habitat for, and populations of, fish and wildlife including, but not limited to, marine mammals, brown/grizzly bears, moose, and wolves; subject to such reasonable regulations as the Secretary may prescribe, to continue reindeer grazing use, including necessary facilities and equipment, within the areas which on January 1, 1976, were subject to reindeer grazing permits, in accordance with sound range management practices; to protect the viability of subsistence resources; and in a manner consistent with the foregoing, to provide for outdoor recreation and environmental education activities including public access for recreational purposes to the Serpentine Hot Spring area."

"(3) Cape Krusenstern National Monument * * * shall be managed for the following purposes, among others: To protect and interpret a series of archeological sites depicting every known cultural period in arctic Alaska; to provide for scientific study of the process of human population of the area from the Asian Continent; in cooperation with Native Alaskans, to preserve and interpret evidence of prehistoric and historic Native cultures; to protect habitat for seals and other marine mammals; to protect habitat for and populations of, birds, and other wildlife, and fish resources; and to protect the viability of subsistence resources."

"(4)(a) Gates of the Arctic National Park * * * [and] Gates of the Arctic National Preserve * * * shall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area, including opportunities for visitors to experience solitude, and the natural environmental integrity and scenic beauty of the mountains, forelands, rivers, lakes, and other natural features; to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities; and to protect habitat for and the populations of, fish and wildlife, including, but not limited to, caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds."

"(5) Kenai Fjords National Park * * * shall be managed for the following purposes, among others: To maintain unimpaired the scenic and environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; and to protect seals, sea lions, other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state, free of human activity which is disruptive to their natural processes."

"(6) Kobuk Valley National Park * * * shall be managed for the following purposes, among others: To maintain the environmental integrity of the natural features of the Kobuk River Valley, including the Kobuk, Salmon, and other rivers, the boreal forest, and the Great Kobuk Sand Dunes, in an undeveloped state; to protect and interpret, in cooperation with Native Alaskans, archeological sites associated with Native cultures; to protect migration routes for the Arctic caribou herd; to protect habitat for, and populations of, fish and wildlife including but not limited to caribou, moose, black and grizzly bears, wolves, and waterfowl; and to protect the viability of subsistence resources."

"(7)(a) Lake Clark National Park * * * and Lake Clark National Preserve * * * shall be managed for the following purposes, among others: To protect the watershed necessary for perpetuation of the red salmon fishery in Bristol Bay; to maintain unimpaired the scenic beauty and quality of portions of the Alaska Range and the Aleutian Range, including active volcanoes, glaciers, wild rivers, lakes, waterfalls, and alpine meadows in their natual state; and to protect habitat for and populations of fish and wildlife including but not limited to caribou, Dall sheep, brown/grizzly bears, bald eagles, and peregrine falcons."

"(8)(a) Noatak National Preserve * * * shall be managed for the following purposes, among others: To maintain the environmental integrity of the Noatak River and adjacent uplands within the preserve in such a manner as to assure the continuation of geological and biological processes unimpaired by adverse human activity; to protect habitat for, and populations of, fish and wildlife, including but not limited to caribou, grizzly bears, Dall sheep, moose, wolves, and for waterfowl, raptors, and other species of birds; to protect archeological resources; and in a manner consistent with the foregoing, to provide opportunities for scientific research."

"(9) Wrangell-Saint Elias National Park * * * and Wrangell-Saint Elias National Preserve * * * shall be managed for the following purposes, among others: To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes, and streams, valleys, and coastal landscapes in their natural state; to protect habitat for, and populations of, fish and wildlife including but not limited to caribou, brown/grizzly bears, Dall sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals; and to provide continued opportunities, including reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities."

"(10) Yukon-Charley Rivers National Preserve * * * shall be managed for the following purposes, among others: To maintain the environmental integrity of the entire Charley River basin, including streams, lakes and other natural features, in its undeveloped natural condition for public benefit and scientific study; to protect habitat for, and populations of, fish and wildlife, including but not limited to the peregrine falcons and other raptorial birds, caribou, moose, Dall sheep, grizzly bears, and wolves; and in a manner consistent with the foregoing, to protect and interpret historical sites and events associated with the gold rush on the Yukon River and the geological and paleontological history and cultural prehistory of the area."

"Section 202 * * * (1) * * * Glacier Bay National Preserve [and] 'Glacier Bay National Park' * * * shall be managed for the following purposes, among others: To protect a segment of the Alsek River, fish and wildlife habitats and migration routes, and a

portion of the Fairweather Range including the northwest slope of Mount Fairweather."

"(2) * * * Katmai National Preserve [and] 'Katmai National Park' * * * shall be managed for the following purposes, among others: To protect habitats for, and populations of, fish and wildlife including, but not limited to, high concentrations of brown/grizzly bears and their denning areas; to maintain unimpaired the water habitat for significant salmon populations; and to protect scenic, geological, cultural and recreational features."

"(3)(a) * * * Denali National Preserve [and] Denali National Park * * * shall be managed for the following purposes, among others: To protect and interpret the entire mountain massif, and additional scenic mountain peaks and formations; and to protect habitat for, and populations of fish and wildlife including, but not limited to, brown/grizzly bears, moose, caribou, Dall sheep, wolves, swans and other waterfowl; and to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering and other wilderness recreational activities."

(2) *Purposes of Pre-ANILCA Park Areas: See, e.g.*, Sitka National Historical Park, Proc. No. 959 (March 23, 1910), Proc. No. 2965 (Feb. 25, 1952), 16 U.S.C. § 2, note; Katmai National Monument, Proc. No. 1487 (Sept. 24, 1918), Proc. No. 1950 (April 24, 1931), Proc. No. 2177 (June 15, 1936), Proc. No. 2564 (Aug. 4, 1942), Proc. No. 3890 (Jan 20, 1969), Proc. No. 4619 (Dec. 1, 1978); Glacier Bay National Monument, Proc. No. 1733 (Feb. 26, 1925), Proc. No. 2330 (April 18, 1939), Proc. No. 4618 (Dec. 1, 1978); Klondike Gold Rush National Historical Park, 16 U.S.C. § 410bb: Mount McKinley National Park, 16 U.S.C. 347, *et seq.*

Additional Issues

As stated previously, this proposed rulemaking attempts to provide a relatively comprehensive regulation concerning cabins and other structures on National Park System lands in Alaska. It does not address cabins on private lands within park areas. The Department realizes that the proposed rulemaking does not cover every issue concerning cabins on parklands that will arise in Alaska. For example, the proposed rulemaking does not address whether, or according to what rate, rental should be charged for each type of cabin use on parklands in Alaska. In addition, it does not address fees for cabin permit applications. The Department welcomes comments on these and all other cabin issues not expressly covered in the proposed rulemaking.

Public Participation

The Department encourages public participation in the development of these regulations. Interested persons may submit written comments and suggestions about the proposed regulations to the address noted at the beginning of this rulemaking. To aid the Department in the review and analysis of public comments, any person wishing to comment should address each regulation separately, preferably in a separate paragraph. The Department specifically requests draft or revised regulatory language in the instances where the commenter judges the proposed regulation to be inadequate, or on issue on which the proposed rule is silent.

Public hearings on these proposed regulations will be held following publication of these proposed regulations in the **Federal Register**. Specific locations, dates and times will be announced later in the **Federal Register** and in local publications.

Drafting Information

The primary author of these proposed regulations is Molly N. Ross, Division of Conservation and Wildlife, Office of the Solicitor, Washington, D.C.

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3504(h)

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order No. 12291 (46 FR 13193, February 19, 1981). The Department certifies that the regulations proposed in this rulemaking 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.* nor does it require the preparation of a regulatory analysis. The Department makes this finding because the proposed regulations will impose no significant costs on any class or group of small entities.

As required by the National Environmental Policy Act (42 U.S.C. 4332, *et seq.*), the National Park Service has prepared an environmental assessment and finding of no significant impact. Copies of these documents are available at the address listed at the beginning of this rulemaking.

Listing of Subjects in 36 CFR Part 13

Aircraft, Alaska, National parks, Penalties, Traffic regulations.

Authority: Act of August 25, 1916 (39 Stat. 535, as amended,) 16 U.S.C. 1, *et seq*; Act of December 2, 1980 (94 Stat. 2371), 16 U.S.C. 3101.

PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter 1 by revising § 13.17, paragraphs (a) through (d) as follows:

1. Section 13.17 is revised to read as follows:

§ 13.17 Cabins and other structures.

(a) *Administration.*—(1) *Policy.* It is the policy of the National Park Service to manage cabins in park areas in accordance with the language and intent of ANILCA, the National Park Service Organic Act (16 U.S.C. 1, *et seq.*), and other applicable law. Except as Congress has directly and specifically provided to the contrary, the use and disposition of cabins in park areas shall be compatible with the values and purposes for which these park areas have been established. In accordance with this policy, this section governs all authorized types of cabin use in park areas, as follows:

(i) Use pursuant to a valid existing lease or permit;

(ii) Personal occupancy and use by a qualified occupant to a cabin not under valid existing lease or permit;

(iii) New cabins and other structures necessary for subsistence uses;

(iv) New cabins and other structures otherwise authorized by law;

(v) Use for authorized commercial activities;

(vi) General public use;

(vii) Use for official government business;

(viii) Use of temporary facilities directly and necessarily related to the taking of fish and wildlife;

(ix) Other uses.

(2) Permittee's Interest Limited to Occupancy and Use. A cabin or other structure on park lands may not be sold, bartered, exchanged, or included as a portion of any sale or exchange of other property by the permittee unless specifically authorized by law. A permittee shall not accrue any compensable interest in a cabin or other structure on park lands unless specifically authorized by law.

(3) *Notice and comment on proposed permit.* Before a permit for a cabin or other structure is issued pursuant to this section, the Superintendent shall publish notice of the proposed issuance of the permit in the local media and provide a public comment period of at least thirty days, subject to the following exception: prior notice and comment is not required for permits authorizing short-term occupancy and use (i.e., 14 days or less) of a public use cabin under § 1317(g).

(4) *Access.* Permittees under § 13.17 (c), (d), (e), (g), (i), (j), who hold permits to cabins or other structures not under valid existing leases or permits in effect on December 2, 1980, on public lands in park areas, shall not be deemed to hold a "valid property or occupancy interest" for purposes of ANILCA § 1110(b) and the regulations on "Access to Inholdings" implementing ANICLA § 1110(b). Permits granted under these subsections shall provide such reasonable access as the Superintendent deems appropriate, consistent with the purposes and values for which the park area was established.

(b) *Valid existing lease or permit.* This paragraph applies to valid existing leases or permits in effect on December 2, 1980, for a cabin, homesite, or similar structure on federally owned land in park areas.

(1) Renewal. Except as otherwise provided in § 13.17(b)(3) the Superintendent shall renew valid existing renewable leases or permits upon their expiration. The provisions of the new lease or permit shall conform to the provisions of the existing lease or permit, subject to any modifications or new conditions which the Superintendent deems necessary for protection of the values and purposes of the park area. The leaseholder or permittee may ask the Regional Director to reconsider any provision of the new lease or permit to which the leaseholder or permittee objects pursuant to the procedures set forth in § 13.31(b).

(2) *Transfer.* Subject to any prohibitions or restrictions on transfer in the existing lease or permit, the Superintendent may transfer a valid existing lease or permit to another person at the election or death of the named leaseholder or permittee if the Superintendent determines that such transfer is compatible with the values and purposes of the park area. The leaseholder or permittee (or his/her legal representative) may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(3) *Denial of renewal.* The Superintendent shall not renew a valid existing renewable lease or permit if the Superintendent determines, based upon specific findings following notice and opportunity for the leaseholder or permittee to respond, that renewal constitutes a direct threat to, or a significant impairment of, the purposes for which the park area was established. The leaseholder or permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(4) *Revocation*—(i) *Residential structures.* The superintendent may revoke a valid existing lease or permit for a cabin, homesite, or similar residential structure in which the leaseholder or permittee has lived in substantial portion (at least 33⅓ percent) of time under the lease or permit if the Superintendent decides that:

(A) A condition of the lease or permit has been breached, or

(B) The use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established.

The Superintendent shall attempt to reach a decision with the agreement of the leaseholder or permittee. If the Superintendent cannot reach agreement with the leaseholder or permittee, and the leaseholder or permittee submits a written request for a hearing, the matter shall be assigned to an administrative law judge who, after notice and hearing and based on substantial evidence in the administrative record as a whole, shall render a "recommended decision" for the Superintendent's review. The Superintendent shall accept, reject, or modify the administrative law judge's "recommended decision," in whole or in part, setting forth in writing the basis for his/her decision. The leaseholder or permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(ii) *Non-residential structures.* The Superintendent may revoke a valid existing lease or permit for a cabin, homesite, or similar structure in which the leaseholder or permittee has not lived a substantial portion (at least 33⅓ percent) of time under the lease or permit if the Superintendent determines, based upon specific findings following notice and opportunity for the leaseholder or permittee to respond, that:

(A) A term of the lease or permit has been breached, or

(B) Continuation of the permit constitutes a direct threat to, or significant impairment of, the purposes for which the park area was established. The leaseholder or permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(c) *Personal occupany and use by a qualified occupant to a cabin not under valid existing lease or permit.*

(1) *Applicability.* This paragraph provides procedures and guidance for claimants who do not have an existing lease or permit to existing cabins and other residential structures in certain park areas. Unless otherwise specified, this paragraph applies to all park areas in Alaska except Klondike Gold Rush National Historical Park and Sitka National Historical Park.

(2) *Definitions.* As used in this section, the following terms mean:

"Claimant" means a person who has a "possessory interest" or "right of occupancy" in a cabin or other structure and who has lived in the cabin or structure during a substantial portion of the time since the date of the claim. The Superintendent shall determine what constitutes a "substantial portion of time" on a case-by-case basis in light of the permit applicant's particular circumstances. As a general guide, "substantial portion of time" shall mean occupancy of the cabin or structure as a place of residence at least 33⅓ percent of the time since the date of the claim (as soon as the cabin or structure was suitable for occupancy) and, in addition, at least four consecutive months in each year since January 1, 1979.

"Possessory Interest" means the partial or total ownership of the cabin or structure.

"Right of Occupancy" means residency in the cabin or structure.

(3) *Permit terms dependent on cabin age and occupancy.*—(i) *Pre-December 18, 1973 cabins.* Cabins and other residential structures in existence and suitable for occupancy on or before December 18, 1973, may be occupied and used by the claimants of these structures pursuant to a renewable, nontransferable five-year permit, unless revoked pursuant to § 13.17(c)(6). This permit shall be renewed upon request every five years until the death of the last immediate family member of the claimant residing in the cabin or structure under permit. For purposes of this paragraph, the term "last immediate family member of the claimant residing in the cabin or structure under permit" means any person related to the claimant by blood, marriage or adoption residing with the claimant within his/her cabin or structure under permit during a substantial portion of the time (i.e., at least four consecutive months a year, as a general rule) during the term of the expiring permit.

(ii) *December 18, 1973–December 1, 1978 cabins.* Cabins and other residential structures in existence suitable for occupancy between December 18, 1973, and December 1, 1978, may be occupied and used by the claimant to these structures pursuant to a nonrenewable, nontransferable one-year permit, unless revoked pursuant to § 13.17(c)(6). The Superintendent may extend the term of the permit upon

request for an additional period, subject to additional appropriate permit conditions, for such reasons as the Superintendent determines are equitable and just on a case-by-case basis after an opportunity for informal hearing.

(iii) Post-December 1, 1978 cabins. Cabins and other residential structures in existence and suitable for occupancy only after December 1, 1978 shall not be available for personal occupancy and use under this subsection.

(4) *Permit applications.*—(i) *Content.* In an application for a permit (or removal of a permit) for a cabin or other residential structure under this paragraph, a claimant must do the following:

(A) Reasonably demonstrate proof of possessory interest or right of occupancy in the cabin or structure by affidavit, bill of sale, or other documentation;

(B) Submit a sketch or photograph that accurately depicts the cabin or structure;

(C) Submit a map that shows the geographic location of the cabin or structure;

(D) Agree to vacate and remove all personal property from the cabin or structure upon expiration of the permit;

(E) Acknowledge that he/she has no legal interest in the real property on which the cabin or structure is located;

(F) Demonstrate that he/she has lived in the cabin or structure during a substantial portion of time since the date of the claim (or during the term of the expiring permit, as appropriate); and

(G) Submit a list of all persons residing with the claimant within his/her cabin or structure who might in the future qualify as the "last immediate family member to the claimant residing in the cabin or structure" as the quoted phrase is defined in § 13.17(c)(3)(i). This list should also include an accurate account of the periods of residency in the cabin or structure for each person on the list.

(ii) *Procedure.* The procedures set forth in § 13.31 shall govern permit applications under this paragraph, except that the applicant may not exercise the option of presenting application requirements in § 13.17(c)(4)(i)(B)(C)(E) orally.

(5) *Abandonment (permit application deadline).* Any existing cabin not under lease or permit on December 2, 1980, and for which no permit application has been received pursuant to this paragraph on or before December 31, 1985, shall be considered abandoned. The Superintendent may extend this permit application deadline for a reasonable period of time only where the permit applicant demonstrates that extraordinary circumstances prevented timely application.

(6) *Revocation.* The Superintendent may revoke a permit issued pursuant to § 13.17(c)(3) (i) or (ii) if the Superintendent decides that a term of the permit has been breached, or the use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established. The Superintendent shall attempt to reach a decision with the agreement of the permittee. If the Superintendent cannot reach agreement with the permittee, and the permittee submits a writtem request for a hearing, the matter shall be assigned to an administrative law judge who, after notice and hearing and based on substantial evidence in the administrative record as a whole, shall render a "recommended decision" for the Superintendent's review. The Superintendent shall accept, reject, or modify the administrative law judge's "recommended decision," in whole or in part, setting forth in writing the basis for his/her decision. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(d) *New cabins and other structures necessary for subsistence uses.*—(1) *Applicability.* This paragraph provides procedures and guidance for local rural residents who determine that the construction, temporary use, occupancy, reconstruction, and/or maintenance of a cabin or other structure is necessary to reasonably accommodate their subsistence uses, as defined in § 13.42(c). This paragraph applies to park areas, or portions thereof, where subsistence uses are allowed, as outlined in § 13.41. For purposes of this paragraph, the term "local rural resident" is defined, with respect to national parks and monuments, in § 13.42(a). With respect to national preserves, the term "local rural resident" shall mean either of the following:

(i) Any person who has his/her primary, permanent home within or near the national preserve and, whenever absent from this primary, permanent home, has the intention of returning to it; or

(ii) Any person who does not qualify under paragraph (d)(1)(i) of this section, but who nevertheless can demonstrate that,

(A) Without using aircraft as a means of access for purpose of taking fish and wildlife for subsistence uses, the person has (or is a member of a family—as defined in § 13.44(c)—which has) customarily and traditionally engaged in subsistence uses within the national preserve; or

(B) The person is a local rural resident (or meets the requirements of paragraph (d)(1)(ii)(A) of this section for another park area, and there exists a pattern of subsistence uses (without use of an aircraft as a means of access for purposes of taking fish and wildlife for subsistence uses) between the park area which the person has previously utilized and the national preserve in which he/she now wishes to engage in subsistence uses.

(2) *Permit application.*—(i) *Content.* A local rural resident who determines that construction, temporary use, occupancy, reconstruction, and/or maintenance of a cabin or other new structure is necessary to reasonably accommodate his/her subsistence uses, may apply for a permit under this paragraph by submitting an application which contains the following information:

(A) An explanation of the applicant's need for the cabin or structure;

(B) A description of past, present, and future subsistence uses of the applicant relevant to his/her need for the cabin or structure;

(C) A blueprint, sketch, or photograph of the cabin or structure;

(D) A map that shows the geographic location of the cabin or structure;

(E) A description of the types of occupancy and schedule for use of the cabin or structure.

(ii) Procedure. The procedures set forth in §13.31 shall govern permit applications under this paragraph, except that the applicant may not exercise the option of presenting application requirements in § 13.17(d)(2)(i)(C)(D) orally.

(3) *Permit decisionmaking steps.* (i) Is a cabin "necessary to reasonably accommodate" the applicant's subsistence uses? In making a decision on the permit application, the Superintendent shall determine whether a cabin or structure is "necessary to reasonably accommodate" the applicant's subsistence uses by examining the applicant's particular circumstances, including but not limited to his/her past patterns of subsistence uses and his/her future subsistence use plans, reasonable subsistence use alternatives consistent with the applicant's experience, the specific nature of the subsistence uses to be accommodated by the cabin or structure, and the impacts of the cabin or structure on other local rural residents who depend on subsistence uses.

(ii) *Is a new cabin necessary?* The Superintendent shall permit the

construction of a new cabin or other new structure under this paragraph only if:

(A) No existing cabin or structure is available which would adequately and reasonably accommodate the applicant's subsistence uses without significant hardship and with a lesser impact on the value and purposes for which the park area was established, and;

(B) No other type of new cabin or other new structure provided for in this section (e.g., a temporary facility under § 13.17(i) or a public use cabin under § 13.17(g) can adequately and reasonably accommodate the applicant's subsistence uses with a lesser impact on the values and purposes for which the park area was established.

(4) *Permit terms.* (1) A permit issued under this paragraph shall allow for occupancy and use during the harvest or gathering of subsistence resources, at such times as may be reasonably necessary to prepare for a harvest season (e.g., opening or closing the cabin or structure at the beginning or end of a period of use), and at any other times reasonably necessary to accommodate the permittee's specified subsistence uses. A permit under this paragraph shall not allow for primarily residential or recreational use.

(ii) A permit issued under this paragraph shall remain in effect for a reasonable period of time specified in the permit (not to exceed five years). Renewal of the permit requires submission of a new application pursuant to § 13.17(d)(2).

(5) Revocation. The Superintendent may revoke a permit issued under this paragraph if the Superintendent decides that:

(i) A term of the permit has been breached, or

(ii) The use under the permit is causing or may cause significant detriment to the principal purposes for which the park area was established.

The Superintendent shall attempt to reach a decision with the agreement of the permittee. If the Superintendent cannot reach agreement with the permittee, and the permittee submits a written request for a hearing, the matter shall be assigned to an administrative law judge who, after notice and hearing and based on substantial evidence in the administrative record as a whole, shall render a "recommended decision" for the Superintendent's review. The Superintendent shall accept, reject, or modify the administrative law judge's "recommended decision," in whole or in part, setting forth in writing the basis for his/her decision. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(3) *New cabins and other structures otherwise authorized by law.* The Superintendent may issue a permit under this paragraph for the construction, temporary use, occupancy, reconstruction, and/or maintenance of a cabin or other structure which is specifically authorized by law but not governed by any other paragraph in this section.

(f) *Authorized commercial activities.* (1) Concessions, business uses, and mining operations. Consistent with the general management plan and/or statement for management for the park area, the Superintendent may authorize use of cabins and other structures (not otherwise under permit), if appropriate, in accordance with the terms of a concessions contract or permit (*see,* 36 CFR Part 51), a business use license, or a plan of operations for mining activities (*see,* 36 CFR Part 9).

(2) *Cabins directly incident to certain commercial fishing activities.*—(i) *Continuation of existing uses.* With respect to Cape Krusenstern National Monument, the Malaspina Glacier area of Wrangell-Saint Elias National Preserve, and the Dry Bay area of Glacier Bay National Preserve, the exercise of valid commercial fishing rights or privileges obtained prior to December 2, 1980, pursuant to existing law—including use of park area lands for existing campsite, cabins, and other structures, motorized vehicles, and aircraft landing on existing airstrips, all of which use is directly incident to the exercise of such rights or privileges—may continue, unless the Superintendent determines, based upon specific findings following notice and opportunity for response, that continuation of such use of park area lands constitutes a direct threat to, or significant impairment of, the purposes for which the park area was established.

(ii) *Expansion of uses.* Should the person holding the valid commercial fishing right or privilege wish to expand his/her use of park area lands beyond the level of such use during 1979, he/she may apply to the Superintendent for a permit to do so. The Superintendent may deny the permit, or otherwise restrict the use of park area lands directly incident to the exercise of such rights or privileges, if the Superintendent determines, after conducting a public hearing in the affected locality, that such use constitutes either:

(A) A significant expansion of the use of park area lands beyond the level of such use during 1979 (taking into consideration the relative levels of use in the general vicinity, not just the applicant's relative levels of use), or

(B) A direct threat to, or significant impairment of, the purposes for which the park area was established.

(iii) *Permit terms.* A permit issued under this paragraph may provide that the permittee shall remove his/her campsites and temporary facilities from the park upon termination of his/her exercise of the valid commercial fishing right or privilege involving park area lands.

(iv) *Revocation.* The Superintendent may revoke a permit issued under this paragraph if the Superintendent decides that:

(A) A term of the permit has been breached, or

(B) The use of park area lands under the permit constitutes a direct threat to, or significant impairment of, the purposes for which the park area was established.

The Superintendent shall attempt to reach a decision with the agreement of the permittee. If the Superintendent cannot reach agreement with the permittee, and the permittee submits a written request for a hearing, the matter shall be assigned to an administrative law judge who, after notice and hearing and based on substantial evidence in the administrative record as a whole, shall render a "recommended decision" for the Superintendent's review. The Superintendent shall accept, reject, or modify the administrative law judge's "recommended decision," in whole or in part, setting forth in writing the basis for his/her decision. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(g) *General public use.*—(1) *Public use cabins.* For purposes of this paragraph, public use cabins may include any existing cabin or shelter determined necessary for the protection of the public health and safety or, in nonwilderness park areas only, for the appropriate enjoyment of the park area. A new cabin shall be constructed only of materials which blend with, and are compatible with, the immediate and surrounding park landscapes. The Superintendent shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources concerning his/her intention to remove an existing cabin or to construct a new public use cabin in a park area.

(2) *Use of public use cabins.* The Superintendent may designate cabins and other structures not otherwise under permit (or under permit for a part of the

year only) for the use of the general public in accordance with the general management plan and/or statement for management for the park area (*see* ANILCA, § 1301). The Superintendent shall mark these public use cabins with a sign and shall maintain a map and list of them in the Superintendent's office. During emergencies involving the safety of human life, public use cabins (and other cabins not otherwise under permit) may be used for protection and shelter.

(3) *Allocation system.* The Superintendent shall develop a system for allocating the use and occupancy of designated public use cabins among the general public wishing to use them. In general, the allocation system shall provide for short-term (e.g., 1–14 days) occupancy for persons using the park for recreational or other purposes. However, the allocation system may also provide a preferential, nontransferable privilege for a "qualified prior user" of a specified cabin or structure to continue to use the cabin or structure for the same period of time during the year (not to exceed four months) as he/she has historically used it. For purposes of this paragraph a "qualified prior user" is a person who can demonstrate a regular annual pattern of using the cabin or structure over the course of five years of more prior to the park area's establishment. To be considered for preferential privilege a "qualified prior user" must present the Superintendent:

(i) Proof of his/her past use pattern, including time of year and length of stay;

(ii) A blueprint, sketch, or photograph of the cabin or structure; and

(iii) A map which shows the geographic location of the cabin or structure.

The Superintendent need not consider any request for a preferential privilege under this paragraph made for the first time after December 31, 1985. Decisions of the Superintendent made under this paragraph may be appealed to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(4) *Revocation.* The Superintendent may revoke a permit issued under this paragraph if the Superintendent determines, based upon specific findings following notice and opportunity for the permittee to respond, that:

(i) A term of the permit has been breached, or

(ii) Continuation of the permit constitutes a direct threat to, or significant impairment of, the purposes for which the park area was established. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(h) *Use for official government business.* The Superintendent may designate any cabin or other structure not under permit for purposes of official government business, including, but not limited to, park administrative purposes, in accordance with the general management plan and/or statement for management for the park area (*see* ANILCA, § 1301). Prior to designating a cabin for official government business, the Superintendent shall justify the government's need for the cabin in writing. During emergencies involving the safety of human life, these government cabins may be used for protection and shelter.

(i) *Use of temporary facilities directly and necessarily related to the taking of fish and wildlife.*

(1) Applicability. This paragraph provides guidance and procedures for the use of temporary facilities directly and necessarily related to hunting or fishing in park areas, or portions thereof, in which such hunting or fishing is permitted. For purposes of this paragraph:

(i) The term "temporary facilities" shall include temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to the applicant's hunting or fishing activities, but shall not include cabins or other structures primarily for residential use;

(ii) The term "temporary" means a limited period of time, but may include periods of time longer than twelve months in appropriate circumstances.

(2) *Permit application.*—(i) *Content.* Any person who reasonably requires use of a temporary facility to carry out his/her legitimate hunting or fishing activities may apply for a permit under this paragraph by submitting an application which contains the following information:

(A) An explanation of the applicant's need for the temporary facility, including a description of the applicant's hunting or fishing activities relevant to his/her need for the facility;

(B) A diagram, sketch, or photograph of the temporary facility;

(C) A map that shows the geographic location of the temporary facility;

(D) A description of both the past use (if any) and the desired use of the temporary facility, including a schedule for its use.

(ii) *Procedure.* The procedures set forth in § 13.31 shall govern permit applications under this subsection, except that the applicant may not exercise the option of presenting application requirements in § 13.17(i)(2)(i)(B)(C) orally.

(3) *Permit decisionmaking steps.* (i) Is the temporary facility "directly and necessarily related to" the applicant's legitimate hunting or fishing activities? In making a decision on the permit application, the Superintendent shall determine whether a temporary facility is "directly and necessarily related to" the applicant's legitimate hunting or fishing activities by examining the applicant's particular circumstances, including, but not limited to his/her reasonable need for a temporary facility and reasonable alternative (if any) consistent with the applicant's needs.

(ii) What type of facility is necessary? The Superintendent shall authorize the minimal facility necessary to reasonably accommodate the allowed uses of the applicant. The Superintendent shall permit use of an existing temporary facility or construction of a new temporary facility only if no alternative existing facility or structure is available which would adequately and reasonably accommodate the applicant's needs without significant hardship and with a lesser impact on the values and purposes for which the park area was established.

(iii) Should the permit be issued? If the Superintendent concludes that a temporary facility is "directly and necessarily related to" the applicant's legitimate hunting or fishing activities, then the Superintendent shall issue a permit compatible with the purposes and values for which the park area was established, subject to the following discretionary exception:

(A) With respect to a new temporary facility, the Superintendent may deny the permit if the Superintendent determines, after notice to the applicant and opportunity for the applicant to respond, that the establishment and use of a new temporary facility would constitute

(*1*) A significant expansion of existing facilities or uses beyond their pre-ANILCA levels, and

(*2*) This significant expansion would be detrimental to the purposes for which the park area was established (including the wilderness character of any wilderness area within the park area). In making his/her decision under this paragraph, the Superintendent shall be guided by factors such as other public uses, public health and safety, environmental and resource protection, search activities, protection of cultural and scientific values, subsistence uses, endangered or threatened species conservation, and other management

considerations necessary to ensure that the new facility is compatible with the purposes for which the park area was established.

(4) *Permit terms.* (i) A permit issued under this paragraph shall allow for use of a temporary facility only to the extent that such facility is directly and necessarily related to the permittee's hunting or fishing activities. The permit shall provide that the temporary facility be used and maintained in a manner consistent with the protection of the park area in which it is located, as may be further specified in the permit. As a general rule, use under the permit shall be limited to a specified term not to exceed the relevant hunting or fishing season and such brief periods as may be necessary to maintain the facility before and after the season.

(ii) A permit issued under this paragraph may provide that the permittee shall remove any temporary facilities from the park area upon termination of the permittee's hunting or fishing activities and related use of the facilities. The permit may specify a date by which the facilities must be removed based upon the description of the permittee's activities and needs contained in the permit. This removal date may be at the end of each season of use if appropriate, or if the permittee agrees to such regular or seasonal removal; otherwise, the removal date shall be at the end of a period of use when the permittee has no present plans for continued use in the reasonable future (e.g., within the next three years). Notwithstanding the above provisions on removal, the permit may require reasonable seasonal relocation of the temporary facilities in order to protect the values and purposes for which the park area was established.

(iii) If the Superintendent determines that a new temporary facility is necessary, it shall be constructed, used, and maintained in a manner consistent with the protection of the park area in which it is located, as specified in the permit. For example, a new facility must be constructed of materials which blend with, and are compatible with, the immediately surrounding landscape.

(iv) A permit issued under this paragraph shall remain in effect for a reasonable period of time (not to exceed three years).

(5) *Revocation.* The Superintendent may revoke a permit issued under this paragraph if he/she determines, based upon specific findings following notice and opportunity for the permittee to respond, that:

(i) A term of the permit has been breached, or

(ii) Continuation of the permit constitutes a direct threat to, or significant impairment of, the purposes for which the park area was established. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth in § 13.31(b).

(j) *Other uses.* (1) *Extraordinary hardship.* Any person who does not meet the requirements for a cabin use permit under one of the foregoing categories, but who nevertheless has an established pattern of using specified cabin or other structure for legitimate nonrecretional, noncommercial purposes and continues to need to use the cabin or structure for such purposes, may apply to the Superintendent for a permit. If the Superintendent finds that the applicant will suffer extraordinary hardship if he/she is prohibited from continuing to use the cabin or structure, the Superintendent may issue a special use permit (not to exceed two years in term, revocable on 30 days notice) to accommodate the applicant's needs so long as:

(i) The use is compatible with the values and purposes for which the park area was established, and

(ii) The use is not specifically prohibited by law.

(2) *Revocation.* The Superintendent may revoke a special use permit issued under this paragraph if the Superintendent determines, based upon specific findings following notice and opportunity for the permittee to respond, that:

(i) A term of the permit has been breached, or

(ii) Continuation of the permit is incompatible with the values and purposes for which the park area was established, or

(iii) The land is needed for government purposes. The permittee may appeal the Superintendent's decision to the Regional Director pursuant to the procedures set forth at § 13.31(b).

(3) *Other uses prohibited.* Occupancy and use of cabins or other structures in park areas, except as specifically authorized under § 13.17, is prohibited.

2. In § 13.21, paragraph (b) is revised to read as follows: § 13.21 Taking of fish and wildlife.

* * * * *

(b) *Fishing.* Fishing is permitted in all park areas in accordance with applicable State and Federal law, and such laws are hereby adopted and made part of these regulations to the extent they are not inconsistent with § 2.3 of this chapter.

* * * * *

Dated: March 19, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-8817 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2557-1]

Approval and Promulgation of Implementation Plans; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve, as revisions to the California State Implementation Plan (SIP) amended permit fee rules of the Monterey Bay Unified Air Pollution Control District. The California Air Resources Board submitted these rules for incorporation into the SIP.

DATE: Comments must be received by May 3, 1984.

ADDRESSES: Written comments should be addressed to the EPA Region 9, Air Programs Branch (address below). Copies of the rules are available for public inspection during normal business hours at the EPA Region 9 office and at the following locations:

California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95814

Monterey Bay Unified Air Pollution Control District, 1164 Monroe Street, Suite 10, Salinas, CA 93906.

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 1983, the California Air Resources Board (ARB) submitted to EPA permit fee Rules 300 "Permit Fees" and 301 "Permit Fee Schedules" for the Monterey Bay Unified Air Pollution Control District (APCD)

On November 18, 1983 (48 FR 52451) EPA announced the availability of these SIP revisions along with revisions for several other counties in California and took final action to approve them. In

that notice, EPA advised the public that it was deferring the effective date of its approval for 60 days. EPA announced that, if within 30 days of the publication of the approval notice EPA received notice that someone wished to submit adverse or critical comments, EPA would withdraw the approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period. EPA also published a general notice announcing this special procedure on September 4, 1981. (See 46 FR 44476.)

On December 8, 1983, a comment letter was received by EPA from the law offices of Pillsbury, Madison, & Sutro which objected to EPA's approval of the two rules on behalf of Lone Star Industries and requested a comment period.

EPA did not receive notice or comments from the public on the approval of the other revisions to the California SIP, as listed in the Federal Register of November 18, 1983 (48 FR 52451).

Discussion

The revision to Rule 300, "Permit Fees", increases the fees for the filing of permits and adds a "New Source Evaluation Fee" for any applicant whose permit application is subject to the provisions of Rule 207.

The revision to Rule 301, "Permit Fee Schedules", increases the fees for fuel burning equipment, incinerators, stationary containers, internal combustion engines and miscellaneous equipment.

Section 110(a)(2)(k) of the Clean Air Act as amended requires that the State Implementation Plan require that the owner or operator of each major stationary source pay a permit fee. The permit fee should be sufficient to cover the reasonable costs of reviewing and acting upon any application for such a permit, and implementing and enforcing the terms and condition of any such permit. These rules meet and perhaps exceed the minimum requirements of Section 110(a)(2)(k). Section 116, however, requires EPA to approve any stricter measures that a State chooses to impose.

Proposed Action

In accordance with the procedure described above, EPA proposes to approve Rules 300 and 301. Interested persons are invited to submit comments on this proposed approval. EPA will consider all comments received within thirty days of the publication of this notice.

Regulatory Process

Elsewhere in today's Federal Register, EPA is taking final action to withdraw its November 18, 1983 approval of Rules 300 and 301 of the Monterey Bay Unified APCD. Other rules addressed in the November 18, 1983 notice remain approved. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.) The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Authority: Sections 110(a), 116 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a), 7416, and 7601(a)).

List of Subjects in 40 CFR Part 52:

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbon.

Dated: February 21, 1984.

John Wise,

Acting Regional Administrator.

[FR Doc. 84-8802 Filed 4-2-84; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 49, No. 65
Tuesday, April 3, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Policy and Technical Advisory Committees on Science and Education Research Grants

Notice is hereby given that the Secretary of Agriculture proposes to reestablish the Policy Advisory Committee and the Technical Advisory Committee on Science and Education Research Grants. The purpose of the Policy Advisory Committee is to advise the Secretary with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively. The purpose of the Technical Advisory Committee is to advise the Secretary of Agriculture on the relative technical and scientific research grant applications submitted to Science and Education of the U.S. Department of Agriculture. The activities of the Technical Advisory Committee may be accomplished primarily through subcommittees consisting of peer scientists in areas of research to be funded.

Both Advisory Committees will meet at least annually in Washington, D.C.

It has been determined that the reestablishment of these Advisory Committees is in the public interest in connection with the work of the U.S. Department of Agriculture.

The Committee Management Secretariat, GSA, has approved a less than 15-day appearance of this notice in the **Federal Register** pursuant to the filing of the Charter for the Policy and Technical Advisory Committees for the Science and Education Research Grants Program to enable the Technical Advisory Committee to conduct its previously scheduled meeting on April 4–6, 1984.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Edgar L. Kendrick, Administrator, Office of Grants and Program Systems, U.S. Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 29th day of March 1984.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 84-8879 Filed 4-2-84; 8:45 am]

BILLING CODE 3410-MT-M

Office of Grants and Program Systems

Subcommittee for Biological Stress on Plants; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Biological Stress for Plants (Entomology) of the Technical Advisory Committee for Science and Education Research Grants Program.

Date: April 4–6, 1984.

Time: 9:00 a.m. to 5:00 p.m.

Place: U.S. Department of Agriculture, Room 024 West Auditors Building, Washington, D.C.

Purpose of Subcommittee

To provide advice and recommendation concerning support for research in the Biological Stress on Plants (Entomology) program.

Agenda

To review and evaluate research proposals and projects as part of the selection process for awards.

Type of meeting: Closed.

Reason for Closing

The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), the Government in the Sunshine Act.

Authority to Close Meeting

This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Contact Person

Anne Holiday Schauer, Associate Chief, Competitive Research Grants Office, Office of Grants and Program Systems, Room 112, West Auditors Building, Washington, D.C. 20251.

This notice appears in a less than 15-day notice period prior to the meeting since the review of this Committee by the General Services Administration, in progress since February 28, 1984, was recently completed on March 29, 1984. On February 23, 1984, the Department notified GSA that a review of this Committee would need to be completed prior to the April 4, 1984, meeting.

Done at Washington, D.C., this 29th day of March 1984.

Anne Holiday Schauer,

Executive Secretary, Subcommittee for Biological Stress on Plants.

[FR Doc. 84-8878 Filed 4-2-84; 8:45 am]

BILLING CODE 3410-MT-M

Packers and Stockyards Administration

Ozarks Regional Stockyard; Posted Stockyard

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock market named below is a stockyard within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owner and to the public by posting notices at the stockyards as required by said section 302, on respective date specified below.

Facility No., name, and location of stockyard	Date of posting
MO–260 Ozarks Regional Stockyard West Plains, Missouri.	Mar. 20, 1984

Done at Washington, D.C., this 26th day of March, 1984.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch Livestock Marketing Division.

[FR Doc. 84-8766 Filed 4-2-84; 8:45 am]

BILLING CODE 3420-02-M

CIVIL AERONAUTICS BOARD

[Order 84-3-118; Dockets 39251, 41721, 41769]

Order To Show Cause; Dallas/Ft. Worth-Brazil, et al.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board proposes to suspend the certificate authority of American Airlines to serve Dallas/Ft. Worth-Brazil, activate the back-up authority of Capitol to serve San Juan-Brazil, and dismiss the applications of Arrow Air, and Eastern Air Lines to serve Miami-Brazil.

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, no later than April 5, 1984, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 39251, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers and the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: William J. Wagner (202) 673–5514, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–8824 Filed 4–2–84; 8:45 am]

BILLING CODE 6320–01–M

London-Frankfurt Route Proceeding; Prehearing Conference

[Docket 42056]

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on April 17, 1984 at 9:30 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 27, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84–8825 Filed 4–2–84; 8:45 am]

BILLING CODE 6320–01–M

Order Establishing International Cargo Rate Flexibility Policy

The Board, by Policy Statement PS–109, effective February 27, 1983, adopted a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. That policy, implemented by Regulation ER–1322, effective February 27, 1983 (14 CFR Part 221), eliminates the requirement of economic justification for international cargo rates which are within Board established zones of flexibility. As stated in ER–1322, the Board has taken action to allow air carriers to respond more quickly to changing costs and competitive conditions.

In establishing the SFRL for the two-month period starting April 1, 1984 we have projected nonfuel costs based on the year ended September 30, 1983 and have determined fuel prices on the basis of experienced monthly fuel cost levels.

By Order 84–3–119 cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic 1.0203
Western Hemisphere 1.0584
Pacific .9384

Copies of the Borad's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: John D. Coakley, (202) 673–5196.

By the Civil Aeronautics Board: March 28, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–8826 Filed 4–2–84; 8:45 am]

BILLING CODE 6320–01–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: Wholesale Inventory Valuation Supplement.

Form Numbers: Agency—B–350; OMB—0607–0183.

Type of Request: Extension of Expiration Date of Currently Approved Collection.

Burden: 2,800 respondents; 232 reporting hours.

Needs and Uses: This survey is conducted to determine the amount of wholesale inventory valued by different accounting methods in the monthly wholesale trade survey. Wholesale firms use different methods of valuation to calculate inventories. This survey will also determine how much total inventory was derived using each method. The Bureau of Economic Analysis uses information from this survey to compute change in the business inventory component of the gross national product (GNP). Nongovernmental users analyze the inventory statistics to forecast future developments in business activity.

Affected Public: Business of other for-profit institutions; small businesses or organizations.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Timothy Sprehe. 395–4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collecion should be sent to Timothy Sprehe, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: March 26, 1984.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 84–8775 Filed 4–2–84; 8:45 am]

BILLING CODE 3510–DW–M

International Trade Administration

[A–301–004]

Fresh Cut Roses From Colombia: Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for respondents in this investigation that the final determination be postponed, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) 19 U.S.C. 1673d(a)(2)(A)); and, that we have determined to postpone our final determination as to whether sales of fresh cut roses from Colombia have

occurred at less than fair value, until not later than July 27, 1984.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Paul Thran, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377–4929 or 377–3963.

SUPPLEMENTARY INFORMATION: On October 26, 1983, the Department of Commerce published notice in the Federal Register (48 FR 49530) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673(b)), an antidumping investigation to determine whether fresh cut roses from Colombia were being, or were likely to be, sold at less than fair value. On March 14, 1984, we published a preliminary determination of sales at less than fair value with respect to this merchandise (49 FR 9597). The notice stated that if this investigation proceeded normally we would make our final determination by May 22, 1984.

On March 13 and March 28, 1984, counsel for respondents in this case requested that we extend the period for the final determination until July 27, 1984, 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it publishes notice of its preliminary determination if the exporters who account for a significant proportion of the merchandise request an extension after an affirmative preliminary determination. Accordingly, we will issue a final determination in this case not later than July 27, 1984.

The date for the public hearing originally scheduled for March 30 is being changed. If requested, we will hold a public hearing on April 5, 1984, at 10:00 a.m. in room 4830, Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230. This notice is published pursuant to section 735(b) of the Act.

Dated: March 28, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84–8819 Filed 4–2–84; 8:45 am]

BILLING CODE 3510–DS–M

[C–201–401]

Bars and Shapes From Mexico; Initiation of Countervailing Duty Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of certain deformed concrete reinforcing bars, hot-rolled carbon steel bars, and hot-rolled carbon steel bar-size shapes (bars and shapes), as described in the "Scope of Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before June 6, 1984.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: Terry Link or Mary Jenkins, Office of Investigation, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377–0189 or 377–1756.

SUPPLEMENTARY INFORMATION:

Petition

On March 13, 1984, we received a petition from the Labor-Management Committee for Fair Foreign Competition, Inc., on behalf of U.S. producers of bars and shapes who represent a major proportion of that industry. In compliance with the filing requirements of section 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufactures, producers, or exporters in Mexico of bars and shapes receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Also, critical circumstances have been alleged under section 703(e) of the Act.

"Since Mexico is not a "country under the Agreement" and the merchandise is dutiable" the critical circumstances provision is not applicable." Therefore, under section 303(b)(3) of the Act the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on bars and shapes, and we have found that the petition meets the requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Mexico of bars and shapes, as described in the "Scope of Investigation" section of this notice, receive bounties or grants. Since Mexico is not a "country under the Agreement" and this investigation is under section 303 of the Act, the critical circumstances provision is not applicable (see section 303(b)(3)). Accordingly, we will take no further action on the critical circumstances allegation. If our investigation proceeds normally, we will make our preliminary determination by June 6, 1984.

Scope of Investigations

The products covered by these investigations are certain deformed concrete reinforcing bars, hot-rolled carbon steel bars, and hot-rolled carbon steel bar-size shapes. For a further description of these products, see Appendix A of this notice.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters in Mexico of bars, and shapes receive the following benefits which constitute bounties or grants:

- Fund for the promotion of exportation of Mexican manufactured products (FOMEX)
- Industrial equipment fund providing credit for the production of exports (FONEI)
- Mexican foreign trade institute (IMCE)
- Tax rebates for exports through tax rebate certificates (CEDIs)
- Import duty reduction and exemption
- Preferential federal tax credits (CEPROFI)
- State tax incentives and provision of land on favorable terms
- Investment and development incentives for exports through the Fund for Medium and Small Business (FOGAIN); Trust for Industrial Parks, Cities, and Commercial Centers (FIDEIN);

National Fund for Industrial Promotion (FOMIN); and National Preinvestment Fund for Studies and Projects (FONEP)
- Preferential prices for natural gas, oil, and electricity
- Iron ore and coal at preferential terms
- National Financiera, S.A. (Nafinsa)
- Article 94 loans
- Dual exchange rates
- Provision of equity and other benefits by virture of government ownership and control
- Wage controls
- Port facilities
- Subsidized rail transportation
- Plant security

In addition, we will include in these investigations the Mexican government programs which, in prior cases, we have found might confer countervailable benefits; i.e., preferential federal and state investment incentives; government financed technology development, preferential vessel, freight, and terminal benefits; and investment credits for new machinery. We are not investigating the following:

- Petitioner alledged that FOMEX lends to banks which give credits at preferential terms and interest rates to Mexican consumer durable goods' dealers in border regions to purchase Mexican goods at wholesale. Bars and shapes are not in the category of durable consumer goods to which these benefits apply.
- Petitioner alleged that export credit under FOMEX, is available to companies which purchase Mexican made capital goods as substitutes for imported capital goods. From petitioner's description of this program if there is any benefit, it flows to the producers of Mexican capital goods (not bar and shape producers) who become more competitive with respect to imports of their products. Consequently, we are not investigating this allegation.
- Petitioner alleged that Mexican manufacturers are provided with commerical risk insurance at preferential rates by the Mexican company for security of credit (COMESEC). We found this not to be a subsidy in our *Final Affirmative Countervailing Duty Determination on Certain Iron-Metal Construction Castings (certain castings) from Mexico* (48 FR 8834). Such a program is countervailable if the premium charged is inadequate to cover the long-term operating costs of the program. Petitioner did not allege this to be the case and has presented no new facts to alter our view of this program.
- Petitioner also alleged that Mexican companies are allowed to temporarily import, duty-free, raw materials not available in Mexico which are used for the production of exports. We found this not to be a subsidy in our final determination on certain castings from Mexico, and petitioner has provided no new information to alter our view of this program.
- Petitioner alleged that the construction industry and other industries, receive special rates or favorable methods of taxation. Petitioner did not allege a relationship between the construction industry or any other benefiting industry, and the manufacturers of bars and shapes. Furthermore, petitioner did not demonstrate that benefits received by any of these industries have been passed through to the manufacturers of bars and shapes. Therefore, we will not investigate this allegation.
- Finally, petitioner alleged that certain areas have been declared free zones into and from which merchandise and equipment may be moved on a temporary basis without the payment of customs duties if the latter are re-exported or consumed in processing re-exported items. We found this not to be a subsidy in our final determination on certain castings from Mexico, and petitioner has presented no new facts to alter our view of this program.

Dated: March 28, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

Appendix A—Product Description

1. the term "certain deformed concrete reinforcing bars" cover hot-rolled steel bars, of solid cross-section, having deformations of various patterns on their surfaces; as currently provided for in items 606.7900 and 606.8100 of the *Tariff Schedules of the United States Annotated* (TSUSA).

2. the term "hot-rolled carbon steel bars" covers hot-rolled carbon steel products of solid section not conforming completely to the respective specification given in the headnotes to Schedule G, Part 2, Subpart B of the TSUSA for blooms, billets, slabs, sheet pads, wire rods, plates, sheets, strip, wire, rails, joint bars or tie plates which have cross-sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons; as currently provided for items 606.8310, 606.8330, 606.8350, and 606.8600 of the TSUSA. Includes flat hot-rolled carbon steel products in coils or cut to length with a width of 8 inches or less and a thickness of 0.1875 inch or more.

3. the term "hot-rolled carbon steel bar-size shapes" covers hot-rolled carbon steel angles, shapes and sections, not drilled, not punched and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule G, Part 2, Subpart B of the TSUSA for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates or any tubular products set forth in the USUSA having a maximum cross-sectional dimension of less than 3 inches, as currently provided for in items 609.8050, 609.8070 or 609.8090. This definition includes carbon steel angles, channels, special secions and other assorted carbon steel shapes with a maximum cross sectional dimension of less than 3 inches.

[FR Doc. 84-8820 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meetings with Partially Closed Session and Public Meetings of its Scientific and Statistical Committee, Salmon Plan Development Team, Salmon Advisory Subpanel, Groundfish Advisory Subpanel, Groundfish Task Force, Budget Committee, and Indian Affairs Committee

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meetings with partially closed session.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Pacific Fishery Management Council (Council), its Scientific and Statistical Committee (SSC), Salmon Plan Development Team (SPDT), Salmon Advisory Subpanel (SAP), the joint Groundfish Advisory Sub panel/Task Force (GAP), Indian Affairs Committee, and Budget Committee. The Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-625, as amended), and the Council has established a SSC, planning teams, advisors, and committees to assist the Council in carrying out its responsibilities.

DATES: April 10-12, 1984.

ADDRESS: The meetings will be held at the Holiday Inn—San Francisco Airport, 245 South Airport Blvd., So. San Francisco, CA 94080.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S. W. Mill Street, Portland, OR 97201, (503-221-6352).

SUPPLEMENTARY INFORMATION: *Agendas*—Council (open session)—April 11-12, 1984, (8 a.m. April 11, 8:30 April 12, to completion of scheduled

agenda items each day) in the Maple Ballroom. The Council will consider its FY85 budget proposal, hear a summary of public hearings on the 1984 ocean salmon management measure options, an analysis of those options from the SPDT and comments from the SSC, SAP, the public, state and federal agencies and the Indian Affairs Committee, adopt ocean salmon management measures for 1984, consider a groundfish landing system across management area boundaries amenable to enforcement people and fishermen, consider mid-season adjustment in groundfish management measures and other matters that are brought before the council. A public comment period is scheduled for 4 p.m., Wednesday, April 11, 1984.

Council (closed session)—April 12, 1984 (8 a.m.–8:30 a.m.) in the Maple Ballroom. This session is scheduled contingent upon the need to discuss litigation or pesonnel matters. Only those Council members and staff having security clearance will be allowed to attend this closed session.

SSC—April 10–11, 1984 (10 a.m. to 5 p.m., April 10; 8 a.m. to 5 p.m., April 11) in the Rosewood room. Review the SPDT analysis of the 1984 ocean salmon management measure options adopted by the Council for public review, review the status of the 1984 groundfish fishery and a mid-season adjustment in that fishery recommended by the Groundfish Management Team and the GAP and other matters that may be referred to the Committee, and prepare recommendations for the Council. All sessions are open to the public. A public Comment period is scheduled for 3 p.m., April 10, 1984.

SAP—April 10, 1984, 10 a.m. to 5 p.m. in the Maple room. To discuss the SPDT analysis of the 1984 ocean salmon management measures adopted by the Council for public review and other matters that may be referred to the panel, and prepare recommendations for the Council. All sessions are open to the public. A public comment period is scheduled for 1 p.m.

GAP—April 10, 1984, 10 a.m. to 5 p.m. in the Cyprus room. This joint meeting of the Groundfish Advisory Subpanel and ad hoc Groundfish Task Force will discuss a report from the ad hoc Groundfish Landings System group; review the GMT status report on the 1984 groundfish fishery and recommendations for a mid-season adjustment in that fishery; consider the report on the role of groundfish advisors and other matters that may be referred to this joint group and prepare recommendations for the Council. All sessions are open to the public. A public comment period is scheduled for 2 p.m.

SPDT—April 10–12, 1984, meeting intermittently during the course of Council and related meetings in Conference room A. To meet with the SAP, SSC, and the Council during their deliberation to present their analysis of the 1984 ocean salmon management measures adopted by the Council for public review, and to analyze additional option(s) developed by the Council. Sessions are open to the public and public comment may be presented for the SPDT during the public comment periods scheduled during any of the related meetings while the Team is present.

Budget Committee—April 10, 1984, 3 p.m. to 5 p.m., in Conference room A. Review a proposed FY85 administrative and programmatic budget submitted by the staff and prepare recommendations for the Council. This session is open to the public.

Indian Affairs Committee—April 10, 1984, 7 p.m. to 9 p.m., in the Rosewood room. Develop recommendations for Indian ocean salmon management measures for consideration by the Council. This session is open to the public.

Dated: March 28, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-8782 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Roberts Laboratories, Inc., having a place of business in Colts Neck, New Jersey 07722 an exclusive right to manufacture, use, and sell products embodied on the invention entitled "Nitroimidazoles of Low Toxicity and High Activity as Radiosensitizers of Hypoxic Tumor Cells," U.S. Patent Application S.N. 6-075,603 and Continuation-in-Part S.N. 6-180,373. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

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

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

Douglas J. Campion,

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

[FR Doc. 84-8812 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Delegation of Authority

AGENCY: Patent and Trademark Office, Commerce.

The following memorandum is a delegation of authority from Assistant Secretary for Trade Administration to Assistant Secretary and Commissioner of Patents and Trademarks under the Export Administration Act of 1979, as amended, and other statutes.

February 17, 1984.

Memorandum to Gerald J. Mossinghoff, Assistant Secretary and Commissioner of Patents and Trademarks

From: William Archey, Acting Assistant Secretary for Trade Administration

Subject: Delegation of Authority under the Export Administration Act of 1979, as amended, and other statutes.

You have requested our clearance of a final rule, entitled "Revision of Foreign Filing License Procedure" (37 CFR Parts 1 and 5), scheduled to become effective June 1, 1984. This rule, among other things, revises procedures for obtaining licenses authorizing the foreign filing of patent applications for U.S. inventions as required under the patent laws (35 U.S.C. 184). In addition, it revises procedures under which the Patent and Trademark Office (PTO) authorizes the export of technical data for purposes related to the filing of a foreign patent application. The export of such data is normally subject to licensing under the Export Administration Regulations (EAR) (15 CFR Part 379), issued under the Export Administration Act of 1979, as amended (50 U.S.C. app section 2401 *et seq.*), and the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3201 et seq.). However, the EAR delegates licensing authority to the PTO in instances where the patent regulations (37 CFR Part 5) are complied with.

We have reviewed the final rule referred to above and have no objections to its issuance.

Additionally, in order to assure that PTO has adequate authority to administer the licensing procedures set out in 37 CFR Part 5, you are hereby delegated any necessary authority under the Export Administration Act of 1979, as amended, and the Nuclear Non-Proliferation Act of 1978. This authority is delegated to me by Part VI, section 1.01, paragraph (q) and (t), of ITA Organization and Function Order No. 41-1 of February 15, 1982, as amended.

Dated: March 30, 1984.

Donald J. Quigg,

Deputy Commissioner of Patents and Trademarks.

[FR Doc. 84-8887 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Level for Certain Cotton Textile Products Produced or Manufactured in Pakistan

March 29, 1984.

ACTION: Reducing from 560,020 dozen pairs to 528,617 dozen pairs the limit established during 1984 for cotton gloves and mittens in Category 331, produced or manufactured in Pakistan, 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), May 3, 1983 (48 FR 19924) and December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

SUMMARY: The Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan provides for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the category level in the succeeding year. Under the terms of the bilateral agreement, as amended, the level of restraint established for cotton textile products in Category 331 is being adjusted for carryforward used in 1983 which amounted to 31,403 dozen pairs.

EFFECTIVE DATE: April 4, 1984.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 16, 1983, a letter was published in the **Federal Register** (48 FR 55892) from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 331, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1984 and extends through December 31, 1984. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for Category 331 to 528,617 dozen pairs.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 29, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: On December 13, 1983, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry of cotton textile products exported during the twelve-month period beginning on January 1, 1984 and extending through December 31, 1984, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Effective on April 4, 1984, paragraph 1 of the directive of December 13, 1983 is hereby amended to include an adjusted level of restraint of 528,617 dozen pairs [2] for cotton textile products in Category 331.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate limit, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to account for any imports after December 31, 1983.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-8787 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines, Effective January 1, 1984; Correction

On December 21, 1983 a notice was published in the **Federal Register** (48 FR 56425), which established import restraint levels for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of the Philippines and exported during 1984. In the letter to the Commissioner of Customs of December 16, 1983, which followed that notice, the limit for man-made fiber textile products in Category 631 pt. should have been 1,802,283 dozen pairs, instead of 1,802,203 dozen pairs. The limit for cotton textile products in Category 352 pt. should have been 104,448 dozen, instead 87,925 dozen.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-8788 Filed 4-2-84; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

United States Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, Sections 1-15), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medicinal Chemistry.

Date of meeting: April 26 and 27, 1984.

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

Proposed Agenda

This meeting will be open to the public from 0830-1030 hrs on April 26 for the administrative review and discussion of the scientific research program of the Medicinal Chemistry Group. Attendance by the public at open

sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and Sections 1–15 of Appendix, the meeting will be closed to the public from 1100–1200 hrs and 1300–1630 hrs on 26 April and from 0900–1215 hrs on April 27 for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 84–8969 Filed 4–2–84; 8:45 am]

BILLING CODE 3710–08–M

United States Army Medical Research and Development Advisory Committee, Subcommittee on Pharmacology; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix, Sections 1–15), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Pharmacology

Date of meeting: April 25, 1984.

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

Proposed Agenda

This meeting will be open to the public from 0830–0945 hrs on April 25 for the administrative review and discussion of the scientific research program of the Pharmacology Group. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), U.S. Code, Title 5 and Sections 1–15 of Appendix, the meeting will be closed to the public from 1000–1200 hrs and 1300–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

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

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 84–8968 Filed 4–2–84; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Small Boat Harbor at Chignik, Alaska

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action is to determine the feasibility of constructing a small boat harbor near the village of Chignik. The harbor would shelter the area's fishing fleet.

2. Two alternative sites in Anchorage Bay near the village will be considered in detail. Each site alternative would be identical in size and in shape, approximately 8 acres of protected mooring and maneuvering space. The harbor basin would be dredged to a depth of −9.5 to −14.5 feet Mean Lower Low Water, resulting in approximately 21,000 cubic yards of material. The material would most likely be used as fill for a staging area located between the shoreline and the basin boundary. A no action alternative also would be considered.

(3). (a) A Reconnaissance Report was completed in September 1983 and agency coordination initiated. Public meetings on the project were held in Chignik in June 1981, April 1982, and June 1983. Scoping of the DEIS will include continued coordination with interested local, State and Federal agencies and other interested parties. Scoping meetings are not planned at this time.

(b) Anticipated subjects to be addressed include, but are not limited to: alternatives, social economic impacts, cultural resources, water quality, marine flora and fauna, endangered species, aesthetics, and measures to minimize adverse impacts.

4. The expected competition date of the DEIS is not known at this time.

ADDRESS: Questions about the proposed action and the DEIS can be answered by: William D. Lloyd, Chief, Environmental Resources Section, U.S. Army Engineer District, Alaska, Pouch 898, Anchorage, Alaska 99506.

Dated: March 26, 1984.

L. L. Saage,

Acting District Engineer.

[FR Doc. 84–8773 Filed 4–2–84; 8:45 am]

BILLING CODE 3710–NL–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Special Services for Disadvantaged Students Program

AGENCY: Education Department.

ACTION: Notice of proposed priority for Fiscal Year 1984.

SUMMARY: The Secretary of Education proposes a funding priority for new awards for Fiscal Year 1984 under the Special Services for Disadvantage Students (Special Services) Program.

Under this proposal, the Secretary will give priority to each "acceptable application" submitted under the Special Services Program Fiscal Year 1984 competition by an eligible applicant located in Guam, American Samoa, and the Trust Territory of the Pacific Islands, notwithstanding § 646.30 of the Special Services Program regulations, 34 CFR 646.30.

Authority for the Special Services Program is contained in sections 417A and 417D of the Higher Education Act of 1965, as amended, 20 U.S.C. 1070d, 1070d–1b. Under the program the Secretary is authorized to make grants to institutions of higher education only. The purpose of the grant is to permit an applicant to carry out a project designed to provide supportive services to disadvantaged students who are pursuing programs of postsecondary education.

DATE: Comments regarding the proposed priority must be received on or before May 3, 1984.

ADDRESS: All comments should be sent to Frances A. Bergeron, Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, ROB–3), 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Frances A. Bergeron, Telephone: (202) 245–2511.

SUPPLEMENTARY INFORMATION: Section 1204(a) of the Higher Education Act of 1965 as amended provides in pertinent part that:

The Secretary is authorized to provide such modifications of any programs under this Act as the Secretary deems necessary in order to adapt such programs to the needs of Guam, * * * American Samoa, [and] the Trust Territory of the Pacific Islands, * * *. Such program modifications shall be established in cooperation with the governments of such territories and shall be governed by a memorandum of understanding between such governments and the Department of Education.

Under this authority, the Secretary has entered into a memorandum of understanding with Guam, American Samoa and the Trust Territory of the Pacific Islands. With regard to modifications in the Special Services Program, each memorandum of understanding provides that

Subject to the public comment and other requirements of section 431 of the General Education Provisions Act, the Secretary may give funding priority for new awards under the Special Services Program, Fiscal Year 1984 competition to each "acceptable application" submitted by an eligible applicant located in * * * [Guam, American Samoa, or the Trust Territory of the Pacific Islands] notwithstanding * * * [§] 646.30 of the Special Services regulations.

An "acceptable application" is defined as an application that receives a score of not more than 15 points below the application with the lowest score that would otherwise have been selected for funding under the criteria set forth in §§ 646.31 and 646.32 of the Special Services Program regulations.

The Secretary is requesting comment on whether such a funding priority should be given.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 30th day after publication of this document will be considered before the Secretary issues the final priority.

All comments submitted in response to this proposed priority will be available for public inspection during and after the comment period at the address given at the beginning of this notice, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 1070d–1b and 1144a)

(Catalog of Federal Domestic Assistance Number 84.042 Special Services for Disadvantaged Students Program)

Dated: March 28, 1984.

T. H. Bell,

Secretary of Education.

[FR Doc. 84–8813 Filed 4–2–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP84–312–000]

ANR Pipeline Co.; Request Under Blanket Authorization

March 28, 1984.

Take notice that on March 21, 1984, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP84–312–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that ANR proposes to transport natural gas for Stone Container Corporation (Stone) under the authorization issued in Docket No. CP82–480–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR proposes to transport up to 1,300 dt equivalent of natural gas per day on an interruptible basis on behalf of Stone for an initial term ending not later than June 30, 1985. ANR states that Stone has entered into a gas purchase contract with ANR Production Company (Production Company) for the purchase of up to 1,300 dt equivalent of natural gas per day. ANR further states it would receive the natural gas at either the interconnections of the pipeline systems of ANR and Production Company at various locations in the State of Oklahoma or Production Company would cause Producer's Gas Company (Producer's) or other to tender the natural gas to ANR for Stone's account at existing interconnections of the pipeline systems of ANR and Producer's in the State of Oklahome. ANR would then transport and deliver equivalent volumes to Texas Gas Transmission Corporation (Texas Gas) for Stone's account at the existing interconnection of the pipeline systems of ANR and Texas Gas at Slaughters, Kentucky. ANR indicates that Texas Gas and The Cincinnati Gas & Electric Company would provide additional transportation services for Stone for ultimate use at Stone's facilities located in Warren County, Ohio.

ANR proposes to charge Stone a transportation rate of 55.0 cents per dt for all gas received from Production Company or others in Oklahoma and transported and delivered to Texas Gas for Stone's account. ANR states that such rate is based upon its Rate Schedule EUT–1 on file in FERC Gas Tariff, Original Volume No. 1. ANR further states the proposed rate of 55.0 cents per dt is derived on the basis of a transportation haul of 1,025.5 miles times 3.6 cents per Mcf per 100 miles for a transportation cost of 36.9 cents plus fuel of 18.1 cents.

ANR indicates that the natural gas would be used at Stone's facilities for boiler fuel.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84–8831 Filed 4–2–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2239–002]

E. J. Grassmann Trust et al; Application for Transfer of License (Minor) and Amendment of Order Approving Lease of Project Properties

March 29, 1984.

Take notice that E. J. Grassmann Trust, Caleb Development Corporation, and Tomahawk Power and Pulp Company (Company) formerly Tomahawk Power Company, Lessee for the Kings Dam Project No. 2239, have requested that the project license be

transferred from E. J. Grassmann Trust and Caleb Development Corporation to Tomahawk Power and Pulp Company. The Company also requested that the order approving the lease of project properties for Project No. 2239 be amended to reflect its name change. Realty Transfer Company sold its interest in the project to Caleb Development Corporation on July 31, 1978.

The Kings Dam Project is located on the Wisconsin River in Lincoln County, Wisconsin. The project is currently in operation with an installed capacity of 2,770 kW.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 C.F.R. 385.211 or 385.215, 47 Fed. Reg. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests or motions to intervene must be filed on or before May 10, 1984.

Filing and Service of responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-8832 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-276-000]

Natural Gas Pipeline Company of America; Request Under Blanket Authorization

March 28, 1984.

Take notice that on March 2, 1984, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP84-276-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to transport natural gas on behalf of Stauffer Chemical Company (Stauffer) under the authorization issued in Docket No. CP82-402-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Natural proposes to continue to transport up to 500 Mcf per day of natural gas, less retainage, for Stauffer from May 12, 1984, through June 30, 1985, which term follows the commencement of initial gas deliveries on January 13, 1984. Natural states that the gas to be transported hereunder would be purchased from Producer's Gas Company (Producer's Gas) by Stauffer and would be used to start-up Stauffer's new processing plant in Texas. Natural indicates that the gas to be purchased by Stauffer is not released by Producer's Gas as such is new or surplus gas. It is further stated that Natural would receive volumes of natural gas from Producer's Gas at an existing interconection in Grady County, Oklahoma, and redeliver such gas supplies to Producer's Gas for Stauffer's account at their interconnection in Cass County, Texas.

Natural states that it would charge Stauffer a transportation fee equal to 12.2 cents per million Btu of gas based on Natural's interim settlement cost of onshore transmission in Docket No. RP83-68. It is also stated that Stauffer would pay Natural an added incentive charge of 5.0 cents per million Btu of gas received for transportation through January 31, 1985.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commmission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois d. Cashell,

Acting Secretary.

[FR Doc. 84-8833 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-317-000]

Texas Gas Transmission Corporation; Request Under Blanket Authorization

March 28, 1984.

Take notice that on March 23, 1984, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in docket No. CP84-317-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Texas Gas proposes to transport natural gas for Stone Container Corporation (Stone) under the authorization issued in Docket No. CP82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas proposes to transport up to 1,300 Mcf of natural gas per day and up to 474,500 Mcf of natural gas per year on an interruptible basis on behalf of Stone pursuant to a gas transportation agreement dated December 27, 1983. Texas Gas asserts that it would receive the gas from Stone at Slaughters, Kentucky, and redeliver such gas to The Cincinnati Gas and Electric Company in Butler County, Ohio, for further delivery to Stone. Texas Gas explains that the proposed transportation service would be rendered through the use of existing mainline transmission facilities located between Slaughters, Kentucky, and the Butler meter station in Ohio.

Texas Gas proposes to charge for its services the rate provided in its Rate Schedule T-3/T-4 and in addition would charge Stone an additional incentive charge of 5.0 cents per Mcf as provided in its Rate Schedule AIC. Texas Gas further proposes to retain 1.28 percent of the volumes received as reimbursement for fuel gas.

Texas Gas indicates that the gas would be used at Stone's Franklin, Ohio, plant for the generation of steam heat for use in the paper drying operation with a small amount being used to generate electricity for use in the plant. It is further asserted that Stone has purchased the gas from ANR Production Company (ANR) and that no intermediary participated in the transaction between ANR and Stone.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 84-8834 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[AAA-FRL-2556-5]

EPA Master List of Debarred, Suspended or Voluntarily Excluded Persons

AGENCY: Environmental Protection Agency.

ACTION: EPA Master List of Debarred, Suspended, or Voluntarily Excluded Persons.

SUMMARY: 40 CFR 32.400 requires the Director, Grants Administration Division, to publish in the **Federal Register** each calendar quarter the names of, and other information concerning, those parties debarred, suspended, or voluntarily excluded from participation in EPA assisted programs by EPA action under part 32. Assistance (grant and cooperative agreement) recipients and contractors under EPA assistance awards may not initiate new business with these firms or individuals on any EPA funded activity during the period of suspension, debarment, or voluntary exclusion.

This short list contains the names of those persons who have been listed as a result of EPA actions only. It is provided for general informational purposes only and is not to be relied on in determining a person's current eligibility status. A comprehensive list, updated weekly, is available in each Regional Office. Inquiries concerning the status of any individual, organization, or firm should be directed to EPA's Regional or Headquarters office for grants administration that normally serves you.

DATE: This short list is current as of March 19, 1984.

FOR FURTHER INFORMATION CONTACT: Frank Dawkins, of the EPA Compliance Staff, Grants Administration Division, at (202) 475-8025.

Dated: March 28, 1984.

Harvey G. Pippen, Jr.,

Director, Grants Administration Division (PM-216).

EPA MASTER LIST OF DEBARRED, SUSPENDED AND VOLUNTARILY EXCLUDED PERSONS

Name and jurisdiction	File No.	Status [1]	From	To	Grounds
Anderson, John A. (Kearney, NE)	83-0032-01	D	11-02-83	05-01-84	§ 32.200 (a)(f).
Anderson, Scott (Walnut Creek, CA)	83-0004-01	D	06-17-83	06-16-86	§ 32.200 (a)(b)(e)(f).
Ashland-Warren, Inc. (McMinnville, TN)	82-0401	D	09-22-82	05-06-86	§ 32.200 (a)(e).
Atlas Prestressing Corp. (Panorama City, CA).	83-0050-00	D	08-02-83	08-01-86	§ 32.200 (a).
Averill, Ernest Jr. (Fort Myers, FL)	83-0066-06	S	12-02-83	Open	§ 32.200 (b).
Bowe, Walsh and Associates, Inc. (Melville, NY).	83-0040-00	D	04-14-83	04-13-86	§ 32.200 (a)(e).
Bowers Excavating & Fencing, Inc. (Klamath Falls, OR).	83-0058-01	D	06-27-83	12-27-84	§ 32.200 (b)(e)(i).
Bowers, Joe (Klamath Falls, OR)	83-0058-01	D	06-27-83	12-27-84	§ 32.200 (b)(e)(i).
Bowers, John (Klamath Falls, OR)	83-0058-02	D	06-27-83	12-27-84	§ 32.200 (b)(e)(i).
Christian, Burl Gene (Denver, CO)	83-0050-02	VE	11-03-83	11-02-84	§ 32.200 (a).
Errichetti, Angelo J. (Camden, NJ)	83-0040-04	D	04-14-83	04-13-86	§ 32.200 (a)(b).
Freidrich, Rene (Saratoga, CA)	83-0003-01	VE	12-23-83	12-22-84	§ 32.200 (a).
Gabey, Martin (Northport, NY)	83-0040-02	D	12-16-83	12-15-86	§ 32.200 (a).
Harry Johnson Plumbing, Co., Inc. (Walla Walla, WA).	83-0060-00	D	07-22-83	07-21-86	§ 32.200 (b)(c)(e)(i).
Herbert G. Whyte, Associates, Inc.	82-0501	D	10-20-82	10-19-85	§ 32.200 (b)(e).
Hunter, James C. (Gardena, CA)	83-0002-02	D	07-07-83	07-06-86	§ 32.200 (a).
Jackson, Manly (San Jose, CA)	83-0048-02	D	06-27-83	06-26-86	§ 32.200 (a).
Johnson, Mark (Walla Walla, WA)	83-0060-01	D	07-22-83	07-21-86	§ 32.200 (b)(c)(e)(i).
Keller, John (Timonium, MD)	83-0048-01	D	09-09-83	03-08-85	§ 32.200 (a).
L. A. Reynolds Co. (Winston Salem, NC)	83-0036-00	D	07-01-83	06-30-86	§ 32.200 (a).
Long, Harold Delmar (Los Gatos, CA)	83-0050-01	D	07-07-83	07-06-86	§ 32.200 (a).
Municipal & Industrial Pipe Services, Ltd. (Douglasville, GA).	82-0601 82-0408	D	10-07-82	02-16-87	§ 32.200 (b)(c)(e)(i).
Newman, Fred M. (Vienna, VA)	83-0072-01	D	09-30-83	09-29-86	§ 32.200 (i).
Newman, Richard Gordon (Pierre, SD)	83-0041-00	D	11-29-83	11-28-86	§ 32.200 (a).
Post-Tensioning Service Corp. (Saratoga, CA).	83-0001-00	D	07-08-83	07-07-86	§ 32.200 (a).
Reynolds, Jon R. (Winston Salem, NC)	83-0036-01	D	07-01-83	06-30-86	§ 32.200 (a).
Rhoades, R. Michael (Newton, KS)	83-0035-01	VE	10-21-83	04-20-84	§ 32.200 (a).
Richmond, Elwood P. (Grand Forks, ND)	83-0006-01	D	06-06-83	06-05-86	§ 32.200 (a)(f).
Richmond Engineering, Inc. (Grand Forks, ND).	83-0006-00	D	06-06-83	06-05-86	§ 32.200 (a)(f).
Richmond, Lloyds W., Jr. (Grand Forks, ND).	83-0006-02	D	06-06-83	06-05-86	§ 32.200 (a)(f).
Shepherd, Frank A. (Savannah, TN)	83-0046-01	D	07-15-83	11-03-85	§ 32.200 (a).
Stramaglia, Louis Vito (Utica, MI)	83-0066-00	S	12-02-83	Open	§ 32.300.
Stresteel Corporation (Wilkes-Barre, PA)	83-0051-00	D	08-02-83	02-01-85	§ 32.200 (a).
Suburban Grading & Utilities, Inc. (Norfolk, VA).	83-0022-00	D	03-29-83	03-28-85	§ 32.200 (a).
Swanson, David (Los Gatos, CA)	83-003-002	VE	11-03-83	11-02-84	§ 32.200 (a)(f).
Vanderhurst, William (Saratoga, CA)	83-0001-01	D	07-08-83	07-07-86	§ 32.200 (a).
Walsh, Charles T. (Huntington Bay, NY)	83-0040-01	D	04-14-83	04-13-86	§ 32.200 (a).
Walstad, Merrill (Huntington Beach, CA)	83-0003-03	D	06-27-83	06-26-86	§ 32.200 (a).
Watts, Richard (Los Gatos, CA)	83-0003-04	VE	11-03-83	11-02-84	§ 32.200 (a).
Whyte, Herbert G. (Gary, IN)	82-0501	D	10-20-82	10-19-85	§ 32.200 (b)(e).
Wirt, David (Douglasville, GA)	82-0601 82-0408	D	10-07-82	02-16-87	§ 32.200 (b)(c)(e)(i).
Wirt, Gordon D. (Douglasville, GA)	82-0408	D	12-07-82	02-16-87	§ 32.200 (c)(e).
Wirt, Judith C. (Douglasville, GA)	82-0408	D	12-07-82	02-16-87	§ 32.200 (c)(e)(i).
Wm. Anderson Co., Inc. (Kearney, NE)	83-0032-00	D	11-02-83	05-01-84	§ 32.200 (a)(f).
Womack, Jerry T. (Norfolk, VA)	83-0022-01	D	03-29-83	03-28-85	§ 32.200 (e).
Young, Frederick M. (Fayetteville, TN)	83-0025-01	S	07-19-83	Open	§ 32.200 (a).
Zeigler, Beaty Stevens (Sumter, SC)	83-0045-01	VE	07-15-83	08-31-86	§ 32.200 (a).

[1] D=Debarred; S=Suspended; VE=Voluntarily Excluded.

[FR Doc. 84-8684 Filed 4-2-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2049]

Cesar Justo Rizzoni DBA Omega Forwarding Co.; Reissuance of License

By Notice served and published in the Federal Register, Independent Ocean Freight Forwarder License No. 2049 was revoked, effective February 26, 1984 for failure to maintain a valid surety bond on file with the Commission. The Notice of Revocation was served on March 6, 1984.

An appropriate surety bond has been received in favor of Cesar Justo Rizzoni dba Omega Forwarding Company and compliance pursuant to section 44, Shipping Act, 1916, and section 510.15 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in section 9.09(a) of Commission Order No. 1 (Revised), dated September 27, 1983, Independent Ocean Freight Forwarder License No. 2049 shall be reissued to Cesar Justo Rizzoni dba Omega Forwarding Company effective March 27, 1984. A copy of this notice shall be published in the Federal Register and served upon Cesar Justo Rizzoni dba Omega Forwarding Company.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-8785 Filed 4-2-84; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1376-R]

Sunvan International, Inc.; Reissuance of License

By Notice served and published in the Federal Register, Independent Ocean Freight Forwarder License No. 1376-R was revoked, effective March 16, 1984 for failure to maintain a valid surety bond on file with the Commission. The Notice of Revocation was served on March 21, 1984.

An appropriate surety bond has been received in favor of Sunvan International, Inc. and compliance pursuant to section 44, Shipping Act, 1916, and section 510.15 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in section 9.09(a) of Commission Order No. 1 (Revised), dated September 27, 1983, Independent Ocean Freight Forwarder License No. 1376-R shall be reissued to Sunvan International, Inc. effective March 27, 1984. A copy of this notice shall be published in the Federal Register and served upon Sunvan International, Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 84-8784 Filed 4-2-84; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Kenneth N. Garrison d.b.a. Ken Garrison & Co., 7211 North Loop East, Houston, TX 77028

Unlimited Shipping Agency, Inc., 9950 West Lawrence Avenue, Suite 111, Schiller Park, IL 60176, Officer: H. Ron Jordan, President, Edward Lieser, Myron Shore, Mayer Levin

International Trading Partners, Inc. d.b.a. ITP, 11 East 44 Street, Suite 301, New York, NY 10017, Officers: Philip J. Wahl, President, Mary J. Cesare, Executive Vice President

By the Federal Maritime Commission.

Dated: March 29, 1984.

Francis C. Hurney,

Secretary.

[FR Doc. 84-8783 Filed 4-2-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0515]

Proposals to Reduce Risk on Large-Dollar Transfer Systems

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comments.

SUMMARY: The Board of Governors is requesting public comment on proposals to reduce risks on large-dollar wire transfer systems. The Board is concerned that developments that could arise in connection with such systems may destabilize financial markets and disrupt the nation's economy.

DATE: Comments must be received by July 27, 1984.

ADDRESS: Comments, which should refer to Docket No. R-0515, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules regarding availability of information, 12 CFR § 261.6(a).

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director, Division of Research and Statistics (202/452-3368); David B. Humphrey, Chief, Financial Studies Section, Division of Research and Statistics (202/452-2557); Elliott C. McEntee, Associate Director, Division of Federal Reserve Bank Operations (202/452-2231); Jeffrey C. Marquardt, Economist, Division of International Finance (202/452-2360); Gilbert T. Schwartz, Associate General Counsel, Legal Division (202/452-3625); or Joseph R. Alexander, Attorney, Legal Division (202/452-2489). Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

Background

Large-dollar electronic funds transfer systems [1] have become an integral part of both the domestic and international dollar payments mechanism, and play a crucial role in support of U.S. financial and real economic activity. The manner in which private systems generally are structured, however, creates significant risks for the institutions that participate in them and other sectors of the economy as well.

Any depository institution wishing to transfer funds ("the sender"), for its own account or for the account of a customer, to another depository institution ("the receiver"), for the

[1] The term "large-dollar electronic funds transfer systems" (also referred to as "electronic payments systems" or "wire networks") refers here to networks composed of more than two participants transferring payment messages of both large average and large aggregate value, and providing for settlement, i.e. the actual transfer of funds. Such systems may involve a time lag between the transmission of the payment messages and settlement that gives rise to intra-day inter-bank credit exposures. Under these criteria, there are presently four large-dollar electronic funds transfer systems: Fedwire (the Federal Reserve's wire transfer system), CHIPS (Clearing House Interbank Payments System, operated by the New York Clearing House Association), CashWire (operated by a consortium of banks), and CHESS (Clearing House Electronic Settlement System, operated by the Chicago Clearing House Association).

benefit of the receiver or a customer of the receiver, has several networks that it might use.[2] The choice of a network can involve several business and technical considerations.

If a transfer is made over Fedwire, § 210.36(a) of Regulation J, 12 CFR § 210.36(a), provides that the transfer is final when the receiver's Reserve Bank credits the receiver's account or sends the advice of credit; at that point the transfer is irrevocable, and the receiver has actually and finally collected funds. If the sender's Reserve Bank processes the transfer when the sender did not have sufficient funds in its account to cover the amount of the transfer, the sender incurs a "daylight overdraft" in its account with the Federal Reserve. The Federal Reserve bears the risk of loss if the sender is unable to cover this overdraft. The failure of an institution to cover daylight overdrafts on Fedwire, therefore, would by itself have no effect on other institutions, including the receiver; all of the loss would be absorbed by the Federal Reserve.

Private wire networks, however, are typically net settlement networks; that is, they operate by the transmission of payment messages throughout the day with settlement of net positions at the end of the day. The temporal gap between the sending of payment messages and their settlement gives rise to net intra-day credit exposures among participants in private networks. These exposures are often quite large. Should a participant be unwilling or unable to settle a large net debit position,[3] its corresponding net creditors could experience a sudden, rapid deterioration in their financial positions. The term "systemic risk" refers to the possibility that the failure of one participant in a private network would so jeopardize the financial condition of its net creditors on that network, that its creditors, in turn, would also be unable to settle. The concept of systemic risk is also used to encompass the possible effects of settlement failure on the entire financial system. The failure of one participant to settle could affect not only other network participants, but also the full range of creditors of network participants, including bank and nonbank depositors. Sudden, large changes in the financial condition of both network participants and their creditors could lead to serious disruptions in money and other financial markets, as well as to the disruption of trade and commercial activities.

Industry groups, as well as the Federal Reserve, have been concerned by these risks for some time. For example, in April, 1982, the Association of Reserve City Bankers ("ARCB") published a *Report on the Payments System*, which identified risk as one of the major issues facing participants in the nation's payments system. The ARCB's Payments System Committee subsequently established a task force to study the issue further. The Risk Task Force issued its report, *Risks in the Electronic Payments Systems*, in October, 1983, suggesting, *inter alia*, that certain types of voluntary credit limits be established to minimize the possibility that any participant would be unable to settle its end-of-day position on any network.

The Federal Reserve is particularly concerned about current payments system risks. First and foremost, the Federal Reserve is concerned about developments that may destabilize financial markets. Moreover, Congress has given the Federal Reserve a unique role in the nation's payments mechanism that justifies attention on the part of the System with the efficiency and safety of large-dollar payments systems. Indeed, the Federal Reserve's responsibility for the implementation of monetary policy, as well as its responsibility as a bank supervisor, requires the preservation of a safe and efficient payments mechanism. Further, to reduce systemic risk, the Federal Reserve may be called upon as lender of last resort to prevent one participant's settlement failure from spreading further through the banking system and into the rest of economy.

Initially, the Federal Reserve's concern with payments system risks was centered on the problems associated with daylight overdrafts on Fedwire. In September, 1981, the Board directed reserve Banks to discourage daylight overdrafts and to prevent institutions from incurring large daylight overdrafts on a regular basis. Subsequently, in May, 1982, the Board announced a three-part policy for dealing with these overdrafts. The components of this policy are: (1) Moving toward collateralization of daylight overdrafts arising out of wire transfers of book-entry U.S. government and federal agency securities; (2) *ex post* monitoring of daylight overdrafts resulting from Fedwire funds transfers (those not arising out of book-entry securities transfers) and counseling those institutions incurring daylight overdrafts of inordinate frequency, duration, or size; and (3) full collateralization and real-time monitoring of Fedwire overdrafts of U.S. branches and agencies of foreign banks and Edge Act and agreement corporations.

The Board realized, however, that without a program to control risks across all wire transfer systems, reduction of Fedwire daylight overdrafts would not reduce systemic risks, because transfers (and overdrafts) on Fedwire would simply shift to other networks. To that end, the Board directed its staff to undertake a study of the risks associated with large-dollar wire transfer systems.

During the course of this study, there have been several other important developments:

- In October, 1982, the Board provided CashWire[4] access to the Federal Reserve's net settlement service. This access was conditioned on CashWire's adoption of an aggregate intra-day net debit limit applicable to each CashWire sender ("sender net debit cap"). CashWire has also adopted requirements that each participant adopt an intra-day net credit limit *vis-a-vis* each other participant ("bilateral net credit limits"), and that each participant guarantee irrevocable availability of funds received over CashWire to its customers. Each of these measures reduces the effect that a CashWire participant's inability to settle would have upon other participants and their customers.

- Also in late 1982, the Board established the Federal Advisory Council/Thrift Institutions Advisory Council (FAC/TIAC) Payments System Committee to consider the issue of payment system risk. In November, 1983, the Committee issued a report containing several important proposals that are discussed more fully below.[5]

- In August, 1983, the Federal Financial Institutions Examination Council adopted a uniform manual of procedures for examination of funds transfer activities of depository institutions on large-dollar wire transfer networks, as well as nonsettling

[2] Transfers of funds involving traditional correspondent banking arrangements are also a possibility. Banks may also transmit payment messages over a nonsettling communications network and settle later over a settling network or through adjustment of correspondent balances.

[3] The failure of an institution to settle may be related to its funds transfer activities, to other activities, or even to circumstances, such as political developments, that are beyond the institution's control.

[4] CashWire is a service offered by the Payment and Administrative Communication Corporation (PAC), which is owned by a consortium of 180 U.S. banks. PAC also offers a nonsettling communication service (BankWire II). The 17 banks using the CasWire service exchange about 350 messages per day, with an average value of $700,000 per transfer.

[5] Copies of this report are available from the Secretary of the Board at the address listed above.

communications networks. The new procedures have been designed to disclose deficiencies in the internal credit and operational controls of those institutions participating on these networks, and to assess the adequacy of senior management's supervision of such activities.

• In March, 1984, CHIPS [6] began testing bilateral net credit limits. Under this test, each participant sets the maximum amount of net payments it will accept from each of the other participants over CHIPS. CHIPS intends to have these credit limits fully implemented by October, 1984. When these limits are effective, however, receivers will not, as on CashWire, be required to provide the beneficiaries with irrevocable access to payments received over CHIPS prior to settlement. CHIPS has also decided in principle to adopt sender net debit caps, and has formed a task force to study the implementation of these caps. This task force will also explore ways of making CHIPS payments final. This task force is to report by year-end 1984.

• The ARCB has also formed a task force to develop guidelines and procedures for the establishment by each institution of voluntary sender net debit caps as recommended by its Risk Task Force and the FAC/TIAC Committee.

These developments demonstrate that participants in the large-dollar payments systems (the private sector as well as the Federal Reserve) are increasingly aware of the risks such systems entail and are beginning to take steps to control them. At this point, the Board believes that it is appropriate to solicit public comment on several methods that could be used, individually or in concert, by the banking industry, the Federal Reserve, or both to achieve these goals.

Objectives of a Risk Reduction Policy

The Board believes that there are several important goals that any policy to reduce risks on large-dollar transfer systems must seek. These goals are not mutually exclusive, although in some cases, attainment of one of the goals may, in the short-run, work against the attainment of one or more of the other goals. The Board realizes, therefore, the necessity of some short-run trade-offs among these goals.

1. *Contain the effects of a settlement failure.* Potential settlement failures pose the threat that their effects could spread beyond the participants to the banking system as a whole, to other financial markets, and to the rest of the economy. An important goal of a risk reduction policy is, therefore, to contain the effects of a settlement failure.

2. *Reduce the volume of intra-day credit exposures.* As noted above, the principal source of risk in wire networks is the amount of intra-day credit exposure incurred by senders and receivers in connection with wire transfers. Reduction of the aggregate volume of daylight credit exposure is, therefore, a primary goal of a risk reduction program.

3. *Control remaining credit risk.* Some extensions of credit are, perhaps, inescapable if large-dollar networks are to run smoothly. Another goal of a risk reduction policy is, accordingly, to encourage institutions participating on such networks to exercise prudent judgment in extending and managing such credit.

4. *Smooth operation of the payments system.* As was noted at the outset, large-dollar electronic funds transfer systems are an integral part of the payments mechanism. Any risk reduction program must, therefore, seek its objectives without causing undue operational disruptions to the payments mechanism.

The public may wish to comment on these goals and provide its views on whether there are other goals that should be sought.

Methods of Reducing Risks

In the course of its study of payment system risk, the Federal Reserve considered and discussed with the FAC/TIAC Committee and private sector participants numerous proposals for reducing risks. The methods discussed below, on which the Board is explicitly requesting comment, are those that appear to be best suited to attaining the goals discussed above. Each of these methods may be used singly or in concert, and the Board asks commenters for their views on whether a particular combination of these methods would be best. Commenters are, of course, free to suggest alternative methods which might be used, singly or in combination with other methods, to reduce payment systems risk.

The Board also considered several other risk reduction options, including collateralization of sender net debit positions, charging a fee for extending intra-day credit, and methods to assure settlement (such as settlement insurance or agreements among participants on a network to cover a failed sender's settlement obligations on that network). Each of these options poses difficulties that, in the Board's view, make them undesirable. For example, collateralization would appear merely to shift risks from those holding collateral to the deposit insurance funds, and available collateral is not likely to provide the liquidity necessary to assure settlement.[7] Any pricing proposal would have to overcome the exceedingly difficult problem of determining an appropriate price for the intra-day extension of credit. While settlement insurance and other methods of assuring settlement would tend to minimize the disruptions that a settlement failure would cause, they may tend to reduce the degree of prudence exercised by individual participants, who would look to others for the protection of their positions. Commenters may wish to provide their views on how these difficulties might be overcome.

While the Board requests specific comments on the issues presented below, it also requests comments on the degree to which the intensely competitive atmosphere in which payment services are offered may act as a constraint on some of the risk reduction options. For example, in the current environment, would completely voluntary measures be adequate, should examiner review of risk reduction measures be an essential part of a risk reduction program, or should the Federal Reserve and the other regulators of financial institutions take a more active role in designing and enforcing risk reduction measures?

1. *Sender net debit caps.* These limits would impose a maximum ceiling or "cap" on the aggregate net debit position (i.e., the value of all sends in excess of the value of all receives) that an individual sender could incur on any one network or across all networks during a day. A sender net debit cap applied across all networks would permit net debits on one network to be offset by net credits on another, and would impose a maximum intra-day debit exposure on each sending institution. CashWire, as previously noted, imposes a net debit cap of 50 percent of the sender's capital for net positions on that one network. This cap is applied on a real-time basis; any payment message that would bring the sender in excess of its cap is rejected. The Fedwire daylight overdraft policy, in principle, imposes a sender cap equal to 50 per cent of capital as well, but this

[6] CHIPS (Clearing House Interbank Payments System) is owned and operated by the New York Clearing House Association. This network processes about 75,000 transactions per day, each having an average size of about 3 million.

[7] As discussed below, collateralization may be useful in securing Fedwire daylight overdrafts of Edge Act and agreement corporations and U.S. branches and agencies of foreign banks, and for daylight overdrafts arising out of the transfers of book-entry U.S. Treasury and federal agency securities.

cap is monitored on an *ex post* basis. When funds transfers cause daylight overdrafts to exceed the cap, the overdrafting institution is counseled; individual transfers are not rejected.

The purpose of sender net debit caps is to reduce the size of intra-day credit exposure. Some have argued that to be effective and equitable, the cap must apply to a sender's total net debit position across all large-dollar transfer systems; otherwise, volume (and risk) would be shifted from networks which imposed caps to those that did not, or, if caps were imposed on each network, volume (and risk) would shift to networks with "unused" caps. New networks might also proliferate. Others have argued that caps on each network would be effective because a large number of networks would not develop.

While debit caps would reduce risks, one effect of such caps is the possibility that senders would be so severely constrained by these limits as to be unable to make the volume of payments requested by their customers.[8] Alternatively, individual senders may delay making payments in order to minimize the risk of being bound by their debit cap. This might shift the burden of the cap to other banks and generally slow the process of making payments.

Some have also argued that sender caps, if based on a percentage of capital and applied uniformly, would be unfair to banks located in unit banking states, because banks in those states fund a larger proportion of their assets through overnight federal funds borrowings. Thus, daylight overdrafts on Fedwire from the morning repayment of federal funds borrowed the previous day may be significantly larger for banks operating in unit banking states than for banks operating in states that permit branching.

There are several steps that could be taken to alleviate these concerns. One would be to set caps initially at higher than optimal levels, lowering them in stages over time. A second procedure which might be helpful would involve the adoption by individual networks of general "rules" which seek to minimize the extent to which one sender could purposely and consistently delay payments until later in the day in order to shift its daylight exposure problem to others who continue to send payments early in the day. With any form of binding net debit cap, it is likely that an intra-day funds market would develop and/or institutional changes would occur in the overnight funds markets (e.g., earlier transfer of the proceeds of borrowing, later repayments of borrowings, increased reliance on term funds, etc.) that would ease the burden of constraints on sender net debit positions. Such market developments would, however, involve adaptations that require lenders and borrowers to share explicitly risks and costs in a market-determined way, and should, as a result, reduce risk but increase participant costs.

Several private sector study groups support sender net debit caps. For example, the FAC/TIAC Payment Systems Committee recommended "[t]he prompt establishment of caps by each sending institution on its overall net debit position across all payments systems, including Fedwire * * *." The ARCB Task Force also recommended that caps be established, and the ARCB has formed a working group to develop guidelines and procedures to be used to aid depository institutions in setting their own sender net debit caps across all networks. The New York Clearing House Association has also adopted the principle of sender net debit caps for CHIPS participants, and has appointed a committee to study the implementation of these caps on CHIPS. The Board welcomes these and other efforts, believing that they are indications of the seriousness with which the private sector is approaching the issue of payments systems risk.

The Board seeks comment on whether sender net debit caps are a useful and appropriate method of reducing wire transfer risk. The Board especially desires comments on the following questions:

- Should institutions be encouraged to establish sender net debit caps?
- Should the caps be established across all networks, or be established separately for each network?
- Should each institution establish its own caps, or should each network, or the Federal Reserve, establish caps for participants based on objective criteria?
- Should examiners review the caps that are set?
- If caps are set individually or by private networks, how should Fedwire daylight overdrafts be treated?
- If caps are to be established on the basis of objective criteria, what should those criteria be?

—percentage of capital;

—other factors, such as an institution's internal controls, type of business, quality of management;

—a combination of percentage of capital and other factors?

- If caps are to be based on capital, what should the percentage be? Should this percentage be lowered over time to reduce risks further?
- How much lead-time is desirable between the adoption of a policy of caps and the date on which such caps become effective?
- Will the market respond to caps with developments, such as an intra-day federal funds market or institutional modifications in the overnight federal funds and other markets, that will reduce the possibility of payments mechanism disruptions?
- Would some institutions—such as those from unit banking states, Edge Act and agreement corporations, or U.S. branches and agencies of foreign banks—face special problems in the implementation of caps?
- How should caps be enforced? By voluntary compliance, network rules, examiner review?
- What policy should the Federal Reserve adopt if caps set by each bank for itself or by networks for their participants are either extremely high or frequently breached?
- Will caps increase costs significantly or otherwise reduce the efficiency of the payments mechanism? Will this be a temporary or long-run development? Are the higher costs or reduced efficiency worthwhile to achieve (or a necessary by-product of) risk reduction? If so, what alternatives should be used to reduce risks?
- Should Reserve Banks permit institutions to exceed their caps on Fedwire occasionally (if such caps are established) in order to provide some flexibility in the administration of caps? Should such "excess" overdrafts or "overline" credits be negotiated in advance, be collateralized, or be subject to penalty rates?
- If bilateral credit limits (see below) are established, are sender net debit caps necessary?

2. *Bilateral net credit limits.* Under this method, each receiver would itself determine the maximum amount of net transfers (i.e., value of receives in excess of the value of sends) that it is willing to receive from each sender either across all networks other than Fedwire or from each sender on a particular private network. The purpose of this limit is to reduce risk by limiting the exposure of receivers of payments in the event that a sender fails to settle. Presumably, the net credit limit would be based on the receiver's credit analysis of the sending bank.

[8] The FAC/TIAC Payment Systems Committee pointed out in its report that bilateral net credit limits, especially if coupled with receiver guarantees (discussed below), could have the same effect of restraining the volume of payments senders are able to make.

As with sender net debit caps, bilateral credit limits have support among private sector participants. Both the FAC/TIAC Payment System Committee and the ARCB Risk Task Force have recommended that receiving banks adopt bilateral credit limits. CashWire requires each of its participants to set bilateral net credit limits *vis-a-vis* other participants on that network, which CashWire monitors on a real-time basis. CHIPS has begun experimenting with bilateral credit limits for members of its network, and expects to have its program fully in effect by October, 1984. As with the CashWire sender net debit caps, any payment message which causes a CHIPS sender to exceed the credit limit established by its receiver will be rejected unless the receiver increases the limit.

The Board requests comment on whether bilateral net credit limits would be useful in reducing payment system risk. Specifically, the Board requests comments on the following questions:

- Would bilateral net credit limits be effective in reducing risks?
- What criteria should institutions use in establishing these limits?
- Would finality of payments (see below) be necessary or desirable to provide receivers of payments with appropriate incentives to establish bilateral credit limits that will lead to effective risk management?
- Should examiners review and comment on bilateral credit limits?
- If sender net debit caps are used, is there a need to have bilateral net credit limits?

3. *Finality of Payments.* As noted previously, transfers of funds made over Fedwire are final when the receiver's Reserve Bank credits the receiver's account or sends the advice of credit. The credit to the receiver is irrevocable (although subject to the Reserve Bank's right of setoff against the receiver), and the receiver agrees, under Regulation J, to make the amount of the transfer available to the beneficiary promptly. 12 CFR §§ 210.36, 210.30(b). In other words, the Federal Reserve guarantees "good funds" to the receiver.

CashWire also provides finality of payments, by providing that receivers of transfers over that network agreee to provide final credit to the beneficiaries. If the sender does not settle its net position at the end of the day, receivers of the failed sender's transfers do not have recourse to the funds that have been made available to the beneficiaries. CHIPS and CHESS, on the other hand, do not provide for finality in this sense.[9] Rather, finality is conditional upon settlement, and if settlement does not occur, the receiver has recourse to any funds provisionally credited to its customer's account.

Finality is achieved primarily through a receiver "guarantee" that irrevocable credit will promptly be given to the accounts of customers receiving payments. Such guarantees are likely to induce receiving banks to reduce their risk exposure by establishing lower bilateral net credit limits for each sender than they would without them. Indeed, if receiver guarantees were required, there would be little need to require bilateral credit limits, because such limits would naturally evolve as the method of managing receiver risk exposure.

An important advantage of finality is that it tends to insulate the nonbank sector from the effects of a settlement failure, thus protecting financial markets and the general economy. Moreover, because finality is achieved through receiver guarantees, receivers are induced to make more prudent credit evaluations of their senders and modify such evaluations promptly as new information becomes available, reducing risk to the banking system in the process.

Unlike bilateral credit limits and sender net debit caps, the concept of finality does not yet appear to have wide-spread support in the private sector. The FAC/TIAC Payment Systems Committee concluded that, while finality of payments is a worthwhile goal, its achievement through receiver guarantees is premature and should not now be required. That committee believes that the costs of receiver guarantees (reduction in volume of transfers and increased payment system cost to compensate the receivers for bearing the increased risk) cannot be justified at this time, and that other measures (such as bilateral credit limits and sender caps) can control risks significantly. The ARCB Risk Task force did not reach a consensus on the issue of finality, although its report noted that a minority of its credit risk working group believed that finality would be necessary for a network to compete effectively with CashWire and Fedwire, which do provide for finality. Although CHIPS currently does not provide for finality, its committee working on sender net debit caps is studying this issue.

The Board request comments on the following points:

- Should all private wire transfer systems provide for finality of payments?
- Should finality be achieved by receiver guarantees?
- If finality is desirable, would Federal or uniform state legislation or regulation on this topic be desirable?
- In lieu of finality by receiver guarantees, what methods of risk sharing designed to assure settlement (e.g., insurance, indemnity agreements, or collateralization) might be useful or appropriate?

4. *Edge Act and Agreement Corporations and U.S. Agencies and Branches of Foreign Banks.* There are special risks associated with the participation in large-dollar transfer systems of Edge Act and agreement corporations and U.S. agencies and branches of foreign banks. These institutions are often major participants in such networks, often making and receiving large volumes of payments on behalf of themselves, their parent organizations, and others. The size of their payment activities is generally quite large relative to their U.S. capital or U.S. assets.

Under current policy, the Board requires full collateralization of daylight overdrafts on Fedwire by all Edge Act and agreement corporations and by U.S. agencies and branches of foreign banks. In the case of agencies and branches, this collateralization requirement reflects the concern that the system does not have sufficient timely information on the financial condition of foreign banks to warrant Reserve Bank extension of uncollateralized daylight credit. The Board applied similar constraints to Edge and agreement corporations because of their small capital base relative to potential Fedwire payments. The Board will continue this policy during the period comments are being received and studied, and pending adoption of a more permanent policy regarding Edge Act and agreement corporations and U.S. branches and agencies of foreign banks.

The Board requests comment on what policies should be adopted with respect to these institutions. Commenters are asked to respond specifically to the following questions:

- Should Fedwire daylight overdrafts of Edge Act and agreement corporations and U.S. branches and agencies of

[9] CHIPS and CHESS transfers are final in the sense that in releasing a payment message, the sender becomes obligated to pay the amount of the transfer and, hence, to settle its net position. CHIPS rule 13a; CHESS rule 5.1.4; see also *Delbrueck & Co. v. Manufacturers Hanover Trust Co.*, 609 F.2d 1047, 1051 (2d Cir. 1979). CHIPS and CHESS transfers are not completely "final," however, because credits made to beneficiaries are in fact provisional until settlement, and receiving institutions have recourse to amounts credited to beneficiaries in the event a sender fails to settle.

foreign banks continue to be fully collateralized?

• If caps are established, how should Edge Act and agreement corporations be treated?

—As separate entities, with a cap determined by reference their own capital?

—As part their parent institutions with one overall cap for the parent and all of its subsidiaries?

• If caps are established, how should U.S. agencies and branches of foreign banks be treated?

—as separate entities, with a cap determined by reference to branch or agency assets, or some form of capital equivalent?

—as consolidated entities, with a cap determined by reference to the consolidated U.S. branch and agency assets of each foreign bank, or some form of capital equivalent based on a consolidated U.S. balance sheet?

—as part of their parent institutions with one overall cap for the parent, hence for all of its branches and agencies, detemined by reference to the parent's worldwide capital stated in U.S. dollars?

• Should monitoring of these entities be on a real-time or *expost* basis?

5. *Enhanced Examination Procedures.* As noted previously, the Federal Financial Institutions Examination Council ("FFIEC") has adopted a uniform manual of procedures for examining funds transfer activities on large-dollar wire transfer networks and nonsettling communications networks. These procedures have been designed to disclose deficiencies in the internal credit and operational controls of institutions participating in large-dollar networks, and to assess the adequacy of the senior management's supervision of these activities.

With the FFIEC's approval, the role of the examination process could be expanded further. Federal examiners could review and comment on the bilateral net credit limits and sender net debit caps voluntarily established by each institution. This review might include analysis of the procedures used by each institution to establish and periodically review its limits and caps, comparison of the size of an institution's limits and caps with those established by per group institutions, consideration of whether the limits and caps have ever been exceeded, and review of procedures used when limits or caps are exceeded.

The Board requests comment on whether it should seek FFIEC concurrence for expanded examination of wire transfer activities, and, if so, what this expanded examination should entail.

6. *Monitoring.* The FAC/TIAC Payment Systems Committee recommended that "[t]he Federal Reserve continue to collect and review information on daylight credit exposures on Fedwire and private wire systems." This monitoring may be done in a variety of ways. For example, the Federal Reserve requires, as a condition to access to Federal Reserve net settlement services, access to transaction data on an *ex post* basis, and the Board may collect similar information from all other networks.

The Board requests comment on this issue, specifically on the appropriate uses for transaction data from wire networks, and the type of analysis that would be necessary for continued monitoring of wire transfer activities.

7. *Book-Entry U.S. Government Securities Transfers.* When the Board announced its policy for dealing with Fedwire daylight overdrafts, it directed the Reserve Banks to develop, if legally and operationally possible, a plan for collateralizing, with the underlying securities being transferred, daylight overdrafts arising out of book-entry transfers of U.S. government and federal agency securities. This decision reflected the Board's concern that subjecting these overdrafts to overall controls could disrupt the government securities market and, hence, the conduct of monetary policy through open market operations. Technical difficulties have made it impossible so far to implement the Board's policy, and, pending development of an operationally feasible collateralization plan, Reserve Banks have been exempting overdrafts arising from the transfer of book-entry U.S. government and federal agency securities from the counseling guidelines the Board also adopted.

The Board will continue, for the time being, to exempt daylight overdrafts arising form book-entry government securities transfers from the limitations of the proposal. Procedures are being developed that will permit at least partial collateralization of such overdrafts by pools of pledgeable book-entry U.S. Treasury and agency securities, which the Board hopes to adopt by mid-1985.

Limiting Avoidance Techniques

The adoption of voluntary or regulatory risk reduction measures may induce some depository institutions to attempt to avoid the costs and restraints such measures may entail. The most probable vehicle for such avoidance would be the use of new or existing communcations networks that send payments messages during the day, coupled with periodic bilateral settlement through the exchange of individual Fedwire transfers. The use of such arrangements would circumvent risk reduction policies, and could seriously jeopardize the success of any Federal Reserve or private sector risk reduction program. To deter such a possibility, the Board has adopted a general policy statement declaring that the use of Fedwire to avoid risk reduction measures is an unacceptable use of Fedwire.

Interim Measures

In conjunction with seeking public comment on these proposals, the Board is lifting the System's moratorium on the provision of net settlement services for any wire networks that had not previously been specifically approved for net settlement services by the Board. This moratorium was established pending further Board consideration of the issue of risk on large-dollar transfer systems. During the period before the adoption of a final risk reduction program, Reserve Banks may, upon application, provide interim net settlement services to large-dollar transfer networks that had not previously received authorization from the Board. To be eligible for net settlement services, such networks and their participants must agree to the following conditions:

1. All participants must set bilateral net credit limits.

2. The network must adopt a sender debit cap of 50 percent of capital for each participant to be applied to transfers sent over that network.

3. The network must agree to provide *ex post* transaction data to the Federal Reserve.

When the Board adopts a final policy for large-dollar transfer networks, such policy will apply to both existing networks and those given access under the interim policy.

By order of the Board of Governors of the Federal Reserve System, March 29, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-8796 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

Applications to Engage de novo in Permissible Nonbanking Activities; First Maryland Bancorp, et al.

The companies listed in this notice have filed an application under section 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval

under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing 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 interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 20, 1984.

A. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland and *Allied Irish Banks Limited*, Dublin, Ireland; to engage *de novo* through a subsidiary, First Maryland Mortgage Corporation, in commercial and industrial real estate equity financing.

B. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta Georgia; to engage *de novo* in the activity of management consulting to nonaffiliated bank and nonbank depository institutions and their subsidiaries.

C. *Federal Reserve Bank of San Francisco*, (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *New City Bancorp*, Orange, California; to engage *de novo* through its subsidary, New City Leasing, Orange, California in leasing of personal property, especially motor vehicles; insurance sales as an agent or broker with respect to any insurance directly related to an extension of credit by a bank or bank related firm, or any insurance directly related to the provision of other financial services by a bank or bank related firm, serving the state of California. Comments on this application must be received not later then April 23, 1984.

Board of Governors of the Federal Reserve System, March 27, 1984.

James McAfee,

Association Secretary of the Board.

[FR Doc. 8689 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; First Security Corporation

The organization listed in this notice has applied under section 225.23(a)(2) or (f) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (49 FR 794) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in section 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank or the offices of the Board of Governors not later than April 25, 1984.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Security Corporation*, Salt Lake City, Utah; to acquire Mission Bay Mortgage Company, San Diego, California, and thereby engage in making or acquiring loans and other extensions of credit such as would be made by a mortgage financing company, including making both residential and commericial mortgage loans for its own portfolio and for sale to others; the purchase of such loans from affiliated banks and other entities and from others; the assembly of loans into blocks for investors; servicing of such loans for others, and all activities incident thereto; limited insurance agency activities directly, through an affiliate, or through other insurance companies covering insurance related to the extension of credit.

Board of Governors of the Federal Reserve System, March 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8670 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Guyan Bankshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and section 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. 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 is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 23, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Guyan Bankshares, Inc., Gilbert, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Gilbert Bank & Trust Company, Gilbert, West Virginia.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Bank South Corporation,* Atlanta, Georgia, to merge with Cumming Bancshares, Inc., Cumming, Georgia, and thereby indirectly acquire Bank of Cumming, Cumming, Georgia.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation,* Sheboygan, Wisconsin; to acquire the assets and liabilities of Bancorporation of Wisconsin, Inc., West Allis, Wisconsin, and thereby indirectly acquire Southwest Bank, New Berlin, Wisconsin, and West Allis State Bank, West Allis, Wisconsin. Comments on this application must be received not later than April 17, 1984.

2. *Citizens Banking Corporation,* Flint, Michigan; to acquire 100 percent of the voting shares of Grayling State Bank, Grayling, Michigan. Comments on this application must be received not later than April 20, 1984.

4. *Northern Trust Corporation,* Chicago, Illinois; to acquire 100 percent of the voting shares of Northern Trust of Florida Corporation, Miami, Florida, and thereby indirectly acquire Northern Trust Bank of Florida, N.A., Miami, Florida; Northern Trust Bank of Florida/Naples, N.A., Naples, Florida; Northern Trust Bank of Florida/Palm Beach, N.A., Palm Beach, Florida; and Northern Trust Bank of Florida/Sarasota, N.A., Sarasota, Florida.

4. *Northern Trust of Florida Corporation,* Miami, Florida; to become a bank holding company by acquiring 99 percent of the voting shares of each of the following banks: Northern Trust Bank of Florida, N.A., Miami, Florida; Northern Trust Bank of Florida/Naples, N.A., Naples, Florida; Northern Trust Bank of Florida/Palm Beach, N.A., Palm Beach, Florida; and Northern Trust Bank of Florida/Sarasota, N.A., Sarasota, Florida.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Oak Ridge Bancshares, Inc.,* Oak Ridge, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Oak Ridge, Oak Ridge, Louisiana. Comments on this application must be received not later than April 25, 1984.

Board of Governors of the Federal Reserve System, March 27, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8671 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

First Community Bancshares, Inc., et al.; Formations of; Acquistions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. 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 is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. 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.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 26, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Community Bancshares, Inc.,* Princeton, West Virginia, to acquire 100 percent of the voting shares of Oceana National Bank, Oceana, West Virginia.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First National Bancshares of West Alabama, Inc.,* Aliceville, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Aliceville, Aliceville, Alabama, and Bank of Gordo, Gordo, Alabama. Comments on this application must be received not later than April 25, 1984.

2. *NBC Bancshares of DeRidder,* Inc., DeRidder, Louisiana, to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Commerce of DeRidder, DeRidder, Louisiana. Comments on this application must be received not later than April 25, 1984.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illionis 60690:

1. *Evergreen of Wisconsin, Inc.,* Poy Sippi, Wisconsin, to become a bank holding company by acquiring 100 percent of the voting shares of Farmers State Bank, Poy Sippi, Wisconsin. Comments on this application must be received not later than April 25, 1984.

2. *Rockford City Bancorp, Inc.,* Rockford, Illinois, to merge with Boone Bancorp, Inc., Belvidere, Illinois and thereby indirectly acquire Boone State Bank, Belvidere, Illinois. Comments on this application must be received not later than April 25, 1984.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Amarillo Western Rancshares, Inc.,* Amarillo, Texas, to acquire 100 percent of the voting shares of City National Bank, Amarillo, Texas.

Board of Governors of the Federal Reserve System, March 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8798 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

First Continental Bancshares, Inc. et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and

permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 1984.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Continental Bancshares, Inc.*, Gretna, Louisiana; to engage *de novo* through its subsidiary Liberty Heritage Life Insurance Company, Shreveport, Louisiana, in the sale of life, accident and health insurance, and disability insurance directly related to its extensions of credit. These activities will be provided in the State of Louisiana.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Firsnabanco, Inc.*, Viroqua, Wisconsin; to engage *de novo* in making or acquiring loans and other extensions of credit secured by a borrower's inventory, accounts receivable or other assets. These activities will be provided in the State of Wisconsin.

2. *First of America Bank Corporation*, Kalamazoo, Michigan; to engage *de novo* through its subsidiary First of America Insurance Company, Phoenix, Arizona, in the activity of underwriting, as reinsurer, credit life and credit disability insurance. The activities are directly related to the extension of credit by the credit-extending affiliates of First of America Bank Corporation. These activities will be provided in the State of Michigan. Comments on this application must be received not later than April 20, 1984.

3. *Midwest Financial Group, Inc.*, Peoria, Illinois; to engage *de novo* through its subsidiary Midwest Financial Data Corp., Peoria, Illinois, in providing data processing services to its affiliated banks and to customers of its affiliated banks, such data processing facilities being designed, marketed and operated for the transmission of financial, banking or economic data. These activities will be provided in the State of Illinois and states contiguous to Illinois.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Fresno Bancorp*, Fresno, California; to engage *de novo* through Fresno Bansystem, Inc., Fresno, California, in providing to others data processing and data transmission services, facilities (including data processing and data transmission hardware, software, documentation, or operating personnel), data bases on access to such services, facilities or data bases. Comments on this application must be received not later than April 17, 1984.

2. *Security Pacific Corporation*, Los Angeles, California; to engage *de novo* through its subsidiary Security Pacific Mortgage Corporation, Los Angeles, California, in the origination and acquisition of mortgage loans, including residential mortgage loans, development and construction loans on multi-family and commercial properties for its own account or for sale to others and the servicing, including the purchase and sale of such loans for others.

Board of Governors of the Federal Reserve System, March 28, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8799 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0516]

Policy Statement on Use of the Federal Reserve's Wire Transfer Network

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: In recent years, the Board has become concerned with the increasing risk associated with large-dollar wire transfer systems. In a related action, the Board issued for public comment proposals to reduce those risks and interim policies regarding the provision of Reserve Bank net settlement services to wire transfer networks. To ensure that institutions do not use the Federal Reserve's wire transfer network (Fedwire) to avoid Federal Reserve or private sector risk reduction policies, the Board is issuing a policy statement indicating that use of Fedwire to avoid risk reduction measures is inappropriate.

EFFECTIVE DATE: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Edward C. Ettin, Deputy Director, (202/452-3368), or David B. Humphrey, Chief, Financial Studies Section, Division of Research and Statistics (202/452-2557); Elliott C. McEntee, Associate Director, Division of Federal Reserve Bank Operations (202/452-2231); Jeffrey C. Marquardt, Economist, Division of International Finance (202/452-2360); or Gilbert T. Schwartz, Associate General Counsel (202)/452-3625), or Joseph R. Alexander, Attorney, Legal Division (202/452-2489), Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Board has been increasingly concerned with the risks associated with participation on large-dollar wire transfer networks.[1] The Board has been considering several methods of reducing wire transfer risk, and has today requested public comment on several of these methods.

As the Board indicated in its request for comment, an effective program for reducing wire transfer risks may involve certain costs and constraints. These will likely include a reduction in the amount of intra-day credit exposure associated with wire transfers and an increase in the costs of effectively managing an institution's position. The increased

[1] The term "large-dollar wire networks" refers to networks composed of more than two participants transferring payment messages of both large average and large aggregate value, and providing for settlement, i.e. the actual transfer of funds. Such networks may involve a time lag between the transmission of the payment messages and settlement that gives rise to intra-day inter-bank credit exposures. Under these criteria, there are presently four large-dollar networks: Fedwire (the Federal Reserve's wire transfer system), CHIPS (Clearing House Interbank Payments System, operated by the New York Clearing House Association), CashWire (operated by a consortium of banks), and CHESS (Clearing House Electronic Settlement System, operated by the Chicago Clearing House Association).

costs and other constraints may provide incentives for participants to find ways of avoiding risk reduction policies adopted by the Federal Reserve and privately-owned wire networks. The most likely vehicle for such avoidance would be the use of periodic settlement between depository institutions (most likely at the end of the day) through the exchange of Fedwire transfers. It is clear that the widespread use of these kinds of settlement arrangements by wire network participants could undermine the effectiveness of any risk reduction measures. In order to assure that this result does not occur, the Board is issuing this policy statement to define more clearly the parameters of appropriate Fedwire use.

II. The Board's Authority Over Fedwire

Fedwire operates through the transmission of payment messages between Federal Reserve Banks and the debiting and crediting of accounts at Reserve Banks. The Federal Reserve Act gives the Board explicit, plenary authority to regulate all aspects of a Fedwire transfer. This includes the authority to regulate the withdrawal of funds from reserve accounts, 12 U.S.C. 464, and the authority to regulate the transfer of funds among Reserve Banks, 12 U.S.C. 248(o). The Board also possesses authority to promulgate all rules and regulations necessary to carry out its functions, duties, and services. 12 U.S.C. 248(i).

III. Interim Policy

During the pendency of the Board's consideration of the issue of wire transfer risk, Reserve Banks were instructed not to provide net settlement services to wire transfer networks that had not previously obtained Board approval. The purpose of this moratorium was to maintain the *status quo* to ensure that sufficient options remained open to the Board while it considered various approaches to the issue of risk on large-dollar transfer systems.

Today, the Board is requesting public comment on several proposals for dealing with the risk issue. Concurrently, the Board is lifting the moratorium, and Reserve Banks will now be able to offer net settlement services on an interim basis to large-dollar wire transfer networks that had not previously obtained Board approval. To be eligible for net settlement services, such networks and their participants must agree to the following conditions:

1. All participants must set bilateral credit limits.
2. The network must adopt a sender debit cap of 50 per cent of capital for each participant to be applied to transfers sent over that network.
3. The network must agree to provide *ex post* transaction data to the Federal Reserve.

When the Board adopts a final policy for large-dollar transfer networks such policy would apply to both existing networks and those given access under the interim policy.

The purpose of these requirements is to ensure that risks are not increased while the Board considers public comments and decides on its ultimate risk reduction policies. It is important, therefore, that networks and their participants do not seek to use Fedwire to avoid these conditions or the more permanent policies that may eventually be adopted.

IV. Inappropriate Uses of Fedwire

It is the Board's policy that use of Fedwire for the avoidance of Federal Reserve or private sector risk reduction measures is not appropriate. To achieve the objectives of this policy, the Reserve Banks will conduct *ex post* monitoring of Fedwire transactions for the purpose of detecting patterns indicating that institutions are using Fedwire for inappropriate purposes. Institutions that use Fedwire to avoid risk reduction measures will be counseled. Repeated abuse of Fedwire may result in an institution being removed from on-line access to Fedwire so that its Fedwire transactions may be individually screened, or an offending institution may be barred from using the Federal Reserve's wire transfer service.

The Board believes that depository institutions perceive the seriousness of the wire transfer risk issue. Accordingly, the Board anticipates that institutions will cooperate with this policy as the Board and the banking industry pursue appropriate measures to reduce these risks.

By order of the Board of Governors of the Federal Reserve System, March 29, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-8797 Filed 4-2-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84D-0092]

Action Levels for Ethylene Dibromide in Processed Grain Products; Availability of Compliance Policy Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of FDA Compliance Policy Guide 7120.23, Attachment M, that establishes action levels for residues of ethylene dibromide (EDB) in processed grain products. These action levels are based on recommendations from the Environmental Protection Agency (EPA) and are established in conjunction with EPA's tolerance for EDB residues in raw grains. FDA cannot enforce these action levels until the exemption from the requirement of a tolerance for organic bromide residues resulting from use of EDB on grains is revoked. Therefore, these action levels will become effective on the effective date of the revocation of exemption from and establishment of a tolerance for EDB on raw grains proposed by EPA (49 FR 6696 and 6697).

ADDRESS: Written comments on the action levels and requests for single copies of FDA Compliance Policy Guide 7120.23, Attachment M, are to be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John M. Taylor, Center for Food Safety and Applied Nutrition (formerly Bureau of Foods) (HFF-310), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0187.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 6, 1984 (49 FR 4452), EPA announced the emergency suspension of the use of the insecticide EDB as a fumigant for grain stored in bulk and as a fumigant for spot treatment of grain milling equipment. In the **Federal Register** of February 22, 1984 (49 FR 6696-6702), EPA issued a proposal to revoke the exemption from the requirement of a tolerance for organic bromide residues on various grains resulting from the use of EDB as a post harvest fumigant, as well as companion proposals to revoke the

tolerances for inorganic bromide residues in grains and grain-based products. In the same issue of the **Federal Register** (49 FR 6697), EPA also proposed a tolerance for residues of EDB per se of 900 parts per billion (ppb) in barley, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat to cover residues that resulted from treatment of the grain with EDB before the effective date of the suspension order.

Concurrent with the proposal for the 900 ppb tolerance for EDB in grains, EPA recommended that FDA set action levels for processed grain products once the final rules revoking the exemption and establishing the tolerance are effective. EPA believes that residues on all grain products will begin to decline almost immediately as a result of its recent actions and that the proposed tolerance and the recommended action levels will adequately protect the public health. The specific action levels that EPA recommended are 150 ppb for milled products, such as flour and 30 ppb for finished (ready-to-eat) consumer products. EPA has determined that the vast majority of milled products processed from raw grain containing 900 ppb or less of EDB should, if good manufacturing practice is followed, contain less than 150 ppb EDB. EPA also concluded that further processing, such as cooking, following good manufacturing practice would be expected to further reduce the EDB level to less than 30 ppb in the finished (ready-to-eat) consumer products. The information and considerations on which the recommended action levels are based are included in EPA's document "Scientific Support and Decision Document for Grain and Grain Milling Fumigation Uses." A copy of this document is on file with FDA's Dockets Management Branch (address above).

FDA is establishing the action levels for EDB residues in processed grain products as recommended by EPA on the basis of the data available. In order to provide additional information on residues remaining in grain products after processing using current good manufacturing practice, FDA has intiated studies on the effects of milling procedures on levels of EDB residues in the raw grains and of cooking on residue levels. Additionally, the agency will be obtaining residue data from the large scale sampling program it will conduct to enforce the tolerance on raw grains and these action levels. Data from the studies and the enforcement sampling will expand the available information on residues of EDB in grain-based processed foods. The agency will also consider data from other sources and welcomes comments, supported by data, regarding the appropriateness of the action levels.

FDA will review these data as they become available. In those rare instances where the data show that current good manufacturing practice results in different residue levels than currently expected, FDA will consider establishing a specific action level for the category of product in question. In the event that a higher action level is indicated for a milled product, FDA will not set an action level unless the agency has determined that the process for preparing the product to eat yields residues below the action level for ready-to-eat food. FDA will advise EPA of a new action level tht may be warranted for selective processed grain products. The agency reminds interested parties that, under 21 CFR 109.4, regulatory action may be taken at any time after an action level is established or changed, and need not await publication of a notice in the **Federal Register**. A **Federal Register** notice announcing an action level will be published as soon as possible after an action level is established or changed.

FDA cannot enforce these action levels until the exemption from the requirement of a tolerance for organic bromide residues resulting from use of EDB on grains is revoked. Therefore, these action levels will become effective on the effective data of the revocation of exemption from the establishment of a tolerance for EDB on raw grains proposed by EPA (49 FR 6696 and 6697).

As mentioned above, EPA has prepared a discussion of the considerations involved in developing the action levels. That decision document also includes determinations that the economic consequences of the action levels would not meet the criteria for a major rule under the criteria in Executive Order 12291 applicable to rules, nor would these consequences have a significant economic impact on small entities under the criteria in the Regulatory Flexibility Act (Pub. L. 96-354).

Interested persons may submit written comments, along with supportive data, on FDA Compliance Policy Guide 7120.23, Attachment M, or requests for single copies of the guide to the Dockets Management Branch (address above). Two comments of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 28, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-8765 Filed 3-29-84; 11:20 am]

BILLING CODE 4160-01-M

[Docket Nos. 79N-0426 and 80N-0310; DESI 2238]

Certain Sulfonamide Preparations for Vaginal Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of the new drug applications (NDA's) for Gantrisin Cream (NDA 9-173) and for Westhiazole Vaginal Jelly (NDA 5-514). The FDA is also withdrawing approval of the abbreviated new drug application (ANDA) for Koro-Sulf Cream (ANDA 83-863). Approval is being withdrawn for these sulfonamide preparations because these drug products lack substantial evidence of effectiveness. These products have been used in the treatment of vaginitis. Gantrisin Cream and Westhiazole Vaginal Jelly are no longer marketed.

EFFECTIVE DATE: May 3, 1984.

ADDRESS: Requests for an opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 2238 and directed to the Division of Drug Labeling Compliance (HFN-310), Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Francis J. Sasinowski, Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 22, 1983 (48 FR 38093), the Director of the Center for Drugs and Biologics offered an opportunity for a hearing on a proposal to withdraw approval of the new drug applications for Gantrisin Cream and for Westhiazole Vaginal Jelly and to withdraw approval of the abbreviated new drug application for Koro-Sulf Cream. The basis of the proposal was that the products lack substantial evidence of effectiveness. Because none of the holders of the applications requested a hearing, approval of the following new drug applications is being withdrawn:

1. NDA 9–173; Gantrisin Cream containing sulfisoxazole; Roche Laboratories, Division of Hoffmann-LaRoche Inc., Nutley, NJ 07110.

2. NDA 5–514; Westhiazole Vaginal Jelly containing sulfathiazole; Westwood Pharmaceuticals, 468 DeWitt St., Buffalo, NY 14213.

3. ANDA 83–863; Koro-Sulf Cream containing sulfisoxazole; Holland-Rantos Co., Inc., 865 Centennial Ave., Box 385, Piscataway, NJ 08854.

Any drug product that is identical, related, or similar to the drug products named above and is not the subject of an approved new drug application is covered by the new drug application reviewed and is subject to this notice (21 CFR 130.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (address above).

This notice does not apply to the following products which are the subjects of a pending hearing request. This hearing request is under review, and may be the subject of a future Federal Register notice.

Vagilia Cream and Suppositories (no NDA's) containing sulfisoxazole, aminacrine, and allantoin; Lemmon Co., 850 Cathill Rd., Sellersville, PA 18960.

The Director of the Center for Drugs and Biologics, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 stat. 1052–1053 as amended (21 U.S.C. 355)), and under the authority delegated to him (21 CFR 5.82), finds, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing finding, approval of NDA 9–173, NDA 5–514, and ANDA 83–863, and all their amendments and supplements is withdrawn effective May 3, 1984. Shipment in interstate commerce of the above products or any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: March 26, 1984.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 84-8756 Filed 4-2-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 75N-0236; DESI No. 9418]

Pentaerythritol Tetranitrate in Combination with Hydroxyzine Hydrochloride; Denial of Hearing Request and Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs is denying a hearing request and withdrawing approval of the new drug application (NDA) for Cartrax 10 and Cartrax 20 Tablets because the drugs lack substantial evidence of effectiveness. The drugs are used in the treatment of angina pectoris.

EFFECTIVE DATE: May 3, 1984.

FOR FURTHER INFORMATION CONTACT: Margery Erickson, Center for Drugs and Biologics (formerly National Center for Drugs and Biologics) (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 9418) published in the Federal Register of October 20, 1971 (36 FR 20313), the Food and Drug Administration (FDA) announced its evaluation of a report received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group (NAS/NRC), on Cartrax 10 and Cartrax 20 Tablets (NDA 10–998 held by J. B. Roerig Division, Chas. Pfizer & Co., Inc., 235 East 42d St., New York, NY 10017 (Pfizer)). The notice stated FDA's conclusion that the two Cartrax products, which contain pentaerythritol tetranitrate (PETN) in combination with hydroxyzine hydrochloride (hydroxyzine), were possibly effective for the management or treatment of angina pectoris. The notice provided Pfizer an opportunity to submit substantial evidence of the effectiveness of its products. Pfizer submitted no data in response to the notice, and expanded the claimed indications for Cartrax to include angina decubitis, precordial pain, and status anginosis.

In a notice of opportunity for hearing published in the Federal Register of March 6, 1973 (38 FR 6090), FDA proposed to withdraw approval of the new drug applications for Cartrax 10 and Cartrax 20 Tablets and certain other combination organic nitrate drugs on the ground that the drugs lack substantial evidence of effectiveness for their labeled indications. Responding to the notice, Pfizer, on April 4, 1973, requested a hearing and submitted data in support of the effectiveness of Cartrax 10 and Cartrax 20 Tablets. On December 9, 1975 (40 FR 57378), FDA amended the March 6, 1973 notice to make it clear that the effectiveness issue raised for these combination products encompassed the lack of evidence showing compliance with FDA's policy for combination drugs (21 CFR 300.50). Pfizer made no additional filing in response to the December 9, 1975 notice.

The National Association of Pharmaceutical Manufacturers (NAPM), in response to the December 9, 1975 notice, submitted comments on combination organic nitrate drugs generally. No clinical data were included. NAPM's comments are addressed in Part V of this notice.

The sponsor of the product named below also submitted a hearing request and supporting data in response to the March 6, 1973, and December 9, 1975 notices. This hearing request is under review, and will be subject of a future Federal Register notice.

Miltrate Tablets containing PETN and meprobamate (NDA 11–502); Wallace Laboratories, Division of Carter-Wallace, Inc., Half Acre Rd., Cranbury, NJ 08512.

After considering all of the material submitted by Pfizer, and NAPM's comments, the Commissioner concludes that there is no genuine and substantial issue of fact presented to justify a hearing, and that the legal objections offered do not alter that conclusion. Specifically, the Commissioner finds that the sponsor has failed to demonstrate that the combination of PETN and hydroxyzine complies with the requirements of the combination policy (21 CFR 300.50). A full discussion follows.

I. The Drugs

Each Cartrax 10 tablet contains 10 milligrams (mg) pentaerythritol tetranitrate and 10 mg hydroxyzine hydrochloride. Each Cartrax 20 tablet contains 20 mg pentaerythritol tetranitrate and 10 mg hydroxyzine hydrochloride.

II. Recommended Uses and Dosage

Cartrax 10 and Cartrax 20 Tablets are currently labeled as possibly effective for the management or treatment of angina pectoris, angina decubitis, precordial pain, and status anginosis. At the time of the NAS/NRC review, the drugs were labeled only for use in the management of angina pectoris.

The recommended dosage range for Cartrax 10 is one to two tablets three to four time daily. The recommended dosage range for Cartrax 20 is one tablet three to foure times daily.

III. Data Submitted to Support Claims of Effectiveness

Pfizer's hearing request attempts to support the effectiveness of Cartrax only for its angina pectoris indication. To substantiate this claim, Pfizer submitted 69 published articles. On its face, the submission fails to demonstrate the effectiveness of either dosage form of Cartrax for angina pectoris. The Federal Food, Drug, and Cosmetic Act (the act) and implementing regulations require that the effectiveness of a drug product be shown by adequate and well-controlled studies (21 U.S.C. 355(d) and 21 CFR 314.111(a)(5)). The articles submitted by Pfizer include generalized descriptions of the disease state of angina and its treatment, isolated case reports, studies of other coronary diseases and other drugs, and uncontrolled studies. Moreover, none of the studies compare the effects of Cartrax with its individual components—PETN and hydroxyzine—as required by the agency's combination policy. Thus, the studies cited fail to provide evidence that each component makes a contribution to the claimed effects of the combination, as required by 21 CFR 300.50. As shown below, all of the articles [1] are facially inadequate to demonstrate the effectiveness of Cartrax for its intended use.

The six articles in Pfizer's submission listed below are written in a foreign language, and no English translation has been provided. This is contrary to the explicit requirements of 21 CFR 314.200(c)(2) (1974) (now codified at 21 CFR 10.20(c)(2)). From the brief English summaries and titles, it appears that none of the articles cited directly concerns the Cartrax combination. In any event, without a complete translation, the articles cannot be evaluated and therefore fail to provide substantial evidence of the effectiveness of Cartrax for the treatment of angina pectoris (21 CFR 10.20(c)(2) and 314.111(a)(5)(ii)((*c*)).

1. Meli, A., et al., "Sperimentazione Clinica di un Nuovo Prodotto di Associazione di un Farmaco Beta-bloccante con un Nitroderivato," *Minerva Medica*, 61:4271–4278, 1970 (Exhibit 27).

2. Salmini, G., et al., "Valutazione Clinica dell 'Attivita Terapeutica di un Beta-bloccante Associato ad un Nitroderivato," *Minerva Cardioangiologica*, 18:311–315, 1970 (Exhibit 29).

3. Buhlmeyer, K., "Behandlung von Rhythumusstorungen bei Herzkatheteruntersuchungen von Kindern," *Munchener Medizinische Wochenschrift*, 110:727–730, 1968 (Exhibit 43).

4. Kipka, E. H. and Enzenbach, "Hydroxyzin in der Anasthesie bei Neurochirurgischen Enigriffen," *Zentralblatt fur Neurochirurgie*, 31:149–156, 1970 (Exhibit 46).

5. Abaza, A., et al., "Hydroxyzine et Troubles du Rythme Cardiaque" *La Cardiologie Dans Le Monde*, p. 898, 1967 (Exhibit 54).

6. Bouvrain, Y., et al., "Activite du Service de Reanimation Cardiaque de l'Hopital Lariboisiere," *La Presse Medical*, 76:1393–1396, 1968 (Exhibit 55).

Seven of Pfizer's articles consist of general descriptions of angina pectoris and its treatment. Some of these also provide general discussions of cardiac arrhythmias and tranquilizer therapy, and two contain reports of animal tests. None of these articles describes the findings of clinical investigations. They therefore fail to provide substantial evidence of effectiveness as defined by 21 U.S.C. 355(d).

7. Fish, S., "Antianginal Drugs. Part IV. The Long-acting Nitrates," *American Heart Journal*, 71:712–713, 1966 (Exhibits 10 and 37). PETN and three other long-acting nitrate preparations are discussed. The author concludes that the value of the drugs for treating angina pectoris has not been satisfactorily demonstrated.

8. Riseman, J. E. F., "Current Concepts in Therapy. The Treatment of Angina Pectoris," *New England Journal of Medicine*, 261:1017–1020, 1959 (Exhibit 22). Methods of treating angina pectoris are reviewed and certain anti-anginal drugs are classified for effectiveness. PETN is listed as having a moderate degree of value in treating angina pectoris.

9. Rodman, M. J., "Drugs Used in Heart Disease," *RN*, 27:37–42, 1964 (Exhibit 68). Various preparations used in the treatment of angina pectoris are reviewed. The author states that conclusive evidence favoring the long-acting nitrates is lacking.

10. Robinson, S. J., "Treatment of Cardiac Arrhythmias," *Pediatric Clinics of North America*, 11:315–362, 1964 (Exhibit 62). Various types of arrhythmias encountered in children and available treatments are described. Hydroxyzine is mentioned as a possible treatment for supraventricular tachycardia.

11. Ayd, F. J., "The Use of Tranquilizing Medications in General Medical Practice," *Journal of the Indiana State Medical Association*, 52:516–521, 1959 (Exhibit 48). A general discussion of tranquilizer therapy is presented.

12. Winbury, M. M., et al., "Pentaerythritol tetranitrate and Dipyridamole on Cardiac Nutritive Flow and Blood Content," *American Journal of Physiology*, 220:1558–1563, 1971 (Exhibit 31). This study reports the effects of PETN and dipyridamole on the cardiac blood flow of swine.

13. Sarnoff, S. J., et al., "Hemodynamic Determinants of Oxygen Consumption of the Heart with Special Reference to the Tension-Time Index," *American Journal of Physiology*, 192:148–156, 1958 (Exhibit 35). Isolated, perfused dog heart was studied to determine the influence of various hemodynamic phenomena on the heart's utilization of oxygen.

Twenty-four of the articles cited by Pfizer describe studies of coronary conditions other than angina pectoris; therefore, these references fail to provide evidence of the effectiveness of Cartrax for the treatment of angina pectoris (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)). With the exception of one article (No. 37 below) in this group, Cartrax was not evaluated in this group of studies (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)). More important, all of the articles fail to address the contribution of the individual components to the effects of the combination as required by the combination policy (21 CFR 300.50).

14. Davidson, I. W. F., et al., "Pharmacodynamics and Biotransformation of Pentaerythritol Tetranitrate in Man," *Journal of Pharmaceutical Sciences*, 60:274–277, 1971 (Exhibit 30). Fifteen patients received 20 or 40 mg doses of radiolabeled PETN in a study of the absorption, biotransformation, and excretion of oral doses of PETN.

15. Likoff, W., et al., "Evaluation of 'Coronary Vasodilators' by Coronary Arteriography," *American Journal of Cardiology*, 13:7–9, 1964 (Exhibit 32). Dilation of the coronary arteries was observed in 20 patients with coronary heart disease following the administration of nitroglycerin and erythrityl tetranitrate.

16. Winer, N. J., "The Effect of Certain Drugs on Myocardial Dynamics as Recorded with the High-Frequency (Acceleration) Direct Body Ballistocardiograph," *Ballistocardiography and Cardiovascular Therapy," 26:160–173, 1970 (Exhibit 33). Several case histories are described that indicate certain beneficial effects on myocardial functions by a variety of drugs, including PETN.*

[1] The articles submitted by Pfizer have been regrouped and renumbered for discussion in this notice. Pfizer's exhibit numbers are given in this notice after the citation for each article.

17. Winsor, T., et al., "The Rectilinear Vectorcardiogram in Coronary Insufficiency," *Angiology*, 13:474–480, 1962 (Exhibit 34). A description of the procedure for rectilinear vectorcardiography is provided. The investigators state that the method appears to be well suited for the detection and evaluation of coronary insufficiency in its early stages, and state that they have confirmed the prophylactic effect of PETN against S–T segment changes produced by exercise.

18. Edgar, A. L., "Electrocardiogram of the Month: Ventricular Tachycardia Resistant to Treatment," *The Bulletin of the San Diego County Medical Society*, 46:41, 1959 (Exhibit 41). A case report is provided of a patient with ventricular tachycardia who received hydroxyzine and reserpine.

19. Salmons, J. A., "Treatment of Cardiac Arrhythmias with Hydroxyzine," *Disease of the Chest*, Vol. 38, July 1970 (Exhibit 42). Case reports are provided of four patients with arrythmias who were treated successfully with hydroxyzine.

20. Stanciu, L., et al., "Contributions on the Use of Hydroxyzine (Atarax) in the Treatment of Certain Arrhythmias," *Medicina Interna*, 22:417–422, 1970 (Exhibit 44). Sixteen patients with various types of atrial and ventricular arrhythmias of at least six etiologies were treated with hydroxyzine.

21. Burrell, Z. L., et al., "Treatment of Cardiac Arrhythmias with Hydroxyzine," American Journal of Cardiology, 1:624–628, 1958 (Exhibit 45). Fifty patients with various types of cardiac arrhythmias were treated with hydroxyzine. The investigators recommend the drug for treating acute ventricular arrhythmias.

22. Bozza, M. L. and G. C. Nicola, "Hydroxyzine Hydrochloride—Neuropsychical Adjustment and EEG," *Psychotropic Drugs*, Elsevier, pp. 569–571, 1957 (Exhibit 47). The effects of hydroxyzine were evaluated in 210 patients with various disorders who received the drug prior to surgery.

23. Pishkin, V., et al., "A New Method for Assessing Drug Effects Upon Human Decision Making and Stress: Hydroxyzine is Hospitalized Psychiatric Patients," Presented as a Scientific Exhibit at the Academy of Psychosomatic Medicine, December 1966 (Exhibit 49). One hundred and sixty-two psychiatric patients received hydroxyzine, placebo, or no drug treatment in a study of the effects of hydroxyzine on stress and thinking processes.

24. Pishkin, V., et al., "Stress: Psychophysiological and Cognitive Indices in an Acute Double-Blind Study with Hydroxyzine in Psychiatric Patients," *Archives of General Psychiatry*, 16:471–478, 1967 (Exhibit 50). Ninety male psychiatric patients received muscular hydroxyzine, placebo, or no drug treatment in a randomized crossover study of the effects of hydroxyzine in alleviating stress induced by problem solving and electric shock.

25. Breslow, I. H., "Evaluation of Hydroxyzine Pamoate Concentrate as an Ataractic: Double-Blind Study in a Neurotic Male Prison Group," *Current Therapeutic Research*, 10:421–427, 1968 (Exhibit 51). Fifty-six males were given hydroxyzine or placebo in a double-blind crossover study which measured the effects of hydroxyzine on various psychological prameters.

26. Smigel, J. O., et al., "Emotional and Psychic Problems of Institutionalized Geriatric Patients: Evaluation of Hydroxyzine," *Journal of the American Geriatric Society*, 7:61–66, 1959 (Exhibit 52). One hundred and one geriatric patients with emotional disturbances were treated with hydroxyzine for 3 to 9 months.

27. Papadopoulos, C. and C. J. Blazek, "Ventricular Tachycardia of 70 Days' Duration with Survival," *American Journal of Cardiology*, 11:107–111, 1963 (Exhibit 53). A case report is provided of a patient who had recurrent ventricular tachycardia. The patient received PETN and hydroxyzine in the course of treatment but the effects of these agents were not determined.

28. Edgar, A. L., "Electrocardiogram of the Month: Auricular Tachycardia with 2:1 A.V. Block," *The Bulletin of the San Diego County Medical Society*, 46:277, 1959 (Exhibit 56). A case report is provided of a female patient with auricular tachycardia. The patient converted to normal sinus rhythm after the first or second dose of hydroxyzine 25 mg.

29. Berger, H., "Cause of Drug-induced Thrombocytopenic Purpura Identified by the Passive Transfer Reaction," *Annals of Internal Medicine*, 56:618–623, 1962 (Exhibit 57). The case is reported of a 76-year-old woman who developed drug-induced thrombocytopenia when treated with quinidine for paroxysmal atrial tachycardia. Following the reaction, the patient was placed on hydroxyzine to treat the tachycardia.

30. Farah, L., "Preliminary Study on the Use of Hydroxyzine in Psychosomatic Affections," *International Record of Medicine and General Practice Clinics*, 169:379–389, 1956 (Exhibit 58). Hydroxyzine was administered to 96 patients in doses of 10 to 100 mg for the treatment of a variety of psychic and somatic disorders.

31. King, J. C., "The Use of Hydroxyzine in Internal Medicine," *International Record of Medicine*, 172:669–671, 1959 (Exhibit 59). Sixty-seven patients with various psychophysiological or functional disturbances received 100 to 200 mg of hydroxyzine daily for periods of 2 to 30 days.

32. Livingston, P. H., "Hydroxyzine as an Antiarrhythmic," *Journal of the Tennesee Medical Association*, 56:87–88, 1963 (Exhibit 60). The antiarrythmic effects of hydroxyzine were studies in 75 patients with a variety of cardiac arrhythmias.

33. Bradlow, B. A., "Supraventricular Paroxysmal Tachycardia Interrupted by Repeated Episodes of Total Cardiac Standstill with Syncopal Attacks," *Chest*, 58:122–128, 1970 (Exhibit 61). Three cases were reported in which paroxysmal supraventricular tachycardia was associated with episodes of cardiac standstill. One patient returned to normal sinus rhythm after receiving hydroxyzine.

34. Talusan, A. D., "hydroxyzine Therapy of Cardiac Dysrhythmia," *Maryland State Medical Journal*, 9:191–197, 1960 (Exhibit 63). A report is provided of 10 patients with various forms of cardiac arrhythmia who were treated with hydroxyzine.

35. Dobkin, A. B., et al., "Circulartory Response to Tilt with Hydroxyzine, Thiethylperazine Maleate, SA 97 and Perphenazine," *Anesthesia and Analgesia * * * Current Researches*, 42:225–231, 1963 (Exhibit 66). Ten healthy subjects received the drugs named in the title in a study of the effects on blood pressure and pulse rate.

36. Menger, H. C., "Use of Hydroxyzine (Atarax) in the Management of Ear, Nose, and Throat Disorders," *New York State Journal of Medicine*, 58:1684–1686, 1958 (Exhibit 67). Seventy-four patients ranging in age from 6 to 77 years received hydroxyzine for the treatment of various psychological complaints.

37. Samuels, S. S. and H. E. Shaftel, "New Clinical Approach to the Management of Intermittent Claudication (Angina Cruris)," *Angiology*, 9:378–381, 1958 (Exhibit 64). Cartrax was administered to a group of 31 patients in an effort to determine the effectivenes of the drug in the management of intermittent claudication. No control group was employed, and Cartrax was not evaluated for the treatment of angina pectoris (21 CFR 314.111(a)(5((ii)(*a*) (*2*) and (*4*)).

Twelve of the submitted articles present studies of angina pectoris that test various diagnostic methods or drugs other than the combination product or its individual ingredients. These articles are inadequate to demonstrate the effectiveness of Cartrax (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)). They also completely fail to demonstrate the contribution of the individual components to the claimed clinical effects of the combination (21 CFR 300.50).

38. Gold, H., et al., "The Xanthines (Theobromine and Aminophylline) in the Treatment of Cardiac Pain," *The Journal of the American Medical Association,* 108:2173–2179, 1937 (Exhibit 8). Theobromine, aminophylline, and placebo were administered to 100 patients with angina pectoris in a study of the effects of these drugs on cardiac pain.

39. Master, A. M., et al., "The Drug Treatment of Angina Pectoris Due to Coronary Artery Disease," *American Journal of Medical Sciences,* 197:774–782, 1939 (Exhibit 9). A variety of medications, including nitroglycerin, were administered in a placebo-controlled crossover study to 201 patients with angina pectoris. The author reports that the best results were obtained with placebo.

40. Demany, M. A., et al., "Correlation Between Coronary Arteriography and the Postexercise Electrocardiogram," *American Journal of Cardiology,* 19:526–530, 1967 (Exhibit 11). Seventy-five patients with chest pain were studied in an effort to determine the correlation between findings of a double Master exercise test and coronary cinearteriography in indicating the presence and severity of coronary artery disease.

41. Ascoop, C. A., et al., "Exercice Test, History, and Serum Lipid Levels in Patients with Chest Pain and Normal Electrocardiogram at Rest: Comparison to Findings at Coronary Arteriography," *American Heart Journal,* 82:609–617, 1971 (Exhibit 12). Several methods of diagnosing coronary artery disease, including the Master two-step and graded exercise test, were evaluated in 96 patients with chest pains.

42. Roughgarden, J. W. and E. V. Newman, "Circulatory Changes During the Pain of Angina Pectoris: 1772–1965—A Critical Review," *American Journal of Medicine,* 41:935–946, 1966 (Exhibit 13). This article reviews reports concerning circulatory changes observed in patients undergoing angina pectoris.

43. Roughgarden, J. W., "Circulatory Changes Associated with Spontaneous Angina Pectoris," *American Journal of Medicine,* 41:947–961, 1966 (Exhibits 13 and 40). Fifteen patients were evaluated in a study of the circulatory changes that occur during acute episodes of angina pectoris.

44. Battock, D. J., et al., "Effects of Propranolol and Isosorbide Dinitrate on Exercise Performance and Adrenergic Activity in Patients with Angina Pectoris," Circulation, 39:157–169, 1969 (Exhibit 26). The effects on exercise tolerance of propranolol and isosorbide dinitrate separately and in combination were compared to placebo in 12 patients with angina pectoris.

45. Battock, D. J. and C. A. Chidsey, "Beta Adrenergic Blockade and Combination Therapy in Coronary Artery Disease," *Advances of Cardiology,* 5:126–131, 1970 (Exhibit 28). Ten patients with angina were evaluated for exercise tolerance following the administration of propranolol and isosorbide dinitrate alone and in combination.

46. Kimura, E., et al., "Developmental Mechanism of Angina Pectoris and Action of Coronary Vasodilators," *Japan Heart Journal,* 8:219–233, 1967 (Exhibit 36). Forty-one subjects with angina pectoris and 12 healthy subjects received isosorbide dinitrate, a xanthine preparation, and a beta-blocking agent in a study of anginal pain and the action of these drugs.

47. Epstein, S. E., et al., "Angina Pectoris: Pathophysiology, Evaluation, and Treatment," *Annals of Internal Medicine,* 75:263–296, 1971 (Exhibit 38). A review is provided of the pathophysiology, evaluation techniques for diagnosis, and methods of treatment of angina pectoris. Included is an evaluation of the exercise performance of several angina patients who received isosorbide dinitrate.

48. Howard, J. C., "Rationale for Treating Coronary Patients with Psychotherapeutic Agents," American College of Cardiology Symposium, New York, edited by H. I. Russek and B. L. Lohman, 1971, Lippincott, pp. 313–318 (Exhibit 39). Psychological aspects of coronary artery disease are described and the author evaluates testimonial evidence which suggests that certain personality characteristics can be equated with an apparent coronary proneness and angina. The author concludes that the use of psychotropic agents for the coronary prone patient should be individualized according to the needs of the patient.

49. Kemp, G. L., "Use of Two Psychotropic Compounds in Treatment of Cardiovascular Disease," *Journal of the American Osteophatic Association,* 60:478–480, 1961 (Exhibit 65). A report is provided of the effects of nialamide in 25 patients with angina pectoris and hydroxyzine in 22 patients with cardiac arrhythmias.

The following 17 articles present data on PETN alone or in combination with drug substances other than hydroxyzine. None of the articles specifically mentions the combination of PETN with hydroxyzine. These articles clearly fail to address the contribution of either PETN or hydroxyzine to the claimed effects of Cartrax, which combines the two compounds together in a single dosage form. Accordingly, the articles described below fail to provide substantial evidence of the effectiveness of Cartrax as a fixed combination (21 CFR 300.50).

50. Russek, H. I. , "New Dimension in Angina Pectoris Therapy: Propranolol-Nitrate Synergism," *in* "Coronary Heart Diseases" edited by H. I. Russek and B. I. Zohman, Lippincott, 1971, pp. 291–302 (Exhibit 24). The effects of propranolol and isosorbide dinitrate were evaluated in 115 angina patients. One patient reportedly receive PETN.

51. Russek, H. I. "Propranolol and Isosorbide Dinitrate Synergism in Angina Pectoris," *American Journal of Cardiology,* 21:44–54, 1968 (Exhibit 25). Twenty-eight patients with angina pectoris were evaluated in a study of propranolol and isosorbide dinitrate. One patient received PETN in conjunction with propranolol and showed a favorable response.

52. Cole , S. L., et al., "Assay of Anti-Angina Agents. I. A Curve Analysis with Multiple Control Periods," *Circulation,* 15:405–413, 1957 (Exhibit 3). A placebo-controlled, double-blind study is described in which 14 patients received PETN in doses of 10 to 20 mg four times daily. No significant difference was shown between PETN and placebo for relief of angina pectoris.

53. Dagenais, G. R., et al., "Exercise Tolerance in Patients with Angina Pectoris: Daily Variation and Effect of Pentaerythritol Tetranitrate," *Johns Hopkins Medical Journal,* 125:301–311, 1969 (Exhibit 4). PETN was administered to 15 patients with angina pectoris in a double-blind crossover study. Although there were no significant differences between placebo and PETN in increasing exercise duration and altering ischemic electrocardiographic findings, the study reports that anginal pain was less frequent and less severe after administration of PETN.

54. Datey, K. K. and C. P. Dalvi, "Anti-Anginal Drugs, Their Evaluation by Double Blind Trail," *Angiology,* 21:520–525, 1970 (Exhibit 5). A double-blind crossover study is described in which the effects of PETN, placebo, and 5 other antianginal agents were compared in 26

angina patients. No significant difference was demonstrated between placebo and PETN.

55. Russek, H. I., "Evaluation of the Nitrites in the Treatment of Angina Pectoris", *The American Journal of the Medical Sciences*, pp. 136–144, 1960 (Exhibit 23). In this study, erythrol (now generally referred to as erythrityl or erethritol) tetranitrate was administered to 58 patients. Eight of these patients also received PETN, and exercise-electrocardiographic responses were measured. The investigator concluded that the time to onset of action and duration of action was longer for oral PETN than for sublingual erythrol tetranitrate.

56. Riseman, J. E. F., et al., "Nitroglycerin and Other Nitrites in the Treatment of Angina Pectoris: Comparison of Six Preparations and Four Routes of Administration," *Circulation*, 17:22–39, 1958 (Exhibit 2). The effects of PETN and 5 other nitrate preparations were studied in 34 patients by measuring exercise tolerance and clinical response. The report states that of 17 patients who responded well to sublingual nitroglycerin, 1 showed a marked response and 4 showed a moderate response to PETN administered orally. The investigators concluded that for a small percentage of patients PETN is of moderate value.

57. Winsor, T. and P. Humphreys, "Influence of Pentaerythritol Tetranitrate (Peritrate) on Acute and Chronic Coronary Insufficiency," *Angiology*, 3:1–15, 1952 (Exhibit 6). The effects of PETN were tested in 250 patients as measured by nitroglycerin requirements, exercise tolerance and exercise electrocardiographic tests, and frequency of anginal attacks. Only half of the patients had angina pectoris, and 78.4 percent of these were reported on PETN as compared with no treatment. In another test, 31 subjects received PETN and 5 others treatments over a 1-year period. The investigators report that PETN was more effective in reducing the frequency of anginal attacks in this group than were placebos, theocalcin, aminophyllin, or khellin.

58. Rusek, H. I., "Combined Vasodilator and Tranquilizer Therapy in Angina Pectoris: A Comparative Study with Statistical Analysis," *American Journal of the Medical Sciences*, 249:84–88, 1965 (Exhibit 7). Nineteen patients with angina pectoris recievied chlordiazepoxide, dipyridamole, a combination of chlordiazepoxide and dipyridamole, and a combination of chlordiazepoxide and PETN for 3-week periods separated by 1-week periods of placebo. The investigators state that the combination of chlordizepoxide and PETN was shown to be more effective than the other treatments in terms of the number of pain-free and minimal-pain days reported.

59. Plotz, M., "Pentaerythritol Tetranitrate: A New Drug for the Treatment of Coronary Insufficienty," *New York State Journal of Medicine*, 52:2012–2015, 1952 (Exhibit 14). Thirty patients with angina pectoris and five with status anginosis received PETN and placebo in a double-blind study. The investigator states that beneficial results were obtained in 24 anginal patients.

60. Rosenberg, H. N. and A. L. Michelson, "The Use of Pentaerythritol Tetranitrate in Chronic Coronary Insufficiency," *American Journal of Medical Sciences*, 230:254–258, 1955 (Exhibit 15). Twenty patients with angina pectoris are evaluated in a double-blind study of the effects of PETN. Five patients are reported to have shown significant improvement after administration of PETN in doses of 20 to 30 mg four times a day over a period of approximately 6 months.

61. Russek, H. I., "The Therapeutic Role of Coronary Vasodilators: Glyceryl Trinitrate, Isosorbide Dinitrate, and Pentaerythritol Tetranitrate," *American Journal of the Medical Sciences*, 252:43–53, 1966 (Exhibit 16). Exercise electrocardiographic studies and exercise tolerance tests were performed on a group of 14 patients to evaluate the effects of glyceryl trinitrate, isosorbide dinitrate, and PETN against placebo. The investigator states that 9 of the 10 patients who received a 40-mg dose of PETN manifested an increase in exercise tolerance that appeared in 60 to 90 minutes and persisted for 4 to 5 hours.

62. Cole, R. E. and R. I. Goldberg, "Timed-Release Pentaerythritol Tetranitrate and Placebo in the Management of Angina Pectoris," *Current Therapeutic Research*, 9:551–557, 1967 (Exhibit 17). A double-blind parallel study of angina pectoris is described in which 43 patients received sustained-release PETN or placebo for 4 weeks. It is reported that patients receiving PETN responded better than those receiving placebo.

63. Sapienza, P. L., "Treatment of Angina Pectoris: A Double-Blind Study," *Clinical Medicine*, pp. 30–32, December 1968 (Exhibit 18). Forty-eight patients with angina pectoris were treated with sustained-release PETN, 10 mg and 20 mg PETN, and placebo in a double-blind parallel study. Good to excellent results were observed with sustained-release PETN but no significant difference was found between 10 and 20 mg PETN and placebo.

64. Weitzman, D., "Penta-erythritol Tetranitrate in Treatment of Angina," *British Medical Journal*, pp. 1409–1412, December 1953 (Exhibit 19). In this study, 34 patients received PETN and 31 patients received placebo for at least 3 months. Fifteen patients in each group were also crossed over to the other treatment or no treatment. The investigator found a significant improvement for the PETN group in effort tolerance and the number and severity of anginal attacks, but found no significant differences between PETN and placebo for the patients who received both treatments.

65. Winsor, T. and C. C. Scott, "Further Observations of Cardiovascular Effects of Pentaerythritol Tetranitrate in Animals and Man," *American Heart Journal*, 49:414–427, 1955 (Exhibit 20). Various studies are reported of the effects of PETN on the cardiovascular system of animals and humans. In one study, an increase in exercise tolerance was observed in 12 patients who received 25 mg sublingual PETN and placebo. In another study of 20 patients who received 10 and 20 mg sublinqual PETN, sublingual nitroglycerin, and placebo, no significant difference between PETN and placebo was shown in treating acute episodes of angina pectoris. It was also observed that PETN administered orally in average daily doses of 69.2 mg and 35.6 mg decreased the nitroglycerin intake of 13 patients compared with placebo, and in doses of 30 mg per day reduced the nitroglycerin consumption of 12 patients more than triethanolamine trinitrate.

66. Russek, H. I., et al., "Objective Evaluation of Coronary Vasodilator Drugs," *American Journal of Medical Sciences*, 229:46–54, 1955 (Exhibit 21). In this study, 60 patients with angina pectoris were treated with 2 or more vasodilator drugs. The authors report that PETN produced a marked modifying influence on the electrocardiographic response to standard exercise in 14 of the 20 patients who received the drug.

Of the articles submitted by Pfizer, only article No. 37 (discussed above) and the three that follow concern studies with Cartrax. As explained below, these three remaining articles also fail to describe adequate and well-controlled studies, and provide no evidence of the contribution of the individual components to the combination product Cartrax (21 CFR 314.111(a)(5)(ii) and 300.50).

67. Garber, R. C., Jr., "Use of a PETN-Ataractic Combination (Cartrax) in the Long Term Management of the

Cardiovascular Geriatric Patient," *Florida M.A.*, 47:163–166, 1960 (Exhibit 1). This article reports the experience of an individual physician in treating 77 patients with Cartrax for a period of over 2 years. Eighty-seven percent of the patients were over 50 years of age and most patients showed evidence of some form of cardiovascular disease. The dosage used ranged from Cartrax 10 three times daily to Cartrax 20 four times daily. The investigator reported that the patients on Cartrax did as well as, if not better, than those patients taking nitroglycerin or long-acting nitrates. The investigator concluded that more than 89 percent of the patients showed a good to excellent response. The investigator also noted that for those patients who had previously taken larger quantities of nitroglycerin, the need for additional nitroglycerin tablets was markedly curtailed.

This study reports the author's subjective evaluation of a group of patients with cardiovascular problems. The article does not report the findings of an adequate and well-controlled study. There is no evidence of a control group as required by 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). The findings also lack any descripton of the measurements made and criteria utilized for demonstrating drug effectiveness (21 CFR 314.111(a)(5)(ii)(*a*)(*3*) and (*c*)) Furthermore, no evidence is provided that any of the patients were diagnosed as suffering from angina pectoris. Thus, there is no assurance that any of the patients were even suitable for a study of that condition (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*i*)). Finally, numerous other unspecified medications were administered concomitantly with the test drug. This additional medication served to confound and cloud any determination of the effects of the test drug (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*)). These confounding effects were even acknowledged by the author, who stated that "[w]hen a second, third, or fourth drug, such as Cartrax is added, an honest evaluation as to the patient response is difficult to achieve."

This study also failed to provide any comparison of Cartrax with its individual components, PETN and hydroxyzine. Accordingly, the study is incapable of providing any evidence of the contribution of the components to the effects of the combination (21 CFR 300.50).

68. Clark, T. E. and G. G. Jochem, "Use of PETN-Ataractic Combination (Cartrax) in Coronary Heart Disease and Angina Pectoris," *Angiology*, 11:361–363, 1960 (Exhibit 69) In this study, 100 patients with arteriosclerotic heart disease and angina pectoris were treated with Cartrax 10 or Cartrax 20, which was administered three or four times a day for periods ranging from 2 to 8 weeks. Frequency and duration of attacks of angina pectoris while subjects were on Cartrax were compared with the individuals' previous clinical course while taking other drugs, mainly PETN. The patients were also evaluated for symptoms of emotional stress. All 31 patients classified as nervous and under emotional stress showed a decrease in the length, severity, and amount of angina pectoris; in the emotionally stable group, 53 patients "seems to have more angina pectoris" and 14 showed no change.

This study did not include either PETN or hydroxyzine as a separate treatment. Thus, no attempt was made in this study to compare the combination product with its individual components during the duration of the study. For that reason the study failed to demonstrate the effectiveness of Cartrax as a fixed combination (21 CFR 300.50).

Other fundamental defects are also apparent. Because criteria for determining emotional stress are not stated, there is no assurance that the subjects were assigned to either the "nervous" group or the "emotionally stable" group in such a way as to minimize bias (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*ii*)). More important, no adequate control group was employed. Because angina is a highly variable condition, it is essential to use a concurrent control group to account for the possibility of spontaneous change over time. Moreover, where subjective measurements like angina frequency are considered, it is particularly important to minimize patient and observer bias. This is usually accomplished through the mechanism of blinding. In this case, the patients were only compared with their baselines. This could not control for either the variable nature of the condition or the possibility of patient or observer bias. For the reasons stated, the study does not meet the requirements of 21 CFR 314.111(a)(5)(ii)(*a*) (*3*) and (*4*).

Finally, the validity of the study results cannot be evaluated. Although the investigators report that 100 percent of the "nervous" patients showed a decrease in angina attacks, they provide no data on periods of observation prior to treatment, actual attack rates, or the actual duration of treatment for each patient. Thus, the study is lacking the detail necessary for scientific evaluation (21 CFR 314.111(a)(5)(ii) (*a*)(*3*) and (*c*)).

69. Ende, M., "P.E.T.N. Hydroxyzine in the Treatment of Angina Pectoris," *Medical Times*, 90:703–708, 1962 (Exhibit 70). In this study, 52 patients with a clinical diagnois of angina pectoris were treated with Cartrax 10 or Cartrax 20 administered either three or four times daily for varied periods from 1 to 28 weeks. A "control" group consisting of 30 patients who received the same treatment as the test group together with 10 patients who received a placebo was also studied. The investigator reports that 92 percent of the test group showed excellent, moderate, or slight improvement in the frequency of anginal attacks and a reduction in need for nitroglycerin. The investigator also reported 83 percent of the treated patients in the control group experienced similar improvement. Finally, of the 10 placebo patients, 8 showed moderate to slight improvement.

This study did not include either PETN or hydroxyzine as a test drug, so it failed to provide a comparison between the effects of Cartrax and the effects of the individual components of this combination. Accordingly, the study does not demonstrate that the components of Cartrax contribute to the combination's therapeutic effects (21 CFR 300.50).

Many other defects are apparent. There is no protocol providing an explanation of the methods of observation and recording of results, or of the steps taken to minimize bias on the part of the observer (21 CFR 314.111(a)(5)(ii)(*a*)(*3*)). No description of the method of selection of subjects and assignment to test groups is provided as required (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)). The "control" group was also defective. Because the 30 "control" group patients received the test drug, they provided no comparison with the test group as to the effects of treatment (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). No statistical analysis is provided as required by 21 CFR 314.111(a)(5)(ii)(*a*)(*5*)); furthermore, there is no statistically significant difference between the response rate in the 10 patient placebo group and that in the treated groups. accordingly, the results provide not evidence that Cartrax has any beneficial effect when compared with a control.

IV. Summary

The data submitted by Pfizer are facially inadequate to support a request for hearing for Cartrax (21 CFR 300.50, 314.111(a)(5), and 314.200). Of the 69 references submitted, only 4 describe studies concerning the effects of Cartrax. the remainig references consist of untranslated articles, general reviews

and testimonials, and studies of other conditions and drugs.

Of the four studies relating to Cartrax, none are adequate and well-controlled within the meaning of 21 CFR 314.111(a)(5). One study (No. 37) evaluated Cartrax for a condition other than angina pectoris (21 CFR 314.111(a)(5)(ii)(*a*)(*2*), and was uncontrolled (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). Two of the other studies on cartrax (No. 67 and No. 78) did not include control groups (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). In the remaining study (No. 69), 75 percent of the control group received the test drug, providing no comparison of the effects of treatment (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)). The remainder of this control provided a placebo comparison to the treatment but showed no meaningful statistical differences in response from treatment with Cartrax. Most significantly, none of the studies on Cartrax addressed the contribution of each component to the effects of the combination. Thus, all of the studies cited are incapable of demonstrating the effectiveness of Cartrax as a fixed combination (300.50).

Pfizer filed no submissions on the effectiveness of Cartrax for the indications relating to angina decubitis, precordial pain, and status anginosis. Thus, Cartrax has not been shown to be effective for any of those labeled indications either.

V. Legal Arguments

A. *Pfizer.* Pfizer asserts that acceptable test protocols to test anti-anginal drugs in man are not available and that physicians have accepted that the nitrate drugs are effective by virtue of their extensive use in medical practice over a long period of time without proof of this fact by controlled trails. Pfizer contends that "[t]wenty years of successful clinical experience cannot be ignored and the existence of a useful drug threatened because we cannot agree on how to measure academically what has been observed in clinical practice for years."

Pfizer's assertions are without merit. The act requires that the effectiveness of a drug product be shown by adequate and well-controlled studies (21 U.S.C. 355(d)). Neither the widespread acceptance of a product nor the difficulty of conducting such studies justifies a departure from this statutory standard. The contention that widespread acceptance of a product constitutes substantial evidence of effectiveness has been expressly rejected by the courts. *Hynson, Westcott & Dunning, Inc.*, v. *Weinberger*, 412 U.S. 609 (1973); *Cooper Laboratories, Inc.* v. *FDA*, 501 F.2d 772 (D.C. Cir. 1975); *Upjohn Co.* v. *Finch*, 422 F.2d 944 (6th Cir. 1970). Furthermore, guidelines for the clinical testing of anti-anginal drugs have been available from FDA since August 26, 1977 (42 FR 43127), and successful studies based on those guidelines have been completed. Accordingly, it is incorrect to assert that acceptable clinical testing methodology is not available. Pfizer has submitted no additional data to FDA since it filed a request for hearing in April 1973.

Pfizer also contends that Cartrax satisfies the requirements of the combination policy because it consists of an effective anxiolytic agent (hydroxyzine) and an effective anti-anginal agent (PETN). In support of that argument, Pfizer contends that hydroxyzine contributes to the claimed effects of the combination by reducing the anxiety that coexists with the anginal condition, thereby contributing to anginal distress. Pfizer also relies on the studies that it submitted on the effectiveness of PETN as evidence of the contribution of that component to the claimed effects of the combination.

Pfizer's reasoning lacks merit. It must be recognized that the effectiveness of hydroxyzine in treating anxiety does not establish its effectiveness in therapy for angina pectoris. Some anginal patients undoubtedly experience anxiety. Under Pfizer's hypothesis, however, successful stabilization of the anxiety state in a patient would virtually always produce improvement in the anginal syndrome. This has not been clinically demonstrated by Pfizer through well-controlled studies.

Pfizer's argument is also inadequate as a matter of law. Although each ingredient of a drug may be safe and effective by itself, it does not necessarily follow that a combination of those ingredients is safe and effective. The regulation for fixed combination drugs requires that each component of a combination be shown to contribute to the combination's claimed effects (21 CFR 300.50). This requirement is addressed by studies which include treatment with the combination and each of its ingredients alone to permit a comparison of the effects of the combination with those of its individual ingredients. If each ingredient makes a contribution to the combination's claimed effects, the combination will be shown to provide a greater benefit than each ingredient alone. The studies submitted by Pfizer on the individual effects of PETN and hydroxyzine did not include treatment with Cartrax and provided no comparison of the combination product with its individual ingredients. The studies offered failed to show the effectiveness of the combination for that reason. The submitted studies that tested the effects of Cartrax similarly failed to compare the combination with PETN or hydroxyzine. Accordingly, Pfizer has failed to establish the effectiveness of Cartrax as a fixed combination within the meaning of 21 CFR 300.50.

Pfizer also contents that the combination policy is satisfied by the greater convenience and reliability of its product, Cartrax. The Commission recognizes that a fixed-combination drug may provide patients with greater convenience, and may improve patient compliance. However, the combination policy expresses the agency's determination that these advantages are material only when the patient benefits from each component of the fixed combination, with the components being administered in set amounts and at set intervals that are appropriate to the patient's needs. As explained above, the sponsor has not demonstrated that each component of Cartrax contributes to the combination's claim effects. Pfizer's argument of improved patient convenience therefore does not meet its burden under the combination policy.

B. *National Association of Pharmaceutical Manufacturers.* In a comment filed on January 6, 1976, NAPM requested that the December 9, 1975 notice of opportunity for hearing be rescinded until acceptable methodology for testing anti-angina drugs became available. In support of this request, NAPM stated that FDA had recognized the difficulty of designing and executing controlled clinical studies for anti-anginal drugs, and that agreement between FDA and industry on acceptable clinical protocols had not yet been reached. NAPM also noted that substantial evidence of effectiveness for the combination organic nitrates cannot be submitted in the absence of acceptable clinical methodology, and argued that withdrawal of approval of the new drug applications would therefore be arbitrary and capricious.

These assertions do not support NAPM's request. Guidelines for the clinical testing of anti-anginal drugs have now been available for over 6 years (42 FR 43127; August 26, 1977) and are used for conducting studies of anti-anginal drugs. Thus, acceptable methodology for testing anti-anginal drugs does now exist. NAPM has submitted no data from controlled studies demonstrating the effectiveness of Cartrax or any other organic nitrate combination. Its request for rescission of the notice of opportunity for hearing is therefore denied.

VI. Findings

On the basis of the foregoing, the Commissioner finds: (1) That there is a lack of substantial evidence to demonstrate that Cartrax 10 Tablets and Cartrax 20 Tablets have the effects they are represented to have under the conditions of use prescribed, recommended, or suggested in their current labeling; (2) that there is a lack of substantial evidence to support the conclusion that each component of the Cartrax products contributes to the total effects claimed (21 CFR 314.111(a)(5)(ii) and 300.50); and (3) that Pfizer has failed to demonstrate the existence of a genuine and substantial issue of fact requiring a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1052–1053 as amended (21 U.S.C. 355(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), the request for a hearing is denied, and approval of NDA 10–998 for Cartrax 10 and Cartrax 20 Tablets, and all amendments and supplements thereto, is hereby withdrawn. Distribution of these drug products in interstate commerce without an approved new drug application is illegal and subject to regulatory action. This order is effective May 3, 1984.

Dated: March 26, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84–8767 Filed 4–2–84; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

Filing of Annual Reports of Federal Advisory Committees

Notice is hereby given that pursuant to section 13 of Public Law 92–463, the Annual Reports for the following Office of the Assistant Secretary for Health Federal Advisory Committees have been filed with the Library of Congress:

Health Services Research and Developmental Grants Review Committee

Health Care Technology Study Section

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245–6791. Copies may be obtained from Mr. Hoke S. Glover, National Center for Health Services Research, Room 1–52, Park Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–3091.

Dated: March 28, 1984.

John E. Marshall,

Director, National Center for Health Services Research.

[FR Doc. 84–8804 Filed 4–2–84; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–82139]

Realty Action; Leasing of Public Lands Near the Pedro Monument, Alaska

Under the authority of section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), the Bureau of Land Management is offering to lease for residential purposes approximately 5.5 acres of land within the SW¼ of Section 11 of T.2N., R.1E., Fairbanks Meridian.

These lands have been selected by the State of Alaska; however, tentative approval of conveyance is not imminent. The proposed lease is being offered with the concurrence of the State of Alaska, Department of Natural Resources. Its purpose is to authorize an inadvertent and long-standing unauthorized occupancy. For this reason, the lease is being offered on a non-competitive basis to the present occupants.

The proposed term is not to exceed ten years. The lease will be subject to renewal only if the lands remain under the jurisdiction of the Bureau of Land Management and will be subject to all prior existing rights. Processing costs and fair market value rental will be paid by the lessees.

Detailed information concerning this lease may be obtained from Jerry Valentine at the Yukon Resource Area Office on Fort Wainwright. Telephone (907) 356–5367.

For a period of 45 days following publication of this Notice, interested parties may submit comments to the Bureau of Land Management, Fairbanks District Office, Yukon Resource Area, P.O. Box 1150, Fairbanks, Alaska 99707.

Ruth McFadden,

Acting District Manager.

[FR Doc. 84–8777 Filed 4–2–84; 8:45 am]

BILLING CODE 4310–84–M

Arizona Strip District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet on Thursday, April 26, 1984, at 8:30 a.m. in the banquet room, Sugar Loaf Restaurant, 290 East St. George Blvd., St. George, Utah.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, Arizona Strip District, 196 E. Tabernacle, St. George, Utah 84770, (801) 673–3545.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include projects for range improvement funding, changes in new grazing regulations, and Arizona water rights.

The meeting is open to the public. Interested persons may make oral statements to the Board at 2:00 p.m. or file written statements for the Board's consideration.

Dated: March 23, 1984.

G. William Lamb,

Arizona Strip District Manager.

[FR Doc. 84–8778 Filed 4–2–84; 8:45 am]

BILLING CODE 4310–84–M

[Serial No. I–2834]

Idaho; Termination of Classification for Multiple Use Management

1. Pursuant to the authority delegated by BLM Manual Section 1203—Delegation of Authority (48 FR 85), I hereby terminate, with the exception of those lands described in paragraph 2 below, the Bureau of Land Management Multiple-Use Classification Order dated December 4, 1970, and published in the **Federal Register** December 11, 1970, Vol. 35, No. 240, page 18883. These public lands are located in Custer County within the Salmon and Idaho Falls Districts of the Bureau of Land Management. The termination affects approximately 780,949 acres of public land.

2. The following-described lands, which were further segregated from appropriation under the general mining laws, will remain segregated by virtue of the classification order dated December 4, 1970, Vol. 35, No. 240, paragraph 3, page 18885.

Boise Meridian, Idaho

Upper East Fork Campground

T. 9 N., R. 17 E.,
Sec. 22, SE¼SW¼;
Sec. 27, NW¼SW¼;
Sec. 28, SW¼SE¼.

Jimmy Smith Lake Campground

T. 10 N., R. 18 E.,
Sec. 30, lot 4.

Sullivan Springs Campground

T. 11 N., R. 17 E.,
Sec. 22, lot 4.

Clayton Ranger Station Campground

T. 11 N., R. 17 E.,
Sec. 29, lot 11;
Sec. 30, lot 10.

Fox Creek Campground

T. 9 N., R. 18 E.,
Sec. 3, lots 3 and 4.

Ziegler's Hole Recreation Site

T. 10 N., R. 18 E.,
Sec. 24, SE¼SW¼.

East Fork Recreation Site

T. 11 N., R. 18 E.,
Sec. 22, lot 5.

Birch Creek Recreation Site

T. 11 N., R. 18 E.,
Sec. 22, lot 8.

Spud Creek Recreation Site

T. 11 N., R. 18 E.,
Sec. 22, lot 11;
Sec. 27, lots 1 and 2;
Sec. 28, lots 2 and 3.

Bayhorse Creek Recreation Site

T. 12 N., R. 18 E.,
Sec. 2, S½SE¼SE¼;
Sec. 11, N½NE¼NE¼.

Deadman Hole Recreation Site

T. 12 N., R. 19 E.,
Sec. 19, lot 7;
Sec. 30, lots 1, 2, and 3.

Lake Creek Picnic Site

T. 9 N., R. 19 E.,
Sec. 23, SE¼SE¼SE¼.

Wood Creek Recreation Site

T. 12 N., R. 19 E.,
Sec. 6, lot 13.

Round Valley Recreation Site

T. 13 N., R. 19 E.,
Sec. 10, lots 6 and 7.

Morgan Creek Recreation Site

T. 16 N., R. 19 E.,
Sec. 33, lot 2.

Pinto Creek Recreation Site

T. 8 N., R. 21 E.,
Sec. 30, lot 2.

Spring Gulch Recreation Site

T. 15 N., R. 20 E.,
Sec. 18, lot 1.

Mike Ellis Bridge Recreation Site

T. 16 N., R. 20 E.,
Sec. 34, lots 3, 4, and 7;
Sec. 35, lot 1.

Black Daisy Recreation Site

T. 7 N., R. 23 E.,
Sec. 11, SE¼SE¼;
Sec. 12, W½SW¼.

Double Springs Recreation Site

T. 12 N., R. 13 E.,
Sec. 31, lot 4.

Summit Creek Recreation Site

T. 11 N., R. 25 E.,
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NW¼.

Ras Canyon Campground

T. 4 N., R. 24 E.,
Sec. 2, NW¼SW¼;
Sec. 3, NE¼SE¼.

School House Canyon Campground

T. 5 N., R. 24 E.,
Sec. 35, SE¼SE¼ (lot 4).

Marsh Canyon Campground

T. 5 N., R. 25 E.,
Sec. 29, NE¼NW¼.

Diversion Campground

T. 6 N., R. 25 E.,
Sec. 14, SW¼NE¼, NW¼SE¼.

The total area of these sites is approximately 1, 583.50 acres.

The lands described above in paragraph 1 have been and will continue to be open to the mining laws, and applications and offers under the mineral leasing laws.

3. The segregative effect on the lands described in paragraph 1 of this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2). At 9:00 a.m. on April 30, 1984, these lands shall be open to operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 9:00 a.m. on April 30, 1984, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquires concerning the lands should be addressed to the Chief, Branch of Land Operations, Bureau of Land Management, 3380 Americana Terrace, Bosie, Idaho 83706.

Dated: March 23, 1984.

Claire M. Whitlock,

State Director.

[FR Doc. 84-8776 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-GG-M

Idaho; Filing of Plat of Survey

March 23, 1984.

The plats of survey of the following described lands were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho on the dates hereinafter stated:

Boise Meridian

T. 11 S., R. 26 E., Accepted January 4, 1984, Officially Filed February 17, 1984.
T. 47 N., R. 1 W., Accepted January 10, 1984, Officially Filed February 22, 1984.
T. 7 N., R. 40 E., Accepted January 17, 1984, Officially Filed February 23, 1984.
T. 47 N., R. 1 W., Accepted January 16, 1984, Officially Filed February 23, 1984.
T. 6 N., R. 10 E., Accepted February 2, 1984, Officially Filed March 7, 1984.
T. 6 N., R. 5 E., Accepted January 27, 1984, Officially Filed March 7, 1984.
T. 42 N., R. 2 E., Accepted February 10, 1984, Officially Filed March 16, 1984.
T. 43 N., R. 2 E., Accepted February 10, 1984, Officially Filed March 16, 1984.
T. 5 N., R. 4 E., Accepted February 15, 1984, Officially Filed March 19, 1984.
T. 5 N., R. 5 E., Accepted February 15, 1984, Officially Filed March 19, 1984.
T. 5 S., R. 19 E., Accepted March 12, 1984, Officially Filed March 21, 1984.

The above-listed plats represent supplemental plats, dependent resurveys, and/or section subdivision.

Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, 83706.

Sharron Deroin,

Chief, Land Services Section.

[FR Doc. 84-8779 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-GG-M

[NM 038148]

New Mexico; Proposed Continuation of Withdrawal

Dated: March 23, 1984.

In accordance with the provisions of section 204 of the Federal Land Policy and Management Act of 1976, the Department of the Interior, Bureau of Reclamation has filed a statement of justification for the continuation of Public Land Order 2174 dated August 5, 1960. The Public Land Order withdrew the following lands from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws for use by the Department of the Interior, Bureau of Reclamation in connection with the Middle Rio Grande Project:

New Mexico Principal Meridian

T. 3 S., R. 1 E.,
Sec. 31, lots 50 and 51;
T. 4 S., R. 1 E.,
Sec. 5, lots 19 and 20;
Sec. 6, lot 1;
Sec. 8, lot 43;
Sec. 17, lot 19;
Sec. 21, lots 12, 13, 14, 17 and 18;
Sec. 28, lots 18 and 21.
Sec. 33, lots 13 and 14.

The areas described aggregate 150.60 acres.

The Bureau of Land Management proposes continuation of the withdrawal in its entirety for 50 years. The purpose of the withdrawal is for use in connection with the Middle Rio Grande Project. No change in the segregative

effect or use of the lands would be affected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

Monte G. Jordan,

Associate State Director.

[FR Doc. 84-8780 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-FB-M

National Petroleum Reserve of Alaska; Call for Nominations and Comments on Oil and Gas Leasing

Pursuant to the authority prescribed in the Interior Department Appropriations Act of 1980 (Pub. L. 96-514) and as recommended by the Bureau of Land Management Record of Decision on Oil and Gas Leasing in the National Petroleum Reserve in Alaska, nominations and comments are hereby requested for areas in the NPR-A for future competitive oil and gas leasing. Selections of up to two million acres (86 townships) are to be made on maps available free of charge from the Bureau of Land Management offices listed below.

Bureau of Land Management, Alaska State Office, Public Room, Box 13, Federal Building, Anchorage, AK 99513.

Bureau of Land Management, Fairbanks District Office, Public Room, P.O. Box 1150, Fairbanks, AK 99707.

The pre-addressed map with the participant's nominations marked on it should be returned to the Fairbanks, Alaska office no later than May 15, 1984.

The individual selections returned will be statistically averaged with all returned selections to assess the leasing interest in the NPR-A. In no instance shall any individual responses be made public: individual areas of interest will remain strictly confidential.

For further information call: (907) 356-5130 in Alaska.

Ruth McFadden,

Acting District Manager.

[FR Doc. 84-8774 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 072, Block 12, South Pelto Area, Offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Dulac and Houma, Louisiana.

DATE: The subject DOCD was deemed submitted on March 27, 1984.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Manager, Gulf of Mexico Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Mike Joseph, Minerals Management Service, Gulf of Mexico Region; Rules and Production; Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 838-0867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised Section 250.34 of Title 30 of the CFR.

Dated: March 27, 1984.

John L. Rankin,

Regional Manager, Gulf of Mexico Region.

[FR Doc. 84-8811 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 23, 1984. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by April 18, 1984.

Carol Dubie,

Acting Chief of Registration, National Register.

ARKANSAS

Crittenden County

Marion, *Crittenden County Bank and Trust Company,* Military Rd.

CALIFORNIA

Los Angeles County

Redondo Beach, *Woman's Club of Redondo Beach,* 400 S. Broadway

Napa County

Napa, *Hackett House,* 2109 First St.

Sacramento County

Sacramento, *Alkali Flat North Historic District,* D and 11th Sts.

San Francisco County

San Francisco, *Dallam-Merritt House,* 2355 Washington St.

San Joaquin County

Lodi vicinity, *Terminous Culling Chute,* 14900 W. CA 12

IOWA

Jackson County

Bellevue, *Potter's E.G., Josper Flour Mill,* South and Second Sts.

Story County

Sheldahl, *Sheldahl First Norwegian Evangelical Lutheran Church*, 3rd and Willow Sts.

Winneshiek County

Freeport vicinity, *Freeport Bowstring Arch Bridge*, Spans Upper Iowa River

Woodbury County

Smithland vicinity, *Benson Archeological Site (13WD50)*, N of Smithland

KANSAS

Labette County

Harmon Site No. 2 (14LT323),

LOUISIANA

St. Martin Parish

Breaux Bridge vicinity, *Fontenette-Durand Maison Dimanche*, LA 94

MARYLAND

Cecil County

Port Deposit vicinity, *Snow Hill Site*, Off U.S. 222

Port Deposit vicinity, *Tome School for Boys Historic District*, Bainbridge Naval Training Grounds

MICHIGAN

Genesee County

Flint, *Industrial Savings Bank Building*, 432 N. Saginaw St.

Oakland County

Pontiac, *Grinnell Brothers Music House*, 27 S. Saginaw St.

MISSOURI

Crawford County

Sullivan, *Harney, Maj. Gen. William S., Summer Home*, 332 S. Mansion Ave.

Marion County

Hannibal vicinity, *Hendren Farm*, Off U.S. 61.

St. Louis County

Ladue, *Plant Samuel, House* 800 Cella Rd.

MONTANA

Gallatin County

Bozeman, *Hotel Baxter*, 105 W. Main St.

Bozeman, *Spieth and Krug Brewery (Maxey Block)*, 238–246 E. Main St.

NEW HAMPSHIRE

Merrimack County

Concord, *2½ Beacon Stree*, 2½ Beacon St.

NEW MEXICO

Bernalillo County

Albuquerque, *Kress, S. H., Building*, 414–416 Central Ave., SW

NEW YORK

Suffolk County

Patchogue, *United Methodist Church*, S. Ocean Ave. and Church St.

NORTH CAROLINA

Warren County

Oakville vicinity, *Hebron Methodist Church*, SR 1306

OHIO

Hamilton County

Cincinnati, *St. Francis Hospital* 1860 Queen City Ave.

Highland County

Hillsboro, *Hillsboro Historic Business District*, Roughly bounded by Beech, Walnut, East, and West Sts.

Pickaway County

Circleville vicinity, *Lawndale Farm Complex*, 26476 Gay Dreisbach Rd.

OKLAHOMA

Muskogee, County

Muskogee, *Cross, V.R., House (Territorial Homes of Muskogee TR)*, 1315 W. Okmulgee St.

Muskogee, *Murphy, George A., House (Territorial Homes of Muskogee TR)*, 1321 W. Okmulgee St.

Muskogee, *Patterson, A.W., House (Territorial Homes of Muskogee TR)*, 1320 W. Okmulgee St.

Muskogee, *Trumbo, A.C., House (Territorial Homes of Muskogee TR)*, 1321 W. Broadway St.

Muskogee, *Welch, J.C., House (Territorial Homes of Muskogee TR)*, 1403 Okmulgee St.

SOUTH CAROLINA

Abbeville County

Abbeville, *Abbeville Historic District (increase/decrease)*, Roughly bounded by Livingston, Chestnut, Walnut, and Long Branch Sts.

TENNESSEE

Davidson County

Nashville, *Belle Meade Apartments*, 715 Belle Mead Blvd.

Williamson County

College Grove vicinity, *Cannon, Newton, House*, Taliaferro Rd.

WASHINGTON

King County

Seattle, *Seattle, chief of the Suquamish Statue*, 5th Ave., Denny Way, Cedar St.

Spokane County

Spokane, *Peaceful Valley Historic District*, Roughly bounded by the Spokane River, Wilson Ave., Elm, and Cedar Sts.

[FR Doc. 84-8815 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-79-M

Office of Surface Mining Reclamation and Enforcement

Extension of Comment Period for Draft Environmental Impact Statement on Proposed Montco Mine, Rosebud County, Montana

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

ACTION: Notice of extension of comment period for a draft environmental impact statement.

SUMMARY: The Office of Surface Mining (OSM) is announcing a 10-day extension of the comment period for draft environmental impact statement OSM–EIS–14 (EIS) on the proposed Montco mine in Rosebud County, Montana. Two organizations expressed the need for more time to prepare comments on the EIS and requested that OSM extend the comment period until May 9, 1984. Because an extension will delay the preparation of the final EIS and the decision on the Montco proposal, OSM is able to grant the request only in part and therefore will extend the comment period for 10 days until April 19, 1984.

DATE: The comment period for the draft EIS will be extended until 5:00 p.m. (eastern time) on April 19, 1984.

ADDRESS: Hand deliver or mail written comments to the Office of Surface Mining, U.S. Department of the Interior, Division of Environmental and Economic Analysis, Room 134, Interior South Building, 1951 Constitution Avenue, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Anna May Orellana at the location given under "**ADDRESS**" or by telephone (202–343–5854).

SUPPLEMENTARY INFORMATION: Copies of the draft EIS are available at the OSM office given under "**ADDRESS.**" Background information was given in 49 FR 5000–5001 on February 9, 1984.

Dated: March 29, 1984.

Brent Wahlquist,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 84-8827 Filed 4-2-84; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 91)]

Seaboard System Railroad, Inc., Abandonment In Robeson County, NC

The Commission has found that the public convenience and necessity permit the abandonment by the Seaboard

System Railroad, Inc., of its line of railroad between milepost AG 235.53 at Red Springs and milepost AG 222.99 at Parkton, a distance of 12.54 miles in Robeson County, NC. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower left-hand corner of the envelope containing the offer: "Rail Section AB.OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-8789 Filed 4-2-84; 8:45 am]

BILLING CODE 1035-01-M

DEPARTMENT OF JUSTICE

Privacy Act of 1974; Production or Disclosure of Material or Information

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This notice amends a Department of Justice system or records with respect to those records in the custody and control of the United States Attorney for the District of Columbia. The affected system of records, JUSTICE/USA-008, is amended below to reflect an additional system manager. This amendment will permit reader access by the public. (JUSTICE/USA-008 was last published on August 23, 1983, 48 FR 38336.

EFFECTIVE DATE: April 3, 1984.

FOR FURTHER INFORMATION CONTACT: Susan A. Nellor, Assistant Director, Legal Services, Executive Office for United States Attorneys, Room 1627, Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530 (202-633-4024).

The Privacy Act system of records known as "Freedom of Information Act/Privacy Act Files, JUSTICE/USA-008" is amended as follows:

* * * * *

SYSTEM MANAGERS AND ADDRESSES:

(a) Director, Executive Office for United States Attorneys; U.S. Department of Justice; 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURES:

Address all inquiries, except those concerning the United States Attorney's office for the District of Columbia to System Manager (a) above.

Address those inquiries concerning the United States Attorney's office for the District of Columbia to System Manager (b) above.

RECORD ACCESS PROCEDURES:

* * * * *

All requests, except those concerning the United States Attorney's office for the District of Columbia, should be directed to System Manager (a) listed below.

Those requests concerning the United States Attorney's office for the District of Columbia should be directed to System Manager (b) listed above.

CONTESTING RECORD PROCEDURES:

All requests for correction, including those concerning the United States Attorney's office for the District of Columbia, should be directed to System Manager (a) listed above and should indicate the exact correction required.

* * * * *

Dated: March 27, 1984.

Carol A. Williams,

Federal Register, Liaison Officer, Department of Justice.

[FR Doc. 84-8562 Filed 3-29-84; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Final Judgment on Consent Pursuant to Safe Drinking Water Act

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on March 20, 1984 a proposed Stipulation and Consent Decree in *United States* v. *Midland Water Association, et al.*, Civil No. 83-32, was lodged with the United States District Court for the District of Oregon. The Complaint alleged violations of the Safe Drinking Water Act and national interim primary drinking water regulations, including provisions setting forth maximum contaminant levels, in the operation of defendants' public water system. The proposed Stipulation and Consent Decree would require defendant to construct facilities needed to ensure permanent compliance with maximum contaminant levels, and to comply with sampling, reporting, and public notice provisions of the regulations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Midland Water Association*, D.J. Ref. 90-5-1-1-1877.

The proposed Final Judgment on Consent may be examined at the office of the United States Attorney, District of Oregon, 312 United States Courthouse, 620 S.W. Main Street, Portland, Oregon 97205 and at the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. Copies of the Stipulation and Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed Final Judgment on Consent 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 enclose a check in the amount of $1.40 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 84-8763 Filed 4-2-84; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Amendment to Prohibited Transaction Exemption 77-9; Application Nos. D-447 and D-1903; Prohibited Transaction Exemption 84-24]

Amendments to Class Exemption for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Amendment of class exemption.

SUMMARY: This document amends Prohibited Transaction Exemption 77-9 (PTE 77-9). The amendments exempt

certain transactions similar to those previously addressed in PTE 77–9 from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act). The amendments will affect participants and beneficiaries of employee benefit plans, fiduciaries of such plans, and persons engaging in transactions to which the exemption applies.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT: Douglas Wham, Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor (202) 523–7923. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On April 6, 1982, the Department published in the **Federal Register** (47 FR 14808) notice of the pendency of proposed amendments to PTE 77–9. PTE 77–9 provides an exemption from the prohibited transaction restrictions of section 406 of ERISA and from the taxes imposed by sections 7975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of the Code.[1] The notice gave interested persons an opportunity to comment on the proposal and to request a hearing on the matter.

Public comments were received pursuant to the provisions of section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Two commenters requested a public hearing, should the Department decide either not to adopt the proposed amendments or not to resolve in their favor certain issues that they raised in their comments. The Department has determined not to hold a public hearing on the matter since, as is discussed below, the Department believes that the exemption, as granted, provides the relief that those commenters have requested.

Discussion: I. General

In brief, PTE 77–9 provides that certain transactions, described in Section III of the exemption, are exempted from the prohibited transaction provisions of section 406 of ERISA. The transactions relate to the purchases, with plan assets, of investment company securities or insurance or annuity contracts and the payment of sales commissions in conjunction with such purchases. Insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters who are parties in interest with respect to an employee benefit plan because they either are, or are affiliated with, fiduciaries or other service providers for the plan may, subject to the conditions listed in sections IV and V, avail themselves of the exemption in order to engage in such transactions with the plan.

As is discussed more fully in the preamble to the proposed exemption, conditional relief has been available under PTE 77–9 for the purchase by a plan of securities issued by an investment company, where the investment company, its principal underwriter, or its investment adviser are parties in interest with respect to the plan. However, where an affiliate of any of those entities is a trustee of the plan, such relief was available only if the transaction was one described in section III(f) of the exemption, which is limited to situations where the entity is a party in interest solely by reason of the sponsorship of a master or prototype plan, including the provision of nondiscretionary trust or custodial services in connection therewith. The amendment to section V(a) being adopted in this notice, however, will permit the broader range of transactions described in sections III(a)–(d) where the party seeking to use the exemption provides nondiscretionary trust or custodial services to the plan but does not render investment advice with respect to any assets of the plan. With the adoption of amended section III(f), moreover, relief will also be available under that section to plans other than master or prototype plans sponsored by the investment company complex. In addition, the Department is adopting as proposed new section VI(g). That paragraph defines "nondiscretionary trustee" and "nondiscretionary trust services" as those terms are used in sections V(a) and III(f), respectively. For a more complete discussion of the background and scope of PTE 77–9 and the proposed amendments, see the preamble to the proposal of April 6, 1982 (47 FR 14808) and the preamble to the prior version of the exemption published in the **Federal Register** on June 24, 1977 (42 FR 32395).

II. Discussion of Comments Received

The Department received five written comments regarding the proposed amendments to PTE 77–9. Most of the commenters generally favored the adoption of the proposed amendments. Two commenters, however, suggested that the Department clarify, either in the preamble to the final version or in the final version of the exemption itself, that nondiscretionary custodians are to be treated in the same manner as nondiscretionary trustees and, thus, may take advantage of the exemption to the same extent as nondiscretionary trustees. These commenters requested a hearing on the matter if the Department contemplated not effecting the requested clarification. A third commenter requested assurances from the Department that all of the functions described in footnote three of the proposal are nondiscretionary trust or custodial services for purposes of PTE–77–9. A fourth commenter suggested that changes be made to the exemption to accommodate concerns that the commenter expressed regarding the applicability of the exemption to transactions involving securities issued by "no-load" mutual funds—i.e., securities sold with no sales charge. The fifth commenter offered no suggestion for change to the final version.

The issues raised by the commenters are discussed below.

(A) Nondiscretionary Custodians

Two commenters noted that, under the proposed amendments, PTE 77–9 would provide relief for transactions described in sections III(a)–(d) of the exemption where a trustee of the plan is affiliated with the investment company (or with its adviser or principal underwriter), provided that the trustee's duties are nondiscretionary. See section V(a) of the exemption. They argue, however, that since sections 401(f) and 408(h) of the Code provide that custodians shall be treated as trustees for certain purposes,[2] PTE 77–9 may not be available for purchases by plans of mutual fund shares where the mutual fund complex provides nondiscretionary custodial services to such plans through persons who are *not* trustees. Because of this concern, these commenters requested that a hearing be held on the matter unless the Department made clear that the provision by a mutual fund complex of such "in-house" custodial services would not operate as a bar to the availability of the exemption.

In the Department's opinion, the conditions contained in section V(a) of

[1] Section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978), effective December 31, 1978 (44 FR 1065, January 3, 1979), transferred the authority of the Secretary of the Treasury to issue exemptions of the type granted herein to the Secretary of Labor. In the discussion of the exemption, references to the various provisions of section 406 of ERISA should be read to refer as well to the corresponding provision of section 4975 of the Code.

[2] Sections 401(f) and 408(h) of the Code provide, in part, that a custodial account that is not a trust shall be treated, nevertheless, as a trust for purposes of sections 401 and 408, respectively, if certain specified conditions are met. In such cases, the custodian of the account is treated as the account's trustee for purposes of the Code.

the exemption as amended herein do not create the difficulties perceived by the commenters. The availability of the exemption as amended to a person providing nondiscretionary custodial services to a plan is not affected by the person's designation as a trustee or custodian to the extent that the services are limited in the manner described in sections V(a) and VI(g) of the exemption.[3]

(B) List of Nondiscretionary Trust Services

On the matter of providing assurances regarding specific services, the Department cannot state categorically that certain services in all cases are nondiscretionary for purposes of PTE 77–9. Whether or not a particular trust or custodial service is nondiscretionary in nature generally will depend on the facts and circumstances surrounding the provision of the service. Those services listed in footnote three of the proposal were described in a submission by one of the applicants as typical nondiscretionary trust or custodial services, and, thus, "ministerial in nature". The Department believes that the provision of such services is within the scope of the definition of "nondiscretionary trust services" contained in section VI(g) of the exemption, if they are in fact ministerial in nature.[4]

(C) Additional Services and No-Load Mutual Fund Complexes

The Department received one comment on behalf of a no-load mutual fund complex, requesting the Department to amend the definition of "nondiscretionary trust services" to include any additional services described in section 408(b)(2) of ERISA. This would allow the provision of all such services in connection with a transaction decribed in section III(f) by any party qualifying for the exemption under that section. According to the commenter, no-load complexes in particular would benefit from such an amendment, as explained below. As an alternative, the commenter requested an amendment to section III(c) so that no-load mutual fund complexes which, according to the commenter, do not necessarily engage a principal underwriter, as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (the 1940 Act), qualify for the exemptions provided in section III(b)–(c). The exemptions described in those sections currently allow the provision of services in addition to "nondiscretionary trust services", but the exempted transactions are those engaged in by an "investment company principal underwriter."[5]

Amended section III(f) describes transactions engaged in by an investment company or its principal underwriter and, therefore, according to the commenter, can be used by no-load mutual fund complexes. That section, however, does not allow the provision of any services other than nondiscretionary trust or custodial services. Thus, the commenter contended that if no-load mutual fund complexes are not allowed to use the exemptions provided in section III(b)–(c), and if the definition of nondiscretionary trust services in section VI(g) is not expanded to include all services described in section 408(b)(2), no-load complexes will be more limited in their ability to provide additional services to employee benefit plans under PTE 77–9 than load complexes. By comparison, load mutual fund complexes, because they engage a principal underwriter, qualify for the exemptions in III (b) and (c). Consequently, they are able to provide any additional services described in section 408(b)(2) without contravening the terms of the exemption. The commenter argues that it was not the intent of PTE 77–9 to allow load mutual fund complexes to engage in certain transactions with employee benefit plans and provide certain additional servcies while not similarly permitting no-load complexes to engage in those same transactions and provide those same services.

After careful consideration, the Department has decided not to adopt the requested changes. The suggestion of the commenter with regard to amending the definition in section VI(g) would be inconsistent with one of the purposes of the exemption. Section III (b) and (c), as previously stated, do not preclude the provision by a mutual fund complex to a plan of additional services described in section 408(b)(2) of ERISA, provided, however, that the conditions in both sections IV and V are satisfied. Amended section III(f), on the other hand, is available only where an entity in the mutual fund complex is a fiduciary or service provider (or both) solely by reason of the sponsorship of a master or prototype plan, the provision of nondiscretionary trust or custodial services, or both. It covers situations where the relationship between the plan and the mutual fund complex is more limited than that permitted under sections III(b)–(c). In view of that more limited relationship, the Department has determined that only the conditions contained in Section IV (and not those contained in Section V) of the exemption need be satisfied in connection with transactions described in III(f). Thus, the provision of additional services to the plan in connection with a transaction described in section III(f), such as services described in ERISA section 408(b)(2), is not within the

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[3] It should be noted that the Code's treatment of certain custodians as "trustees" does not mean that the requirement contained in section 403(a) of ERISA, that the assets of a plan shall be held in trust by one or more trustees, is satisfied by reason of such treatment. In the case of a plan subject to the provisions of Title I of ERISA, and except as specifically provided otherwise in section 403(b) of ERISA, the assets of the plan must be held in trust notwithstanding the potential application, for purposes of the Code, of sections 401(f) and 408(h) of the Code. See H.R. Rep. 1280, 93d Cong., 2d Sess. 299 (1974).

[4] The Services listed in footnote three of the proposal are reprinted here for the sake of convenience. They are:

(a) Open and maintain plan accounts and, in the case of defined contribution plans, individual participant accounts, pursuant to the employer's instructions;

(b) Receive contributions from the employer and credit them to individual participant accounts in accordance with the employer's instructions;

(c) Invest contributions and other plan assets in shares of a mutual fund or funds or other products such as insurance or annuity contracts designated by the employer, plan trustee, or participants, and reinvest dividends and other distributions in such investments;

(d) Redeem, transfer, or exchange mutual fund shares or surrender insurance or annuity contracts as instructed by the employer, plan trustee, or participant;

(e) Provide or maintain "designation of beneficiary" forms and make distributions from the trust or custodial account to participants or beneficiaries in accordance with the instructions of the employer, plan trustee, participants, or beneficiaries;

(f) Deliver to participants or their employer all notices, prospectuses, and proxy statements, and vote proxies in accordance with the participants' instructions;

(g) Maintain records of all contributions, investments, distributions, and other transactions and report them to the employer and participants;

(h) Make necessary filings with the Internal Revenue Service and other government agencies;

(i) Keep custody of the plan's assets;

(j) Reply to and prepare correspondence, either directly or through the mutual fund distributor or adviser, regarding the investment account and the operation and interpretation of a master or prototype plan sponsored by the complex to which the nondiscretionary trustee or custodian belongs.

[5] The commenter indicates that shares of the funds in the complex on whose behalf the comment was written are sold through an entity that is wholly-owned by all of the funds in the complex. While the commenter does not assert that the entity is not a "principal underwriter" as defined in the 1940 Act, he does assert that there is "no clear authority" for the proposition that it is. In section VI(a) of the exemption, the term "principal underwriter" is defined in the same manner as it is defined in the 1940 Act.

The commenter does not state that the situation described above is representative of the no-load fund industry in general.

intended scope of the exemption provided under that section.

As to the suggestion to amend section III(c), it should be noted that the proposed exemption in this matter did not include a proposal to amend that paragraph.[6] The Department has no way of knowing, on the basis of one individual request, whether the factual situation described by the commenter regarding its own method of operation (which may be unique or at least unusual) is sufficiently representative of all parties potentially affected by such an amendment to justify the relief requested on a class basis, especially since it is not certain that additional relief is necessary (see note 4, *supra*). The Department believes it inappropriate to proceed along the lines requested in the absence of information that would provide a basis for determining how any such changes would affect employee benefit plans and the mutal fund industry as a whole.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary of a plan to which the exemption is applicable from certain othter provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties with respect to the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the plan and their beneficiaries.

(2) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act or Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(4) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of April 8, 1982, the Agency makes the following determination:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interest of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of the plans.

Exemption

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). For the sake of convenience, the entire exemption is reprinted here, including the amendments to sections III(f) and V(a) and new section VI(g) adopted in this notice.

Section I—Retroactive Application. The restrictions of sections 406(a)(1)(A) through (D) and 406(b) of the Act and the taxes imposed by section 4975 of the Code do not apply to any of the transactions described in section III of this exemption in connection with purchases made before November 1, 1977, if the conditions set forth in section IV are met.

Section II—Prospective Application. The restrictions of section 406(a)(1)(A) through (D) and 406(b) of the Act and the taxes imposed by section 4975 of the Code do not apply to any of the transactions described in section III of this exemption in connection with purchases made after October 31, 1977, if the conditions set forth in sections IV and V are met.

Section III—Transactions. (a) The receipt, directly or indirectly, by an insurance agent or broker or a pension consultant of a sales commission from an insurance company in connection with the purchase, with plan assets of an insurance or annuity contract.

(b) The receipt of a sales commission by a principal underwriter for an investment company registered under the Investment Company Act of 1940 (hereinafter referred to as an investment company) in connection with the purchase, with plan assets, of securities issued by an investment company.

(c) The effecting by an insurance agent or broker, pension consultant or investment company principal underwriter of a transaction for the purchase, with plan assets, of an insurance or annuity contract or securities issued by an investment company.

(d) The purchase, with plan assets, of an insurance or annuity contract from an insurance company.

(e) The purchase, with plan assets, of an insurance or annuity contract from an insurance company which is a fiduciary or a service provider (or both) with respect to the plan solely by reason of the sponsorship of a master or prototype plan.

(f) The purchase, with plan assets, of securities issued by an investment company from, or the sale of such securities to, an investment company or an investment company principal underwriter, when such investment company, principal underwriter, or the investment company investment adviser is a fiduciary or a service provider (or both) with respect to the plan solely by reason of: (1) The sponsorship of a master or prototype plan; or (2) the provision of nondiscretionary trust services to the plan; or (3) both (1) and (2).

Section IV—Conditions With Respect to Transactions Described in Section III. (a) The transaction is effected by the insurance agent or broker, pension consultant, insurance company or investment company principal underwriter in the ordinary course of its business as such a person.

(b) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be.

(c) The combined total of all fees, commissions and other consideration received by the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter:

(1) For the provision of services to the plan; and

(2) In connection with the puchase of insurance or annuity contracts or securities issued by an investment company

is not in excess of "reasonable compensation" within the contemplation of section 408(b)(2) and 408(c)(2) of the Act and sections 4975(d)(2) and 4975(d)(10) of the Code. If such total is in excess of "reasonable compensation," the "amount involved" for purposes of the civil penalties of section 502(i) of the Act and the excise taxes imposed by

[6] Section 408(a) of the Act provides, in part, that before granting an exemption from section 406(a) of the Act, the Department shall, among other things, publish notice in the **Federal Register** of the pendency of the exemption, and afford interested persons an opportunity to present views. Section 408(a) also requires that, before granting an exemption from section 406(b), the Department must afford an opportunity for a hearing on the matter.

section 4975 (a) and (b) of the Code is the amount of compensation in excess or "reasonable compensation."

Section V—Conditions for Transactions Described in Section III (a) Through (d). The following conditions apply solely to a transaction described in paragraphs (a), (b), (c) or (d) of section III:

(a) The insurance agent or broker, pension consultant, insurance company, or investment company principal underwater is not (1) a trustee of the plan (other than a nondiscretionary trustee who does not render investment advice with respect to any assets of the plan), (2) a plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code), (3) a fiduciary who is expressly authorized in writing to manage, acquire or dispose of the assets of the plan on a discretionary basis, or (4) for transactions described in sections III (a) through (d) entered into after December 31, 1978, an employer any of whose employees are covered by the plan.

(b) (1) With respect to a transaction involving the purchase with plan assets of an insurance or annuity contract or the receipt of a sales commission thereon, the insurance agent or broker or pension consultant provides to an independent fiduciary with respect to the plan prior to the execution of the transaction the following information in writing and in a form calculated to be understood by a plan fiduciary who has no special expertise in insurance or investment matters:

(A) If the agent, broker, or consultant is an affiliate of the insurance company whose contract is being recommended, or if the ability of such agent, broker or consultant to recommend insurance or annuity contracts is limited by any agreement with such insurance company, the nature of such affiliation, limitation, or relationship;

(B) The sales commission, expressed as a percentage of gross annual premium payments for the first year and for each of the succeding renewal years, that will be paid by the insurance company to the agent, broker or consultant in connection with the purchase of the recommended contract; and

(C) For purchases made after June 30, 1979, a description of any charges, fees, discounts, penalties or adjustments which may be imposed under the recommended contract in connection with the purchase, holding, exchange, termination or sale of such contract.

(2) Following the receipt of the information required to be disclosed in paragraph (b)(1), and prior to the execution of the transaction, the independent fiduciary acknowledges in writing receipt of such information and approves the transaction on behalf of the plan. Such fiduciary may be an employer of employees covered by the plan, but may not be an insurance agent or broker, pension consultant or insurance company involved in the transaction. Such fiduciary may not receive, directly or indirectly (e.g. through an affiliate), any compensation or other consideration for his or her own personal account from any party dealing with the plan in connection with the transaction.

(c)(1) With respect to a transaction involving the purchase with plan assets of securities issued by an investment company or the receipt of a sales commission thereon by an investment company principal underwriter, the investment company principal underwriter provides to an independent fiduciary with respect to the plan, prior to the execution of the transaction, the following information in writing and in a form calculated to be understood by a plan fiduciary who has no special expertise in insurance or investment matters:

(A) If the person recommending securities issued by an investment company is the principal underwriter of the investment company whose securities are being recommended, the nature of such relationship and of any limitation it places upon the principal underwriter's ability to recommend investment company securities;

(B) The sales commission, expressed as a percentage of the dollar amount of the plan's gross payment and of the amount actually invested, that will be received by the principal underwriter in connection with the purchase of the recommended securities issued by the investment company; and

(C) For purchases made after December 31, 1978, a description of any charges, fees, discounts, penalties, or adjustments which may be imposed under the recommended securities in connection with the purchase, holding, exchange, termination or sale of such securities.

(2) Following the receipt of the information required to be disclosed in paragraph (c)(1), and prior to the execution of the transaction, the independent fiduciary approves the transaction on behalf of the plan. Unless facts or circumstances would indicate the contrary, such approval may be presumed if the fiduciary permits the transaction to proceed after receipt of the written disclosure. Such fiduciary may be an employer of employees covered by the plan, but may not be a principal underwriter involved in the transaction. Such fiduciary may not receive, directly or indirectly (e.g. through an affiliate), any compensation or other consideration for his or her own personal account from any party dealing with the plan in connection with the transaction.

(d) With respect to additional purchases of insurance or annuity contracts or securities issued by an investment company, the written disclosure required under paragraphs (b) and (c) of this section V need not be repeated, unless—

(1) More than three years have passed since such disclosure was made with respect to the same kind of contract or security, or

(2) The contract or security being recommended for purchase or the commission with respect thereto is materially different from that for which the approval described in paragraphs (b) and (c) of this section was obtained.

(e)(1)) In the case of any transaction described in paragraphs (a), (b), or (c) of section III, the insurance agent or broker (or the insurance company whose contract is being described if designated by the agent or broker), pension consultant or investment company principal underwriter shall retain or cause to be retained for a period of six years from the date of such transaction, the following:

(A) The information disclosed pursuant to paragraphs (b), (c), and (d) of this section V;

(B) Any additional information or documents provided to the fiduciary described in paragraphs (b) and (c) of this section V with respect to such transaction; and

(C) The written acknowledgement described in paragraph (b) of this section.

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the insurance agent or broker, pension consultant, or principal underwriter, such records are lost or destroyed prior to the end of such six-year period.

(3) Notwithstanding anything to the contrary in sections 504 (a)(2) and (b) of the Act, such records are unconditionally available for examination during normal business hours by duly authorized employees or representatives of the Department of Labor, the Internal Revenue Service, plan participants and beneficiaries, and any employer of plan participants and beneficiaries, any employee organization any of whose members are covered by the plan.

Section VI—Definitions. For purposes of this exemption:

(a) The term "principal underwriter" is defined in the same manner as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(29)).

(b) The terms "insurance agent or broker," "pension consultant," "insurance company," "investment company," and "principal underwriter" mean such persons and any affiliates thereof.

(c) The term "affiliate" of a person means:

(1) Any person directly or indirectly controlling, controlled by, or under common control with such person;

(2) Any officer, director, employee (including, in the case of principal underwriter, any registered representative thereof, whether or not such person is a common law employee of such principal underwriter), or relative of any such person, or any partner in such person; or

(3) Any corporation or partnership of which such person is an officer, director, or employee, or in which such person is a partner.

(d) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(e) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(f) The term "master or prototype plan" means a plan which is approved by the Service under Rev. Proc. 72–7, 1972–1 C.B. 715, or Rev. Proc. 72–8, 1972–1 C.B. 716, or their successors.

(g) The term "nondiscretionary trust services" means custodial services and services ancillary to custodial services, none of which services are discretionary, and the term "nondiscretionary trustee" of a plan means a trustee whose powers and duties with respect to any assets of the plan are limited to (1) the provision of nondiscretionary trust services to the plan, and (2) duties imposed on the trustee by any provision or provisions of the Act or the Code. For purposes of this exemption, a person who is otherwise a nondiscretionary trustee will not fail to be a nondiscretionary trustee solely by reason of his having been delegated, by the sponsor of a master or prototype plan, the power to amend such plan.

Signed at Washington, D.C., this 28th day of March 1984.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 84–8823 Filed 4–2–84; 8:45 am]

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[Application No. D–4228, et al.]

Proposed Exemptions; Mountain West Savings & Loan Profit Sharing Plan et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this Federal Register Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

MountainWest Savings and Loan Profit Sharing Plan (the Plan) Located in Ogden, Utah

[Application No. D–4228]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 404(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply effective November 30, 1979 to five interest-bearing loans (the Loans) from MountainWest Savings and Loan (MountainWest) to the Plan.

Effective Date: If the proposed exemption is granted, it will be effective November 30, 1979.

Summary of Facts and Representations

1. MountainWest is a state chartered capital stock savings and loan institution which sponsors the Plan for its employees. The Plan had 92 participants and net assets of $1,560,353.90 as of December 31, 1981. The current trustees of the Plan are Virginia Andrews, Ruth A. Feeny, Richard M. Heaton, M. LeRoy Mecham and Val A. Weathers, all of whom are

employees and officers of MountainWest.

2. Immediately prior to the Loans, the bulk of the assets of the Plan were invested in certificates of deposit (C.D.s) issued by MountainWest. Five of the C.D.s, which had been purchased between March 4, 1975 and February 8, 1978, were bearing interest at 7.75%. After purchase of these five C.D.s, interest rates payable on C.D.s and other investments rose significantly. The trustees of the Plan at that time (the Trustees) were Virginia Andrews, Andrew Brunetti, Ruth A. Feeny, Richard M. Heaton and M. LeRoy Mecham, all of whom were then employees and officers of MountainWest. The Trustees determined that it was in the best interest of Plan participants and beneficiaries to increase the rate of return on Plan investments by borrowing against the old C.D.s to buy new, higher-rate C.D.s.

3. On November 30, 1979, the Plan borrowed a total of $315,000 from MountainWest in three transactions. The three loans (Loans 1, 2, and 3), which were secured by C.D.s bearing 7.75% interest rates, carried interest rates of 8.75%, the lowest rate of interest which MountainWest could charge under regulations of the Federal Home Loan Bank Board. The proceeds from Loans 1, 2, and 3 were used to invest in a C.D. issued by MountainWest bearing interest at 10.55% and maturing November 30, 1983.

Loans 1 and 2 were repaid on March 4, 1981 and December 18, 1981, respectively, when the C.D.s securing those loans matured. Loan 3 was repaid on April 16, 1982 when the C.D. securing the loan was prematurely redeemed, thus triggering an early withdrawal penalty. The C.D. was prematurely withdrawn because the Trustees had been informed by the Department, in a letter dated March 31, 1982, that the Loans constituted prohibited transactions under the Act.

4. On January 24, 1980, the Plan borrowed a total of $171,000 from MountainWest in two transactions. The two loans (Loans 4 and 5), secured by C.D.s bearing 7.75% interest rates, carried interest rates of 8.75% which, as with Loans 1, 2 and 3, were the lowest rates MountainWest could charge.

The proceeds from Loans 4 and 5 were used to invest in a C.D. issued by MountainWest bearing interest at 13.875% and maturing July 28, 1980. When that C.D. matured, the proceeds were commingled with other funds and invested in a C.D. in the amount of $332,354.51 bearing interest at 9.125% and maturing October 27, 1980. On October 27, 1980, the proceeds of the matured C.D. were commingled with other available funds and rolled into a new C.D. in the amount of $335,700 having an interest rate of 13.25% and a maturity date of December 31, 1980. By December 31, 1980, the proceeds from Loans 4 and 5 were so commingled with other funds that it was impossible to identify them with any one investment. However, all during the year 1981, the investment rates were higher than the rate on the Loans from MountainWest.

On February 19, 1982, Loan 4 was repaid with funds available in the Plan, and Loan 5 was repaid by prematurely redeeming the C.D. securing the loan, by which action the Plan incurred an early withdrawal penalty. The Trustees decided to repay Loan 5 because, at the time, the Department had raised the issue that the Loans were prohibited transactions.

5. The Department, after advising the Trustees of its position that the Loans constituted prohibited transactions, referred the matter to the Internal Revenue Service (the Service). The Department never advised the Trustees that any losses had resulted to the Plan from the Loans. The Service has assessed an excise tax against MountainWest as a result of the Loans.

The Service has also taken the position that the interest earned on the C.D.s acquired from the Loan proceeds is unrelated debt-financed income. The Service calculates that the borrowed funds invested in C.D.s produced $29,225 of net unrelated debt-financed income which results in a tax of $6351. This tax has not yet been assessed against the Plan, and the Plan intends to vigorously pursue the issue with the Service. Even if the Plan must pay this tax, the C.D.s acquired from the Loan proceeds will have produced $22,874 of additional income for the Plan that would not have been received if the Trustees had failed to act to increase the return on Plan investments.

6. As a result of the Loans and reinvestment of the proceeds in higher yielding C.D.s, the Plan earned additional net income of $29,225. If the old, low rate C.D.s had been cashed in, the Plan would have suffered early withdrawal penalties amounting to $64,989.82. Prior to engaging in the Loans, the Trustees calculated that it would be more expensive to the Plan to pay early withdrawal penalties than to pay interest on the Loans at the low rate offered by MountainWest. The Trustees were aware of the exemption in section 408(b)(4) of the Act permitting investment of plan assets in a supervised bank or similar financial institution, and they assumed that they could use a transaction that took the form of a loan to obtain the highest possible rates of return on the Plan's investments in C.D.s. They viewed the substance of the transactions as amendments of rates paid on outstanding C.D.s from old, low rates to new, high rates, transactions which were to the benefit of Plan participants and beneficiaries and to the detriment of MountainWest.

7. In summary, the Trustees represent that the transactions satisfied the statutory criteria of section 408(a) of the Act for the following reasons: (1) The Loans were obtained to enable the Plan to increase its investment return; (2) the Loans were made at an interest rate which was the lowest rate MountainWest could charge under Federal banking regulations; and (3) the Trustees determined prior to engaging in the Loans that they were in the best interests of the Plan and its participants and beneficiaries.

For Further Information Contact: Mrs. Mary Jo Fite of the Department, telephone (202) 523–8671. (This is not a toll-free number.)

ESI Profit Sharing Retirement Plan and Trust (the Plan) Located in Portland, Oregon

[Application No. D–4401]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed lease of certain improved real property by the Plan to Electro Scientific Industries, Inc. (the Employer), a party in interest with respect to the Plan, provided the terms of the lease are at least as favorable to the Plan as those the Plan could obtain in a similar lease with an unrelated party.

Summary of Facts and Representations

1. The Plan covered 609 participants as of December 31, 1982, and, as of May 31, 1983, had assets totalling $8,404,347. The trustee of the Plan is the United States National Bank of Oregon (the Trustee). The Employer has a variety of commercial accounts with the Trustee, which is one of the two largest banking

institutions in the State of Oregon and maintains a large commercial banking practice. It is represented that each individual account of the Employer with the Trustee represents less than 1% of the aggregate of similar accounts currently maintained by the Trustee. Section 10.05–2 of the Plan authorizes the Profit Sharing Committee (the Committee) for the Plan to elect to direct the investment of Plan assets. Each member of the Committee is an employee of the Employer and owns less than 1% of the Employer's stock.

2. The property in question (the Property) consists of 5.27 acres of land improved by a one-story engineering building of 21,424 square feet. The Property is located at 13900 N.W. Science Park Drive, Beaverton, Oregon, in a highly desirable, campus-like development near Portland, known as Sunset Science Park. The Trustee currently manages the Property. The building contained on the Property is a multi-purpose industrial building currently used by the Employer for research and development, some light manufacture, and general drafting and engineering. The land was acquired by the Plan in 1963 for about $31,000, and the building was constructed in 1963 by the Plan for about $340,000 as an income investment.

3. The Property has been leased to the Employer since September 1, 1963, for a term of 15 years at a rental rate of $2,674.65 per month with an option exercisable by the Employer to renew for an additional 15 years without an increase in the rent. The lease was extended in 1978 for an additional five years at a rental rate of $7,712.64 per month, which was established by an independent appraisal of the market and rental value of the Property as of January 19, 1978. The applicant believes that the original lease and the 1978 extension thereof were covered by the statutory exemption provided by section 414(c)(2) of the Act.[1] Under the original lease, the Employer had a right of first refusal in the event a sale of the Property was considered. In 1978, approximately one quarter of an acre of the original plot was sold to the Employer for $11,600 without a reduction in rentals. The purchase price of this portion of the Property was determined by an independent appraiser. The applicant believes that the 1978 sale was covered by the statutory exemption provided under section 414(c)(3).[2] In 1979, the Trustee allowed the Employer to place a temporary mobile structure on the Property, subject to the payment by the Employer for any costs, including site preparation. Pursuant to this arrangement, the Employer provided sidewalks and parking for the Property at no cost to the Plan. In the spring of 1982, the Plan paid $48,155 for landscape work on the Property. Except for the initial acquisition and building costs of the Property and the landscape work performed in 1982, the Plan has incurred no capital expense with respect to the Property. The Employer has paid for those items constituting maintenance of the Property, as required by the terms of the lease.

4. Information submitted shows that from the inception of the original lease through May 31, 1982 (18.75 years), the lease has provided income at a compound annual growth rate of 10.85% and that such rate for the Plan year ended 1982 was 13.82%. The Trustee has been involved with the original lease, which expired August 31, 1983. The applicant represents that the Plan's lease of the Property to the Employer has proven profitable and easy to administer and the Plan and the Committee wished to renew the lease. Accordingly, the Trustee authorized the extension of the lease through June 30, 1984, upon the same terms and conditions as the original lease except that the rental rate for the renewal period equals the fair market rental rate as of November 2, 1983, as determined by an independent appraiser. The applicant believes that this extension of the original lease is covered by the statutory exemption provided under section 414(c)(2) of the Act.[3] If the proposed exemption is granted, it is contemplated that the proposed lease would supersede the 1983 extension of the lease as of the date the proposed exemption is granted, or as soon thereafter as possible.

5. At the request of the Trustee, the Property is appraised annually by an independent appraiser. The most recent appraisal was done November 2, 1983, at the Employer's expense, by Mr. James A. Lyon and Mr. David E. Pietka, MAI, (the Appraisers), of Palmer, Groth & Pietka, an appraisal firm chosen by the Trustee. Both of the Appraisers are licensed real estate appraisers in the State of Oregon; Palmer, Groth & Pietka specializes in appraisals of all types of properties, provides various related appraisal services, and is not related to the Employer. The Appraisers estimated that as of November 2, 1983, the fair market value of the Property was $1,415,000 and the Property's fair rental value was $157,344 per year. The appraisal states that the highest and best use of the Property is the present research and development usage.

6. The Plan proposes to lease the Property to the Employer effective on the date the proposed exemption is granted, or as soon thereafter as possible, on the following terms:

(a) The rent will be at the fair rental value determined, at the Employer's expense, as of the date of the proposed lease by an independent appraiser chosen by the Trustee. An independent appraiser chosen by the Trustee will redetermine the rent every three years.

(b) The Employer will be responsible for all maintenance, repairs, utilities, and taxes with respect to the Property. The Employer will also pay for fire and liability insurance on the Property.

(c) The initial term of the proposed lease will be for 10 years with an option, exercisable by the Employer, to renew for an additional 10 years at the rental rate then existing subject to redetermination as provided in (a), above.

(d) If the Property is offered for sale or if the Plan receives a bona fide acceptable offer to purchase the Property, the Employer will have the privilege of purchasing the Property at the same price and upon the same terms.[4]

(e) The Employer will have an option to purchase the Property upon 90 days notice at a purchase price determined by an independent appraiser chosen by the Trustee.[5]

The applicant represents that the proposed lease is substantially a form lease provide by the Trustee and used on a regular basis in its trust business. A memorandum of the lease of the Property will be recorded with the appropriate county official.

7. To avoid any question arising out of the relationships between the Employers and the Committee members, the Committee proposes to announce that the Committee will not exercise its authority under Plan section 10.05–2 as it relates to the Property. The Committee

[1] The Department is expressing no opinion herein as to the applicability of section 414(c)(2) of the Act to the original lease or to the 1978 extension thereof.

[2] The Department is expressing no opinion herein as to the applicability of section 414(c)(3) of the Act to the 1978 sale.

[3] The Department is expressing no opinion herein as to the applicability of section 414(c)(2) of the Act to this extension of the lease.

[4] This proposed exemption provides no relief with respect to any future sale of the Property to the Employer. However, at the time any such sale is contemplated, any party in interest involved therein may apply for an administrative exemption pursuant to the procedures set forth in ERISA Proc. 75–1 (40 FR 18471, April 28, 1975).

[5] Please see footnote 4, above.

will leave to the Trustee the exclusive authority and control over, and responsibility for, the management and investment of the Property.

8. The fair market value of the Property represents 19.2% of the fair market value of the Plan's total assets as of May 31, 1983. After the 1983 contribution by the Employer to the Plan, the applicant estimates that the fair market value of the Property will represent 18.3% of the fair market value of the Plan's total assets. The applicant believes that holding the Property does not involve an undue concentration of Plan assets. The applicant also believes the proposed lease will serve the Plan as a hedge against inflation. Since the rental rate will be redetermined every three years by an independent appraiser, the rental rate under the proposed lease should compare favorably with the rental rates charged for similar property in the future. Although the Property cannot be guaranteed to increase in value in the future, the Property has substantially appreciated in value in the past. Recently, the Committee has researched and considered a number of real estate investments in the Portland area, including property located in Vancouver, Washington. The Committee has made an in-depth investigation of four of those possibilities but has found that none of those parcels have shown the same potential for return as the Plan's current holdings. The Plan has made no real property investments recently.

9. The applicant states that the lease has been easily administered, providing the Plan with both regular income and the substantial benefit of a single tenant over the past 20 years. Finally, the applicant states that the terms of the proposed lease have been set by negotiations between the Employer and the Trustee and are both fair to the Plan and commercially reasonable. The Trustee, having been involved with the original lease and all extensions thereof, has reviewed the exemption application. The Trustee states that in its opinion the proposed lease is in the best interests of the Plan and its participants and beneficiaries for the reasons set forth in the exemption application (described above).

10. In summary, the applicant represents that the proposed lease satifies the exemption criteria set forth in section 408(a) of the Act because (a) the initial rental rate will be determined, at the Employer's expense, by a qualified independent appraiser chosen by the Trustee, and such rate will be redetermined every three years by an independent appraiser chosen by the Trustee; (b) the Trustee, an independent fiduciary, believes the proposed lease is in the best interests of the Plan and its participants and beneficiaries; (c) the Trustee will have exclusive authority and control over, and responsibility for, the management and investment of the Property; and (d) the proposed lease involves less than 20% of the Plan's total assets.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

St. Paul Federal Savings Employees Pension Plan (the Pension Plan) and St. Paul Federal Savings and Loan Association Profit Sharing Plan (the Profit Sharing Plan) (Collectively, the Plans) Located in Chicago, Illinois

[Application Nos. D-4534 & D-4535, respectively]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply effective October 25, 1979 to certain interest-bearing loans (the Loans) from St. Paul Federal Savings and Loan Association of Chicago (the Association) to the Plans.

Effective Date: If the proposed exemption is granted, it will be effective October 25, 1979.

Summary of Facts and Representations

1. The Association is a mutually owned savings and loan association which sponsors the Plans covering employees of the Association. As of January 1, 1982, the Pension Plan had 419 participants and $4,994,348.32 in assets and the Profit Sharing Plan had 427 participants and $3,191,751.25 in assets. The members of the Pension and Profit Sharing Administrative Committee (the Committee), all of whom are employees of the Association, make all investment decisions for the Plans.

2. Both Plans invest in deposits of banks or similar financial institutions, including the Association. Some deposits with the Association have been in certificates of deposit (C.D.s). During the late 1970s and early 1980s, at a time when interest rates were rising significantly, the Plans had some C.D.s issued by the Association which were acquired in earlier years and which were paying rates of return lower than the rates that were then currently available. Accordingly, the Committee decided the take advantage of the higher interest rates available in the market by borrowing funds from the Association, using the low interest rate C.D.s as collateral, and investing the borrowed funds in higher yielding investments. None of the funds borrowed from the Association were invested in deposits of the Association.

3. The Pension Plan borrowed $500,000 (Loan 1) from the Association on November 8, 1979. Loan 1, which bore an interest rate of 9.75%, was secured by a C.D. issued by the Association which had a 7.75% interest rate. The Association charged a rate of interest 2% over the interest rate on the C.D. which secured Loan 1 because the policy of the Association at the time on such savings account loans was to charge 2% above the rate paid on the C.D. used for collateral. The lowest rate which the Association could have charged under applicable Federal banking regulations was 1% above the rate paid on the C.D. used as collateral.

The proceeds from Loan 1 were used along with other funds to purchase a bankers acceptance from Continental Illinois National Bank (CINB) paying 14% interest and a C.D. from Pioneer Bank and Trust Company (Pioneer) paying 14.4% interest. Loan 1 was paid in full on August 8, 1980.

4. The Profit Sharing Plan borrowed $375,000 in four transactions (Loans 2, 3, 4, and 5) with the Association on October 25, 1979. Loan 2, for $200,000, Loan 3, for $100,000, Loan 4, for $25,000, and Loan 5, for $50,000, carried interest rates of 9.5%, 9.75% 10% and 9.75%, respectively, and each was secured by a C.D. earning 2% less than the loan interest rate.

The proceeds from Loans 2, 3, 4 and 5 were used along with other funds to purchase a bankers acceptance from CINB paying 14.05% and a C.D. from Pioneer paying 15% interest. When the first bankers acceptance matured, another one was purchased from CINB paying 16.3%.

On July 17, 1980, Loans 3, 4 and 5 were repaid from maturing investment proceeds. Loan 2 was repaid on March 31, 1981, when the C.D. securing the loan matured.

5. On December 23, 1980, the Profit Sharing Plan borrowed $1,000,000 in four transactions (Loans 6, 7, 8, and 9) with the Association. Loan 6, for $90,000, Loan 7, for $20,000, Loan 8, for $40,000,

and Loan 9, for $850,000, carried interest rates of 10.75%, 11%, 10.75% and 13.75%, respectively, and each was secured by a C.D. earning 3% less than the loan interest rate.

By late 1980, the Association's policy with regard to the interest rate to be charged on all savings account loans had changed from charging a 2% differential over the rate the C.D. securing the loan was earning to charging a 3% differential on such loans. Thus, the rate charged the Profit Sharing Plan was the same rate charged to other account holders on savings account loans.

The proceeds from Loans 6, 7, 8, and 9 were used to purchase a 19% C.D. from CINB. When that C.D. matured, the proceeds were reinvested in a C.D. earning 15.25% interest issued by The First National Bank of Chicago. Loans 6, 7, and 8 were repaid on August 20, 1981, and Loan 9 was paid in full on November 30, 1982.

6. The Internal Revenue Service (the Service) examined the Plans in late 1982 and took the position that the Loans constituted prohibited transactions under section 4975(c)(1)(B) of the Code. The Service also took the position that the income earned on the investment of the Loan proceeds constitutes unrelated debt-financed income which is taxable income for the Plans.

The Service has not asessed any taxes at this time pending the Department's consideration of the prohibited transactions exemption application filed by the Association. The Association agreed to an extension of the statute of limitations for assessment of any taxes that may be determined to be due to the Service.

7. The Committee has consistently followed conservative and diversified investment strategies and has made investment decisions solely for the benefit of the Plans' participants. In 1979 and 1980, the Association had the highest volume of loans secured by C.D.s in its history. It was a common practice for C.D. holders to borrow on older lower interest rate C.D.s in order to reinvest the proceeds at a higher rate of return. The Committee determined that it would be in the best interests of the Plans to take advantage of the opportunity to increase investment yields through savings account loans.

At all times the Loan proceeds were placed in investments that returned a higher yield to the Plans than the interest charged on the Loans. The Plans had an investment gain as a result of all the Loans, and will still have a gain even if the Service determines that unrelated debt-financed income resulted from the transactions.

Prior to engaging in the Loans, the Committee computed the additional income which could be earned by the Plans from investing in higher yielding C.D.s. The net result to the Plans from engaging in the Loans is that they earned additional net income of approximately $30,000. If the Plans had instead cashed in the old, low rate C.D.s, the Plans would haved incurred early withdrawal penalities totaling $122,000.

8. In summary, the Committee represents that the transactions satisfied the statutory criteria of section 408(a) of the Act for the following reasons: (1) The Loans were obtained to enable the Plans to increase their investment yield; (2) the Loans were made at interest rates which were the same rates charged by the Association to all C.D. account holders on the same type loans; and (3) the Committee determined prior to engaging in the Loans that they were in the best interests of the Plans and their participants and beneficiaries.

Notice to Interested Persons

Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 30 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and/or to request a hearing. Comments and/or requests for a hearing are due within 60 days of the date of publication.

For Further Information Contact: Mrs. Mary Jo Fite of the Department, telephone (202) 523-8671. (this is not a toll-free number.)

Morgan Guaranty Trust Company of New York; Located in New York, New York Located in New York, New York.

(MGT)—commingled pension trust funds: Money Market Investments—Intermediate (Fund A), Special Situation Investments—International Dollar Fixed Income (Fund B), Bonds—Marketable Long term (Fund C), Bonds—Private Placements (Fund D), Fixed Income Direct Placements—Corporate Medium Term (Fund E).

[Application No. D-4775]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(b)(2) of the Act shall not apply to the proposed consolidation by MGT of (a) all of Funds A and C and all the public bonds, cash and cash equivalents held in Fund B into a new single commingled pension trust fund, and (b) all of Funds D and E and the private placements held in Fund B into another new single commingled pension trust fund, provided that the aggregate fair market value of the interests of each plan participating in any of these funds (collectively, the Funds) upon completion of the consolidation equals the aggregate fair market value of such plan's interests in the Funds immediately preceding the consolidation.

Summary of Facts and Representations

1. MGT manages more than $17 billion in assets of employee benefit plans subject to Title I of the Act, of which approximately $11 billion is invested through the medium of its 19 commingled pension trust funds, all of which have been determined by the Internal Revenue service to meet the requirements of section 401(a) and 501(a) of the Code. These funds were established for the purpose of providing diversified portfolios of securities for plans managed by MGT. Each commingled pension trust fund maintained by MGT is also authorized by the terms of its governing trust agreement to invest in other commingled trust funds maintained by MGT. Funds A anc C hold public bonds, Funds D and E hold private placements, and Fund B holds both public bonds and private placements.

2. The emphasis of the investments in Fund C, which was initially funded on October 1, 1975, is marketable long term fixed income secrities. As of July 29, 1983, 216 plans participated in Fund C, which then held 113 issues and had a total net asset value of $795,462,045. (Fund C and Fund D together comprise MGT's Commingled Pension Trust Fund (Bonds). However, each separate part of an MGT commingled pension trust fund established pursuant to a trust agreement is itself administered and treated for all purposes as a separate commingled trust fund.)

3. The Commingled Pension Trust Fund (Special Situation Investments) of MGT, established December 7, 1960, now consists of six parts, only one of which, Fund B, is involved in the proposed consolidation. The emphasis of the investments in Fund B, which was initially funded on August 29, 1977, is credit instruments of foreign obligors issued through public offerings and direct placements both in the United

States and in foreign countries, but denominated solely in U.S. dollars. As of July 29, 1983, 194 plans participated in Fund B, which then held (a) 15 issues of public bonds, cash and cash equivalents (comprising approximately 48.42% of the value of Fund B), and (b) 9 issues of privately placed credit instruments (comprising approximately 51.58% of the value of Fund B). At that time, Fund B had a total net assest value of $86,827,236. 97% of the plans participating in Fund B also participate in Fund C. 98% of the plans participating in Fund B also participate in Fund E.

4. The commingled pension trust fund now known as the Commingled Pension Trust Fund (Money Market Investments) of MGT, established February 5, 1969, now consists of four parts, only one of which, Fund A, is involved in the proposed consolidation. The emphasis of the investments in Fund A, which was initially funded on July 1, 1974, is marketable intermediate term income securities. As of July 29, 1983, 224 plans participated in Fund A, which then held 67 issues and had a total net asset value of $593,342,218. 95% of the plans participating in Fund A also participate in Fund C.

5. The emphasis of investments in Fund D, which was initially funded on May 31, 1956, is privately placed corporate bonds. As of July 29, 1983, 201 plans participated in Fund D, which then held 67 issues and had a total net asset value of $82,804,232. 99% of the plans participating in Fund D also participate in Fund E.

6. The commingled pension trust fund now known as the Commingled Pension Trust Fund (Fixed Income Direct Placements) of MGT, established December 7, 1960, now consists of two parts, only one of which, Fund E, is involved in the proposed consolidation. The emphasis on investments in Fund E, which was initially funded on October 1, 1974, is direct placements of fixed income obligations of corporations. As of July 29, 1983, 216 plans participated in Fund E, which then held 89 issues and had a total net asset value of $506,150,373.

7. MGT proposes to transfer all the assets held in Fund A and all the public bonds, cash and cash equivalents held in Fund B to Fund C and to issue units of participation in Fund C to the plans participating in Funds A and B so that such plans will own units of participation in Fund C having a market value on the date of transfer equal to the aggregate market value of each such plan's interest in the assets transferred from Funds D and B. (A plan participating in Fund B would receive for its interest in Fund B interests in Funds C and E in proportion to the value of assets transferred from Funds A and B. MGT also proposes to transfer all the assets held in Fund D and the private placements held in Fund B to Fund E and to issue units of participation in Fund E to the plans participating in Funds D and B so that such plans will own units of participation in Fund E having a market value on the date of transfer equal to the aggregate market value of each such plan's interest in the assets transferred from Fund B to Funds C and E.) Funds A, B, and D would there upon terminate. After the consolidation, Fund C will be renamed the Fixed Income—Public Bonds Fund and will be governed by an amended and restated trust agreement; and Fund E will be renamed the Fixed Income—Private Placements Fund and will be governed by an amended and restated trust agreement.

8. If the proposed exemption is granted, MGT will select a transfer date on which to transfer the public bonds from Funds A and B to Fund C and the same or a different transfer date to transfer the private placements from Funds B and D to Fund E. (Both transfer dates will be within 120 days of the date the grant notice is published in the Federal Register.) All of the securities to be transferred are either registered, exempt from registration, or transferable without registration pursuant to the provisions of the Securities Act of 1933. Each of the transferring and surviving Funds would be valued on the transfer date pursuant to the valuation provisions of each Fund's trust agreement. The value of a unit in each Fund would then be detemined by dividing the value of the Fund by the number of outstanding units on the valuation date. (The method of valuation used by MGT is set forth in a section of the Handbook supplied by MGT to each of its clients. Prices for non-publicly traded securities are determined based on a number of specified factors relating to the level of the public bond market and to recent activity in privately placed obligations of a similar nature.) Each plan participating in a Fund transferring securities would receive units of the Fund to which the securities were transferred equal in value to the value of the units such plan held in the Fund transferring securities. Since neither surviving Fund will issue fractions of a unit as a result of the consolidation, a plan entitled to a fraction of a unit in a surviving Fund will either receive cash from that Fund in lieu thereof or pay cash to that Fund in an amount necessary to acquire a full unit. As of July 29, 1983, no unit price of any of the Funds exceeded $130.

9. Any plan which informs MGT that it does not wish to participate in a surviving consolidated Fund will be permitted to withdraw, prior to the consolidation, its participation from all of the Funds. It is presently anticipated that all securities held by the Funds will be included in the consolidation. If, however, MGT determines on a transfer date that it is not appropriate to hold any security in a consolidated Fund, such security will be transferred to a liquidating account in the Fund holding such security prior to the consolidation and administered pursuant to the provisions of that Fund's trust agreement.

10. MGT believes that in simplifying the present structure of the Funds, the proposed consolidation will enable MGT both to manage the Funds more effectively in today's more volatile markets and to communicate its investment activities and results more easily to its clients. MGT believes that the additional flexibility achieved through the consolidation would greatly benefit all plans participating in the Funds and would be in each such plan's best interests.

11. MGT will not receive any fees or commissions for making the transfers described above that would be involved in the proposed consolidation. Further, MGT will not be making any actual sales or corresponding purchases of any of the participating plans' assets. The consolidation will be effected at values at which the Funds are normally valued. It is represented that since no transaction costs will be charged and no adverse market impact will result from the proposed consolidation, each participating plan is assured of being treated at least as fairly in connection with the proposed consolidation as if it had engaged in arm's-length open market transactions at the time of such transfer.

12. The applicant represents that the Funds are not parties in interest with respect to each other within the meaning of section 3(14) of the Act because they are not related as described in that section. The applicant has requested an exemption from the provisions of section 406(b)(2) only, which generally prohibits a plan fiduciary from acting on behalf of, or representing, an adverse party in a transaction with a plan. The applicant explains that the plans participating in the Funds may be deemed to have adverse interests under the proposed consolidation because certain plans may have a proportionate interest in each of the securities held in the surviving

Funds which differs from their proportionate interest in such securities immediately prior to the consolidation, even though upon completion of the consolidation each participating plan would own units in the surviving Funds equal in value to the value of the units it had held in the transferring Funds and surviving Funds immediately prior to the consolidation.

13. In summary, the applicant represents that the proposed transaction satisifies the exemption criteria set forth in section 408(a) of the Act because (a) MGT will not be receiving any commissions in connection with the proposed consolidation and will not be making any actual sales or corresponding purchases of any of the plans' assets, (b) the proposed consolidation will be effected at values at which the Funds are normally valued, (c) no transaction costs will be charged and no adverse market impact will result from the proposed consolidation, and (d) MGT believes that in simplifying the present structure of the Funds, the proposed consolidation will enable MGT to manage the Funds more effectively in the best interests of each plan participating in the Funds.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Morgan Guaranty Trust Company of New York (MGT); Located in New York, New York

[Application No. D-4871]

Proposed Exemption

Commingled Pension Trust Fund—Common Stocks: Consumer and Service Sector (Fund I), Technology and Machinery Sector (Fund II), Finance, Regulated and Transportation Sector (Fund III), Natural Resources and Processing Sector (Fund IV).

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(b)(2) of the Act shall not apply to the proposed consolidation by MGT of Funds I, II, III, and IV (collectively, the Sector Funds) into a new single commingled pension trust fund provided that the fair market value of the interests of each plan participating in such fund shall upon completion of the consolidation equal the aggregate fair market value of such plan's interests in the Sector Funds immediately preceding the consolidation.

Summary of Facts and Representations

1. MGT manages more than $17 billion in assets of employee benefit plans subject to Title I of the Act, of which approximately $11 billion is invested through the medium of its 19 commingled pension trust funds, all of which have been determined by the Internal Revenue Service to meet the requirements of sections 401(a) and 501(a) of the Code. These funds were established for the purpose of providing diversified protfolios of securities for plans managed by MGT. Each commingled pension trust fund maintained by MGT is also authorized by the terms of its governing trust agreement to invest in other commingled trust funds maintained by MGT. Each separate part of a commingled pension trust fund established pursuant to a declaration of trust is itself administered and treated by MGT for all purposes as a separate commingled pension trust fund.

2. The Sector Funds were established by MGT in order to enable it to analyze and monitor the large-capitalization equity portfolio held in MGT's Commingled Pension Trust Fund-Common Stocks (the Common Stocks Fund) based on industry breakdown. On August 8, 1979, by resolution of the Board of Directors of MGT, the Declaration of Trust of the Common Stocks Fund (the Trust Agreement) was amended to establish the Sector Funds as separate parts of the Common Stocks Fund, pursuant to Article IV, Section 4.5 of the Trust Agreement. Each plan participating at the time of division had an interest in the assets held in the Sector Funds immediately following their establishment which was equal to its interest in the assets held in the Common Stocks Fund. The applicant believes that this division did not constitute a prohibited transaction.[1] The terms of the instruments governing each plan which paricipates in the Sector Funds specifically authorize MGT in its discretion to invest assets of such plan through the medium of such commingled pension trust funds in such proportions and to such extent as MGT deems advisable.

3. The same 171 plans participate in each of the Sector Funds. As of September 15, 1983: Fund I, Whose investments emphasize common stocks of companies whose businesses are concentrated in the consumer spending and service areas of the economy, held 20 issues (excluding cash equivalents) and had a total ne asset value of $321,022,829; Fund II, whose investment emphasize common stocks of companies related to the technology and machinery areas of the economy, held 19 issues (excluding cash equivalents) and had a total net asset value of $344,150,037; Fund III, whose investments emphasize common stocks of companies whose businesses are concentrated in the finance, transportation and regulated industry areas of the economy, held 15 issues (excluding cash equivalents) and had a total net asset value of $189,241,019; and Fund IV, whose investments emphasize common stocks of companies whose businesses are concentrated in the natural resources and intermediate processing industry areas of the economy, held 20 issues (excluding cash equivalents) and had a total net asset value of $250,187,289.

4. MGT proposes to consolidate all the assets held in the Sector Funds so that such assets will be held in the Common Stocks Fund, which will have been renamed MGT's Commingled Pension Trust Fund—Large Companies (the Large Companies Fund), to be governed by an amended and restated trust agreement. The consolidation will be effected by the transfer of the assets held in the Sector Funds in exchange for units of participation in the Large Companies Fund so that each participating plan will own units of participation in the Large Companies Fund having a market value on the date of transfer equal to the aggregate market value of each such plan's interest in the Sector Funds immediately prior to the consolidation. Each of the Sector Funds would thereupon terminate.

5. If the proposed exemption is granted, MGT will select a day within 120 days from the date of publication of the grant notice in the Federal Register on which to consolidate all the assets held in the Sector Funds into the Large Companies Fund. All of the securities involved in the consolidation are registered under the Securities Act of 1933 and listed on one or more national securities exchanges. Each of the Sector Funds would be valued on the transfer date pursuant to the valuation provisions of the Trust Agreement. The value of a unit in each Sector Fund would then be determined by dividing the value of the Sector Fund by the number of outstanding units on the valuation date. (The method of valuation used by MGT is set forth in a section of the Handbook supplied by MGT to each of its clients. Prices for listed stocks are determined as of the last sales price on the day on which the stock is to be valued. The prices are a composite based on the last trading

[1] The Department is expressing no opinion herein as to whether or not such division constituted a prohibited transaction.

price on the New York exchanges and one or more of the following: Midwest, Pacific, PBW, Boston, and Cincinnati exchanges and reported by the National Association of Securities Dealers and Instinet. If no sales price is reported, the bid quotation is used.) Each plan participating in the consolidation of the Sector Funds would receive units of the Large Companies Fund equal in value to the value of the units such plan held in the Sector Funds immediately prior to the consolidation. Since the Large Companies Fund will not issue fractions of a unit as a result of the consolidation, a plan entitled to a fraction of a unit in the Large Companies Fund will either receive cash from the Large Companies Fund in lieu thereof or pay cash to the Large Companies Fund in an amount necessary to acquire a full unit. As of September 15, 1983, no unit price of any Sector Fund exceeded $185.

6. Any plan which informs MGT that it does not wish to participate in the Large Companies Fund will be permitted to withdraw, prior to the consolidation, its participation from all of the Sector Funds. It is presently anticipated that all securities held by the Sector Funds will be included in the consolidation. If, however, MGT determines on a transfer date that it is not appropriate to hold any security in the Large Companies Fund, such security will be transferred to a liquidating account in the Sector Fund holding such security prior to the consolidation and administered pursuant to the provisions of the Trust Agreement.

7. MGT believes that although the technique of analyzing and monitoring the $1,100,000,000 invested in the Sector Funds by industry breakdown has proved valuable in the past, changes in the investment environment necessitate a broad perspective that cuts across industry sectors and emphasizes active shifts between them. In MGT's opinion, superior management of the Sector Funds is best achieved when they are viewed in their entirety. MGT believes that formally combining the Sector Funds would support a flexible, active management approach to investments by making flows of funds among industry sectors mechanically simpler, and, in addition, would enable MGT to communicate its investment activity and results more clearly to its clients. Further, MGT believes that such an approach is important in its management of large-capitalization equity holdings and is prudent and in the best interests of every participating plan.

8. MGT will not receive any fees or commissions for making the transfers described above that would be involved in the proposed consolidation. Further, MGT will not be making any actual sales or corresponding purchases of any of the participating plans' assets. The consolidation will be effected at values at which the Sector Funds are normally valued. It is represented that since no transaction costs will be charged and no adverse market impact will result from the proposed consolidation, each participating plan is assured of being treated at least as fairly in connection with the proposed consolidation as if it had engaged in arm's-length open market transactions at the time of such transfer.

9. The applicant represents that the Funds are not parties in interest with respect to each other within the meaning of section 3(14) of the Act because they are not related as described in that section. The applicant has requested an exemption from the provisions of section 406(b)(2) only, which generally prohibits a plan fiduciary from acting on behalf of, or representing, an adverse party in a transaction with a plan. The applicant explains that the plans participating in the Funds may be deemed to have adverse interests under the proposed consolidation because certain plans may have a proportionate interest in each of the securities held in the Large Companies Fund which differs from their proportionate interest in such securities immediately prior to the consolidation, even though upon completion of the consolidation each participating plan would own units in the Large Companies Fund equal in value to the value of the units it had held in the Sector Funds immediately prior to the consolidation.

10. In summary, the applicant represents that the proposed transaction satisfies the exemption criteria set forth in section 408(a) of the Act because (a) MGT will not be receiving any commissions in connection with the proposed consolidation and will not be making any actual sales or corresponding purchases of any of the plans' assets, (b) the proposed consolidation will be effected at values at which the Sector Funds are normally valued, (c) no transaction costs will be charged and no adverse market impact will result from the proposed consolidation, and (d) MGT believes that the proposed consolidation will enable MGT to manage the Funds more effectively in the best interests of each plan participating in the Funds.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Verne Kallejian, Ph. D., a Psychological Corporation Pension Plan (the Plan) Located in Los Angeles, California

[Application No. D-4898]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the proposed borrowing by the Plan of the maximum loan values on life insurance policies held by the Plan and issued by John Hancock Life Insurance Co. (the Insurer), which provides services to the Plan. Because Verne Kallejian, Ph.D. (Dr. Kallejian) is the sole participant in the Plan and is also the sole owner of Verne Kallejian, Ph. D., A Psychological Corporation (the Employer), the Plan is not subject to Title I of the Act, including section 406, pursuant to 29 CFR 2510.3-3 (b) and (c)(1). However, the Plan is subject to Title II of the Act, which includes section 4975 of the Code.

Summary of Facts and Representations

1. As mentioned above, Dr. Kallejian is the sole participant in the Plan and the sole owner of the Employer. He is also the trustee of the Plan. It is represented that the insurer is a fiduciary and provides administrative services to the Plan but that Dr. Kallejian, as Plan trustee, made the decision for the Plan to apply for loans to the extent of the maximum loan values of the life insurance policies held by the Plan and issued by the Insurer. Such loan proceeds will be reinvested in assets providing a higher annual return to the Plan.

2. The loans in question (the Loans) have not yet been made. They will be made on the present cash value of the policies mentioned above (the Policies) and will bear interest at the rate of six percent per annum. There is no repayment schedule for the principal amount of the Loans, which will mature upon the death of the participant or at the election of the Trustee to repay the Loans. Conditions of the Loans are the same as those of similar policy loans made by the Insurer to other policy holders.

Upon retirement, Dr. Kallejian will have the following options: (a) He may receive the Policies subject to the Loans; (b) he may surrender the Policies and receive any net proceeds thereunder; (c)

he may repay the Loans from other assets credited to his account under the Plan and receive the Policies free of the Loan encumbrance; or (d) the net proceeds, if any, under the Policies and the amount credited to his account under a side fund comprising part of the Plan's assets may be converted to an annuity payable to him in accordance with the terms of the Policies and the Plan. In the event of death before retirement and before the Loans are repaid, Dr. Kallejian's beneficiary will receive the face amount of the Policies reduced by the amount attributable to the unpaid Loans.

3. Dr. Kallejian states that the proposed Loans would be administratively feasible as they will involve nominal paperwork and are simple transactions and that they will benefit and protect Plan participants and beneficiaries by enabling the Plan to obtain increased return from reinvestment of the Loan proceeds, resulting in increased Plan assets from which to pay benefits.

4. In summary, Dr. Kallejian represents that the Loans meet the exemptive criteria provided by section 408(a) of the Act (a) for the reasons stated in 3, above, (b) because the Loan terms and conditions are the same as those of similar policy loans made by the insurer to other policy holders, and (c) because the Plan trustee, who is the only Plan participant to be affected by the proposed transaction, approves of the transaction, desires that it be consummated, and made the decision for the Plan to apply for the Loans.

Notice to Interested Persons

Since Dr. Kallejian is the only participant in the Plan and the sole owner of the Employer, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments are due 30 days after the date of publication of this notice in the Federal Register.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of March 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-8822 Filed 4-2-84; 8:45 am]

BILLING CODE 4510-29-M

NUCLEAR REGULATORY COMMISSION

Arkansas Power & Light Company (Arkansas Nuclear One Units 1 and 2); Exemption

[Docket Nos. 50-313 and 50-368]

I

Arkansas Power & Light Company (the licensee) is the holder of Facility Operating Licenses DPR-51 and NPF-6 (the licenses) which authorize operation of the Arkansas Nuclear One, Units 1 and 2, respectively (the facilities) at steady state reactor power level not in excess of 5383 megawatts thermal (rated power). The facilities consist of Babcock and Wilcox and Combustion Engineering designed pressurized water reactors (PWRs) located at the licensee's site in Pope County, Arkansas.

The licenses are subject to all rules, regulations, and Orders of the Commission.

II

10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires each licensee to conduct a full-scale emergency preparedness exercise at least annually.

By letters dated December 30, 1983 and January 18, 1984, the licensee requested an exemption from the annual full-scale exercise requirement of Appendix E. Since the last full-scale exercise was held at Arkansas Nuclear One on March 16, 1983, the next exercise was due to be conducted in March of 1984. The licensee requests that the next exercise involving State and local government participation be deferred until March of 1985.

The past three full-scale exercises held at this site (March 1981, May 1982, and March 1983) have been successful, and in each case the Federal Emergency Management Agency (FEMA) has noted no major deficiencies. The licensee asserts that this record demonstrates serious attention to emergency planning and preparedness by all parties concerned. In addition, the licensee points to a recent FEMA determination (letter to the State of Arkansas dated January 3, 1984) that based on the past record as cited in a FEMA memorandum dated November, 28, 1983, State and local participation in a 1984 full-scale exercise is not necessary.

The NRC staff has reviewed the record of the previous exercises and the FEMA determination and agrees that a full-scale exercise involving State and local governments is not needed. The state of emergency preparedness at the Arkansas Nuclear One site meets applicable NRC criteria, and the deferral of a full-scale exercise to March 1985 would not adversely affect emergency preparedness at this site. Moreover, as indicated by the State, granting of the exemption could allow strained local government resources to best serve the public in activities other than another full participation exercise.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensee's letter of December 30, 1983, as supplemented by letter dated January 18, 1984, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore the requested exemption from the exercise requirement of 10 CFR Part 50, Appendix E, Section IV.F.1.a involving the State and local governments is hereby granted.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 22nd day of March 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 84-8828 Filed 4-2-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-374]

Commonwealth Edison Company; Issuance of Amendment to Facility Operating License

On December 16, 1983, the U.S. Nuclear Regulatory Commission (the Commission) issued Facility Operating License No. NPF-18, to Commonwealth Edison Company (licensee), authorizing operation of the La Salle County Station, Unit 2 (the facility), at reactor core power levels not in excess of 166 megawatts thermal (5 percent power) in accordance with the provisions of the license, the Technical Specifications and the Environmental Protection Plan.

The Commission has now issued Amendment No. 1 to Facility Operating License No. NPF-18, which authorizes operation of the La Salle County Station, Unit 2, at reactor core power levels not in excess of 3323 megawatts thermal (100 percent power) in accordance with the provisions of the amended license.

La Salle County Station, Unit 2 is a boiling water nuclear reactor located in Brookfield Township, La Salle County, Illinois. The amendment is effective as of the date of issuance.

The application for the amendment 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 I, which are set forth in the amended 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 increase in power level authorized by this amendment is encompassed by that prior public notice.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impacts other than those evaluated in the Final Environmental Statement and its addendum.

For further details with respect to this action, see (1) Amendment No. 1 to Facility Operating License No. NPF-18; (2) Facility Operating License No. NPF-18 dated December 16, 1983, authorizing five percent power; (3) the report of the Advisory Committee on Reactor Safeguards dated April 16, 1981; (4) the Commission's Safety Evaluation Report (NUREG-0519) 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 1982, Supplement No. 6 dated November 1983, Supplement No. 7 dated December 1983, and Supplement No. 8 dated March 1984; (5) the Final Safety Analysis Report and amendments thereto; (6) the Environmental Report and Supplements thereto; (7) the Final Environmental Statement dated November 1978 and the Addendum to the Final Environmental Statement dated May 1981; and (8) NCR Flood Plain Review of La Salle Nuclear Plant Site dated January 29, 1981.

The 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 Amendment No. 1 to 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, 7 and 8 (NUREG-0519) may be purchased at current rates from the National Technical Information Service, U.S. Department of Commerce, 5238 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 23rd day of March 1984.

For the Nuclear Regulatory Commission.

A Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 84-8829 Filed 4-2-84; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Docket No. 82-468-01 OL; NRC Docket Nos. 50-458-OL; 50-459-OL]

Gulf States Utilities Company, et al. (River Bend Station, Units 1 and 2); Order

March 8, 1984.

Upon consideration of the emergency planning contentions dated March 9, 1984, filed by Joint Intervenors with the Board, the anticipated responses by the parties thereto, and the entire record in this matter, it is, this 28th day of March, 1984

Ordered

1. That a prehearing conference will be held April 18, 1984, at the Court of Appeals, First Circuit, Courtroom 905, Governmental Building, 222 St. Louis Street, Baton Rouge, Louisiana, for the following purposes:

a. To consider the emergency planning contentions filed by Joint Intervenors;

b. To resolve any remaining matters concerning Unit 2, which has been cancelled;

c. To set a hearing date for Contentions 1 and 2 already admitted to this proceeding and schedule completion of all discovery, motions and other activities necessary to commence that hearing;

d. To set a hearing date for any emergency planning contentions that might be admitted to this preceeding and schedule completion of all discovery, motions, and other activities necessary to commence any such hearing; and

e. To consider any other matters relevant to the expeditious resolution of disputes in this proceeding:

2. That pending Judge Linenberger's anticipated return to fully active status on or about June 1, 1984, the Board will take all necessary actions in this proceeding pursuant to 10 CFR 2.721(d), as a quorum; and

3. To consider authorizing the withdrawal of Doris Falkenheiner as

attorney for Louisiana Consumer's League.

Dated at Bethesda, Maryland this 28th day of March, 1984.

For the Atomic Safety and Licensing Board.

B. Paul Cotter, Jr.,

Chairman Administrative Judge.

[FR Doc. 84-8830 Filed 4-2-84; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

Notice of Visit

March 28, 1984.

Notice is hereby given that a member of the Commission's advisory staff will be visiting the Charleston, South Carolina Management Section Center on April 5 and 6, 1984, to observe the operations of the USPS Task Force for the Joint Postal Service/Postal Rate Commission/Mailers Study Group on Third-Class Bulk Mail. A report of the visit will be on file in the Commission's Docket Room.

Charles L. Clapp,

Secretary.

[FR Doc. 84-8810 Filed 4-2-84; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-20791; File No. SR-MCC-84-1]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Clearing Corp.; Enhancements to the OTC Match Procedures

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 15, 1984, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is the MST System OTC Participant Bulletin regarding enhancements to the OTC Match Procedures.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

MCC has revised its OTC Match Procedures whereby it will provide an additional comparison of summarized data unmatched after the current T+1 procedure. In the revised procedures, identified as "M-3", if summarization does not give a compared trade, the trade moves into a third match attempt (full or partial two way match). In this match procedure, the identities of the executing brokers are disregarded. The purpose of this procedure is to reduce the number of OTC uncompared trades.

The proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 in that it will promote the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8851 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20793; File No. SR-NSCC-84-03]

Filing and Immediate Effectiveness of a Proposed Rule Change by National Securities Clearing Corp.

March 27, 1984.

The National Securities Clearing Corporation ("NSCC") on February 23, 1984, submitted a proposed rule change to the Commission pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), that amends Section (II)(B)(2)(c) of NSCC's Procedures relating to the unilateral deletion of compared New York Stock Exchange ("NYSE") and American Stock Exchange ("Amex") trades by purchasers or sellers on the second day after trade date ("T+2"). The Commission is publishing this

notice to solicit comments from persons interested in the proposed rule change.

Under the proposal, NSCC members' use of the unilateral delete procedure will be limited to NYSE and Amex trades compared through (1) NSCC's suggested name procedure;[1] or (2) Advisory and Add-by-Seller mechanisms.[2] NSCC states that some members have been attempting to use the unilateral delete feature to eliminate locked-in trades submitted to NSCC by market regulators through their automated trading systems. By restricting members' use of the delete feature to trades compared via the suggested name procedure and the Advisory and Add-by-Seller trade correction mechanisms, NSCC's proposal effectively prohibits member use of unilateral deletes for locked-in trades.[3]

NSCC states in its filing that the proposal is consistent with the intentions of NSCC and the market regulators when automated trading systems began. At that time, NSCC and the appropriate market regulators agreed that trade adjustments in those systems would be resolved according to exchange procedures. In addition, NSCC believes that the proposal will eliminate the inefficient use of its resources in monitoring the use of the delete procedure in this context and will avoid any confusion that could result from the deletion of locked-in trade data. Therefore, NSCC believes that its proposal facilitates prompt and accurate clearance and settlement of securities transactions.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make a written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–NSCC–84–03.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8849 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[1] If a purchaser and seller submit identical trade data, except for the name of the *contra* party, and the *contra* party submitted by one of them is the other party that submitted identical data, the transaction is deemed compared under NSCC's "suggested name" procedure. For example, if A submits trade data showing the purchase of 100 shares of XYZ at $10 per share from B and B submits data showing a sale of 100 shares of XYZ at $10 to C, the procedure will ignore C in B's trade submission and will suggest a compared trade with A. Suggested trades are identified specially on the T+1 Contract List. The parties to the trade are responsible for verifying that the "suggestion" is correct and may delete incorrect suggested matches on T+2.

[2] An Advisory Notice is issued to a member when a *contra* party submits to NSCC a trade with that member but that member has not submitted matching data. The member, among other things, can agree to the trade shown on the Advisory Notice by stamping the Notice and returning it to NSCC. On the other hand, the Add-by-Seller process enables members to correct uncompared trades. The selling member submits an Add-by-Seller ticket to NSCC, thereby generating a compared trade that will appear on the T+2 Supplemental Contract List. On T+2, either the purchaser or seller can use the unilateral delete feature to eliminate trades compared through Advisory Notices or Add-by-Seller tickets.

[3] Locked-in trade data is not subject to NSCC's suggested name procedure or Advisory or Add-by-Seller trade correction mechanisms.

[Release No. 13849; (811-2337)]

Southeastern Capital Small Business Investment Corp.; Filing of Application

March 27, 1984.

Notice is hereby given that Southeastern Capital Small Business Investment Corporation (Applicant"), Suite 100, 2285 Peachtree Road, N.E., Atlanta, GA 30309, registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on February 23, 1984, for an order of the Commission pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, on July 19, 1983, the boards of directors of Applicant and its parent, by joint action, approved the liquidation and dissolution of Applicant effective July 29, 1983. The application states that Applicant was liquidated and dissolved on July 29, 1983. Applicant states that it sold substantially all of its small business type investments and distributed cash in the amount of $252 to its parent and sole shareholder, Southeastern Capital Corporation, on July 29, 1983. Applicant states that it also distributed Certificates of Deposits ($245,000), U.S. Treasury Bills ($355,002), Time Certificates ($200,000) and TRUSCO Reserves ($436,255) to its parent on this date. Applicant further states that immediately preceeding the liquidation it had 10,000 shares of common stock, par value $100, outstanding with a net asset value of $1,437,307. Applicant states that it has surrendered its SBIC license to the Small Business Administration effective June 14, 1983, and has made no further investments.

The application represents that Applicant now has no shareholders and is not now engaged in, nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs. Applicant further represents that it has retained no assets, no debts or other liabilities, and it is not a party to any litigation or administrative proceeding. Finally, Applicant states that it has not within the past 18 months transferred any of its assets to a separate trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 23, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Mangement, pursuant to delegated authority.

George A. Fitzsimmons

Secretary.

[FR Doc. 84-8850 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13850; (812-5689)]

Stone Street Fund 1984 and Stone Street Corp.; Filing of an Application for an Order

March 27, 1984.

Notice is hereby given that Stone Street Fund 1984, a limited partnership (the "Partnership"), and its general partner, Stone Street Corp. ("General Partner", collectively "Applicants"), 85 Broad Street, New York, New York 10004, filed an application on October 31, 1983, and an amendment thereto on February 13, 1984, for an order of the Commission, pursuant to Sections 6(b) and 6(e) of the Investment Company Act of 1940 ("Act"), exempting Applicants and all similar partnerships offered to the same class of investors as the limited partner investors in the Partnership (such partnerships together with the Partnership, "Partnerships") from all provisions of the Act or, alternatively, from all provisions of the Act and the rules and regulations thereunder except: (1) Sections 9, 17 (with certain exceptions), 30 (with certain exceptions), 36 and 37 of the Act and the rules and regulations thereunder; (2) all Sections of the Act and the rules and regulations thereunder necessary to implement the above Sections of the Act; and (3) all administrative and jurisdictional Sections of the Act, and the rules and regulations thereunder necessary to enforce compliance with the terms of the order as granted. Applicants also request an order, pursuant to Section 45(a) of the Act, granting confidential treatment for certain reports to be filed with the Commission. All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the provisions referred to herein and in the application.

According to the application, the Partnership is a limited partnership in formation under the laws of the State of New York conceived by partners and employees of Goldman, Sachs & Co. to meet the desire of key employees for an in-house tax-oriented and capital growth investment program. The Partnership is the first of a series of investment partnerships which Goldman, Sachs & Co. (together with its subsidiary companies "Goldman, Sachs") proposes to establish in order to enable certain key employees of Goldman Sachs to pool their investment resources and to receive the benefit of certain investment opportunities which come to the attention of Goldman Sachs. Applicants submit that limitations on the class of person who may subscribe for, acquire or hold interests in the Partnership, in conjunction with other characteristics of the Partnerships, qualify each Partnership as an "employees security company" under Section 2(a)(13) of the Act.

Applicants represent that partnership interests in the Partnerships will be offered only to employees of Goldman Sachs who are "accredited investors" under Rule 501(a)(7) of Regulation D under the Securities Act of 1933 ("1933 Act") and who have had a minimum reportable income from Goldman Sachs in excess of the standard of Rule 501(a)(7) of the 1933 Act in the calendar year immediately preceding his or her investment in a Partnership ("Eligible Employees"). Applicants further represent that Eligible Employees are experienced professionals in the investment banking, securities or commodities business, or in administrative, financial, accounting, legal or operational activities related thereto, equipped by experience and education to understand and evaluate the structure, management and plan of the Partnerships as compared to other investment opportunities, to evaluate the risks of investing in the Partnerships and to understand that the Partnerships are being offered without registration under the Act and the 1933 Act and the protections afforded thereby. Applicants assert that, as senior employees of Goldman Sachs, the Eligible Employees will have direct access to those individuals within Goldman Sachs who will serve as directors and officers of the the General Partner of the Partnerships. Interests in the Partnerships will generally be non-transferable except with the express consent of the General Partner and then only to other limited partners or Eligible Employees or to the General Partner. Interests will be offered and sold, without a sales load, under a section 4(2) exemption from the registration requirements of the 1933 Act pursuant to Regulation D.

Applicants state that the General Partner will manage the Partnerships, will be responsible for the direction of the Partnerships' activities and will make all investment decisions for the Partnerships. The directors and officers of the General Partner will be general and limited partners of Goldman, Sachs & Co. and Eligible Employees (who may but need not have an interest in a Partnership). The General Partner undertakes that it will secure from Goldman, Sachs & Co. an investment in each Partnership, by means of a capital contribution through the General Partner, of an amount equal to at least 10% of the aggregate capital contributions of the limited partners in each such Partnership. On the basis of the foregoing, and for the other reasons set forth in the application, Applicants submit that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Section 17(a)—An exemption from Section 17(a) is requested to the extent necessary to permit Goldman Sachs and Goldman Sachs partners' inventment vehicles (as that term is defined in the application) to engage in certain transactions as principal with a Partnership in addition to transactions as agent. This exemption is requested to permit the Partnerships to (a) purchase from Goldman Sachs or Goldman Sachs partners' investment vechicles securities or interests in properties previously acquired for the account of Goldman Sachs or Goldman Sachs partners' investment vehicles and of the type which are consistant with the investment objectives of the Partnerships, (b) purchase interest in a company or other investment vehicle in which Goldman, Sachs or Goldman Sachs partners' investment vehicles already own 5% or more of the voting securities of the company or vehicle or which company or vehicle is otherwise affiliated with a Partnership, (c) purchase securities underwritten on a principal basis by Goldman Sachs (including as member of a selling group) on terms at least as favorable as those offered to investors other than affiliated persons of Goldman, Sachs & Co., and (d) participate as a selling securityholder in a public offering that is underwritten on a principal basis by Goldman Sachs (including as a member of a selling group).

It is asserted that the principal reason for the requested exemption under clauses (a) and (b) is to assure that the Partnerships will be able to invest in attractive companies or properties in which Goldman Sachs or Goldman Sachs partners' inventment vehicles may have already made an investment; as such, the requested exemption is stated to be a complement to the

exemption requested under Section 17(d). It is further asserted that the requested exemption under clauses (c) and (d) above is sought to assure that the Partnerships will have the ability to buy and sell securities in underwritten offerings in which Goldman Sachs participates. It is reprsented that these transactions will only be effected upon a determination by the board of directors of the General Partner that the terms of the transaction are reasonable and fair to the limited partners of the Partnerships involved in the transaction and do not involve overreaching of the Partnerships or its limited partners on the part of any person concerned.

Section 17(d)—An exemption from Section 17(d) of the Act is requested to the extent necessary to permit the Partnerships to engage in certain transactions in which affiliated persons of the Partnerships may also be participants. It is stated that compliance with Section 17(d) might require the Partnerships to refrain from certain transactions in which Goldman, Sachs & Co. or any "affiliated person" of Goldman, Sachs & Co., as such terms is defined in Section 2(a)(3) of the Act, is also a participant. Applicants maintain that such a restriction would undermine the principal rationale of the Partnerships, which is to provide a vehicle for Eligible Employees to invest with the partners of Goldman, Sachs & Co. (acting either through Goldman Sachs or Goldman Sachs partners' investment vehicles).

Consequently, the Applicants request an exemption from Section 17(d) of the Act with respect to joint investments on the undertaking that the Partnerships will not make any joint investment in which Goldman Sachs, a Goldman Sachs partners' investment vehicle, or any officer or director or employee of the General Partner, is a participant or plans concurrently or otherwise directly or indirectly to become a participant (other than through an investment in or relationship with a Partnership or Partnerships), except that this undertaking shall not be applicable to (a) 25% of the total assets of each Partnership, and (b) as to the remaining 75% of the total assets of a Partnership, other investments by a Partnership in any other companies, partnerships or other investment vehicles which are not sponsored, managed or underwritten on a principal basis by Goldman, Sachs & Co. or its affiliates if the amount invested by the Partnership in any given investment does not exceed 20% of its total assets. Any investments which are made concurrently with Goldman Sachs, a Goldman Sachs partners' investment vehicle or any officer, director or employee of the General Partner will be made by the Partnerships on the same basis as such person. The exemption requested, however, will permit joint investment by a Partnership and (i) by individual partners of Goldman, Sachs & Co. making their own individual investment decisions apart from Goldman Sachs and Goldman Sachs partners' investment vehicles and/or (ii) by employees of Goldman Sachs who are not limited partners of the Partnership involved, subject to the following limitations: (i) the conditions as to joint investments stated above in this paragraph would apply if partners of Goldman, Sachs & Co. who hold in the aggregate 15% or more of the equity interest in Goldman, Sachs & Co. make a joint investment with a Partnership; and (ii) in the case of a joint investment with a Partnership (a) by any partner of Goldman, Sachs & Co. who is an officer, director or employee of the General Partner of a Partnership, (b) by partners of Goldman, Sachs & Co. who hold in the aggregate 15% or more of the equity interest in Goldman, Sachs & Co., or (c) by partners of Goldman, Sachs & Co. or employees of Goldman Sachs who hold individually or in the aggregate 10% or more of the equity interest of any joint investment with a Partnership, then in any such case the General Partner undertakes to obtain a commitment from each such person that such person will not dispose of his or her investment in such joint investment without giving sufficient, but not less than one day's, notice to the General Partner so that the Partnership has the opportunity to dispose of its investment in the joint investment prior to or concurrently with and on the same terms as such person.

Applicants specifically represent and concede that the General Partner is subject to Section 36 of the Act and will, at all times, comply with the requirements of Sections 57(f)(3) and 57(h) of the Act. Applicants also state that, the minutes of meetings of the board of directors and any investment committee of the General Partner, including all procedures adopted by the General Partner in connection with its evaluation of investments, will be available for inspection by limited partners and by the Commission. Applicants represent that officers and directors of the General Partner will review each co-investment situation for which exemption is requested and make a determination that any such investment by an affiliate would not disadvantage a Partnership in the making of such investment, maintaining its investment position or disposing of such position. Finally, in order to provide further assurance against any potential overreaching by Goldman Sachs or a Goldman Sachs partners' investment vehicle in connection with such joint participation, the General Partner undertakes that it will not invest the funds of any Partnership in a joint investment with Goldman Sachs or a Goldman Sachs partners' investment vehicle unless the investment of Goldman Sachs or such Goldman Sachs partners' investment vehicle (or the combined investment of all such persons) is at least three times as much as the amount invested by the Partnership at the time of investment by the Partnership and unless it obtains from Goldman Sachs or such Goldman Sachs partners' investment vehicle an undertaking to maintain at least such ratio of its investment to the investment of the Partnership in such joint investment and, also, to give the General Partner sufficient, but not less than one day's, notice of its intent to dispose of its investment in such joint investment so that the Partnership has the opportunity to dispose of its investment in the joint investment prior to or concurrently with, and on the same terms as, Goldman Sachs or the Goldman Sachs partners' investment vehicle.

Applicants have also requested limited exemptions from Sections 17(f) and 17(g) of the Act and Rules 17f-1 and 17g-1 thereunder. In addition, Applicants request an exemption from Section 30 (a), (b) and (d) of the Act to the extent necessary to exempt the Partnerships from filing annual and quarterly reports with the Commission. Applicants state that the pertinent information contained in such filings must be sent to the limited partners, the only class of people, it is claimed, truly interested in such material. Applicants agree to file with the Commission, within 120 days after the end of each partnership year, a copy of the annual report of each Partnership required by the terms of the partnership agreements to be sent to Limited Partners. Applicants represent, however, that should the Commission adopt a replacement for the present form N-1R it will file such form with the Commission. Applicants further request that to the extent filings under Section 30 are made by the Partnerships, except for filings on any new form N-1R, such filings be afforded confidential treatment under Section 45(a) of the Act. Such confidential treatment is requested on the basis that the investment situations in which the Partnerships would be investing are not generaly available to

the public and, since there will be no public trading in the interests in the Partnerships, the only persons possibly interested in such information will have all such data sent directly to them.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Mangement, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8849 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13843; (811-3638)]

Acacia Fund Corp.; Application for Order

March 26, 1984.

Notice is hereby given that Acacia Fund Corporation ("Applicant"), 51 Louisiana Avenue, N.W., Washington, D.C. 20001, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on January 30, 1984, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered under the Act on January 3, 1983, and that its registration statement on Form N-1 was filed on January 3, 1983, to register an indefinite number of shares. Applicant states that, as of January 30, 1984, the registration statement had not become effective and no initial public offering of securities had occurred.

Applicant states that, on July 25, 1983, it sold 100,000 shares of common stock to its sponsor, Acacia National Life Insurance Company ("Acacia Life"), for an aggregate price of $100,000. Applicant states further that the sale was made to meet the net worth requirement of Section 14(a) of the Act and those shares have been redeemed.

According to Applicant, on January 11, 1984, its sole shareholder, Acacia Life, and Applicant's Board of Directors voted to dissolve Applicant. On January 12, 1984, Acacia Life redeemed its shares and Applicant's assets of $104,224.26 were distributed to Acacia Life. Applicant states that it has no assets and that it has no debts and no liabilities. Applicant states further that it has no securityholders and that it is not a party to any litigation or administrative proceeding. It is stated that Applicant is not engaged and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 20, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Mangement, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8842 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13847; (812-5747)]

The Equitable Life Assurance Society of the United States, et al.; Application for an Order of Exemption

March 27, 1984.

Notice is hereby given that The Equitable Life Assurance Society of the United States ("Equitable"), 1285 Avenue of the Americas, New York, New York 10019, Separate Accounts J and K of Equitable, registered under the Investment Company Act of 1940 ("Act") as management investment companies and established by Equitable in connection with the proposed issuance of certain variable annuity contracts ("Accounts"), and Equitable Investment Management Corporation (the co-investment advisor (with Equitable)) (collectively, "Applicants") filed an application on January 13, 1984 and an amendment thereto on March 15, 1984 for an order pursuant to Section 6(c) of the Act granting exemptions from the provisions of Sections 15(a), 16(a), 17(f), 26(a), 26(a)(2)(C), and 32(a)(2) of the Act and Rule 17f-2 thereunder to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein in support of the requested relief pursuant to section 6(c), which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants request exemption from Sections 15(a), 16(a) and 32(a)(2) to the extent necessary to allow the Accounts to operate without election of committee members, approval of an investment advisory contract, or ratification of independent public accountant by contract owners until action with respect to those matters is taken at an initial annual meeting to be held no later than April 30, 1985.

Applicants request relief from Section 17(f) and Rule 17f-2 to the extent necessary to permit not more than five officers or responsible employees of Equitable, as designated by the relevant Separate Account of Equitable to have access to the securities and similar investments of the Accounts under appropriate conditions, and request an exemption to permit inspection of such assets by representatives of the New York State Insurance Department.

Applicants request relief from Sections 26(a), 26(a)(2)(C), and 27(c)(2) to the extent necessary: to deduct any premium taxes; to impose on contracts a guaranteed administrative expense charge of the lesser of $30 or 2% of the value of the contract (plus any withdrawals made during the contract year) on the last day of each contract year; to impose a guaranteed expense charge of .60%, on an annual basis, of daily net assets; and to impose a guaranteed financial accounting services charge of .24%, on an annual basis, of daily net assets. Applicants

represent that these latter three charges are not designed to exceed the actual expenses incurred in connection with contract administration and are not designed to include an element of profit.

Applicants also request relief from these sections to the extent necessary to deduct an expense risk charge from the Accounts at an effective annual rate of .30% with respect to Account J and .15% with respect to Account K, and a mortality risk charge at an effective annual rate of .35% with respect to both Accounts. Applicants represent that these charges are reasonable in amount based on their evaluation of the risks assumed and guarantees provided by the contracts, and represent that these charges are reasonable in comparison with industry practice with respect to competitive and comparable annuity products, and that the basis for this representation is reflected in documents on file with Equitable. Applicants acknowledged that withdrawal charges imposed on contracts may be insufficient to cover all costs of distributing the contracts and that any shortfall wold be absorbed by the general account of Equitable, which might include assets attributable to the risk charges. In this regard, Equitable represents it has concluded that there is a reasonable likelihood that the proposed distribution financing arrangement will benefit the Accounts and contractowners.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 19, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon it own motion.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8844 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23263; (70-6807)]

General Public Utilities Corp. and Jersey Central Power & Light Co.; Supplemental Notice of Proposal To Amend Revolving Credit Agreement

March 27, 1984.

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, and its electric utility subsidiary, Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, have filed a post-effective amendment to their application-declaration with this Commission pursuant to Sections 6, 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 50(a)(2) thereunder.

By orders dated September 26, 1983 (HCAR No. 23072) and September 30, 1983 (HCAR No. 23079) GPU, JCP&L and two other GPU subsidiaries, Metropolitan Edison Company ("Met-Ed") and Pennsylvania Electric Company ("Penelec"), (collectively, "GPU Companies") entered into an amendment to their revolving credit agreement ("Credit Agreement") previously authorized by order dated September 28, 1981 (HCAR No. 22207).

The Credit Agreement provides for the GPU Companies to issue, sell and renew to certain banks ("Banks"), from time to time through March 31, 1985, their respective promissory notes ("Notes"), maturing not more than four months from the date of issue. Up to $125 million at any one time outstanding may be borrowed under the Credit Agreement with sublimits for GPU, JCP&L, Met-Ed, and Penelec of $5, $50, $25, and $50 million, respectively. The GPU Companies were also authorized to issue and renew, to various banks, unsecured promissory notes through March 31, 1985. The total principal amount of such unsecured borrowings outstanding at any one time may not exceed $125 million. As of February 17, 1984 none of the GPU Companies had borrowings outstanding under either the Credit Agreement or the unsecured lines of credit.

JCP&L believes that, primarily as a result of higher than anticipated fuel and purchased power costs, its needs for short-term financing during 1984 will exceed the authorized levels. These requirements are expected to reach their highest levels in the spring and summer. Consequently, GPU, and JCP&L propose to enter into an amendment to the Credit Agreement ("Amendment") increasing JCP&L's loan limit thereunder from $50 million to $90 million for the period May 1 through September 30, 1984. The total authorized aggregate amount outstanding at any one time under the Credit Agreement for all the GPU Companies would remain at $125 million. The Amendment would also provide that, at the time of borrowings made pursuant to the Amendment, JCP&L submit a forecast reflecting full repayment of such borrowings from internally generated funds by December 31, 1984, rather than within the 120 days now provided.

The amended application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment or request a hearing should submit their views in writing by April 20, 1984, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended application-declaration, as filed or as it may be amended further, may be permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8847 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23264; (70-6960)]

Georgia Power Co.; Proposal for Pollution Control Financing; Exception From Competitive Bidding

March 27, 1984.

Georgia Power Company ("Georgia"), 333 Piedmond Avenue, N.E., Atlanta, Georgia 30308, an electric utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration pursuant to Sections 6, 7 and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44(b)(3) and 50(a)(5) thereunder.

Georgia proposes to finance the costs of the acquistion, construction, installation and equipping of certain pollution control facilities ("Facilities"), for use in connection with one or more

of its plants located in various counties in the State of Georgia. The Development Authority ("Authority") of each such county will issue its revenue bonds ("Revenue Bonds") for the purpose of making loans to Georgia to finance the facilities at the plant located in its county.

It is presently estimated that the aggregate principal amount of Revenue Bonds to be issued by the Authorities pursuant to this proposal will not exceed $200,000,000. While the actual amount of Revenue Bonds to be issued by each Authority has not yet been determined, such amount will be based upon the cost of the Facilities located in its county.

Georgia proposes to enter into a Loan Agreement with the Authority relating to each issue of the Revenue Bonds. Under the Agreement, the Authority will loan to Georgia the proceeds of the sale of the Authority's Revenue Bonds, and Georgia will issue a non-negotiable promissory note ("Note"). Such proceeds will be deposited with a Trustee ("Trustee") under an indenture to be entered into between the Authority and the Trustee ("Trust Indenture"), pursuant to which such Revenue Bonds are to be issued and secured, and will be applied by Georgia to payment of the "Cost of Construction" of the facilities.

The Note will provide for payments to be made at the time and in amounts corresponding to the payments with respect to the principal of, premium, if any, and interest on the Revenue Bonds wherever and in whatever manner they become due.

The Agreement will provide for the assignment to the Trustee of the Authority's interest in the moneys receivable by the Authority under the Agreement and Note. It will also obligate Georgia to pay the fees and charges of the Trustee and will permit Georgia to prepay the amount due under the Note, in whole or in part, at any time, such payment to be sufficient to redeem or purchase the outstanding Revenue Bonds in the manner and to the extent provided in the Trust Indenture.

The Trust Indenture will provide that the Revenue Bonds issued thereunder will be redeemable (i) at any time on or after a date not later than 10 years from the date of issuance (or the date on which the Revenue Bonds begin to bear interest at a fixed rate, if such Revenue Bonds bear interest initially at a fluctuating rate), in whole or in part, at the option of Georgia, initially with a premium of up to 3% of the principal amount and declining by not less than ½ of 1% annually thereafter, and (ii) in whole, at the option of Georgia, in certain other cases of undue burdens or excessive liabilities imposed with respect to the related facilities, its destruction or damage beyond practicable or desirable repairability or condemnation or taking by eminent domain, or if operation of the related plant is enjoined and Georgia determines to discontinue operation thereof, such redemption of all such outstanding Revenue Bonds to be at the principal amount thereof plus accrued interest, but without premium. It is proposed that the Revenue Bonds will mature from one to 30 years from the first day of the month in which they are initially issued and may, in the case of a maturity of 15 to 30 years and if it is deemed advisable for purposes of the marketability of the Revenue Bonds, be entitled to the benefit of a mandatory redemption sinking fund calculated to retire a portion of the aggregate principal amount of the issue prior to maturity.

The Trust Indenture and the Agreement may give the holders of the Revenue Bonds the right, during such time as the Revenue Bonds bear interest at a fluctuating rate, to require Georgia to purchase the Revenue Bonds from time to time, and arrangments may be made for the remarketing of any such Revenue Bonds through a remarketing agent. Georgia also may be required to purchase the Revenue Bonds, or the Revenue Bonds may be subject to Federal Income Tax. Also in the event of taxability, interest on the Revenue Bonds may be effectively converted to a higher variable or fixed rate, and Georgia also may be required to indemnify the bondholders against any other additions to interests, penalties, and additions to tax.

In order to obtain the benefit of ratings for the Revenue Bonds equivalent to the rating of Georgia's first mortgage bonds outstanding under the indenture dated as of March 1, 1941 between Georgia and Chemical Bank, as Trustee ("Indenture Trustee"), as supplemented and amended, ("Mortgage") which ratings Georgia has been advised may be thus attained, Georgia may determine to secure its obligations under the Note by delivering to the Trustee, to be held as collateral, a series of its first mortgage bonds ("Collateral Bonds") in principal amount either (i) equal to the principal amount of the Revenue Bonds (bearing interest at a rate or rates equal to the interest rate or rates to be borne by the related Revenue Bonds) or (ii) equal to the sum of such principal amount of the Revenue Bonds plus interest payments thereon for a specified period (noninterest bearing). Such series of Collateral Bonds will be issued under an indenture supplemental to the Mortgage ("Supplemental Indenture") to be dated as of the first day of the month in which the Collateral Bonds are to be issued and delivered, will mature on the maturity date of such Revenue Bonds and will be non-transferable by the Trustee.

The Supplemental Indenture will provide that the obligation of Georgia to make payments with respect to the Collateral Bonds will be satisfied to the extent that payments are made under the Note sufficient to meet payment when due in respect of the related Revenue Bonds. The Supplemental Indenture will provide that, upon acceleration by the Trustee of the principal amount of all related outstanding Revenue Bonds under the Trust Indenture, the Trustee may demand the mandatory redemption of the related Collateral Bonds then held by it as collateral at a redemption price equal to the principal amount thereof plus accrued interest, if any, to the date fixed for redemption. The Supplemental Indenture may also provide that, upon the optional redemption of the Revenue Bonds, in while or in part, at any time after they have been outstanding for a period of not longer than ten years, a related principal amount of the Collateral Bonds will be redeemed at an initial premium of up to 3% and declining by not less than ½ of 1% annually thereafter.

In the case of interest bearing Collateral Bonds, because interest accrues in respect of such Collateral Bonds until satisfied by payments under the Note, "annual interest charges" in respect of such Collateral Bonds will be included in computing the "interest earnings requirement" of the Mortgage which restricts the amount of first mortgage bonds which may be issued and sold to the public in relation to Georgia's net earnings. In the case of non-interest bearing Collateral Bonds, since no interest would accrue in respect of such Collateral Bonds, the "interest earnings requirement" would be unaffected.

The Trust Indenture will provide that, upon deposit with the Trustee of funds sufficient to pay or redeem all or any part of the related Revenue Bonds, or upon direction to the Trustee by Georgia to so apply funds available therefor, or upon delivery of such outstanding Revenue Bonds to the Trustee by or for the account of Georgia, the Trustee will be obligated to deliver to Georgia, or for the account of Georgia, the Collateral Bonds then held as collateral in an aggregate principal amount as they relate to the aggregate principal amount

of such Revenue Bonds for the payment or redemption of which such funds have been deposited or applied or which shall have been so delivered.

As an alternative to or in conjunction with Georgia's securing its obligations through the issuance of the Collateral Bonds, Georgia may cause an irrevocable Letter of Credit ("Letter of Credit") of a bank ("Bank") to be delivered to the Trustee. The Letter of Credit would be an irrevocable obligation of the Bank to pay to the Trustee, upon request, up to an amount necessary in order to pay principal of an accrued interest on the Revenue Bonds when due. Pursuant to a separate agreement with the Bank, Georgia would agree to pay to the Bank on demand all amounts that are drawn under the Letter of Credit, as well as certain fees and expenses. Such delivery of the Letter of Credit to the Trustee would obtain for the Revenue Bonds the benefit of a rating equivalent to the credit rating of the Bank. In the event that the Letter of Credit is delivered to the Trustee as an alternative to the issuance of the Collateral Bonds, Georgia may also convey to the Authority a subordinated security interest in the Facilities or other property of Georgia as further security for Georgia's obligations under the Agreement and the Note. Such subordinated security interest would be assigned by the Authority to the Trustee.

As a further alternative to, or in conjunction with, securing its obligations under the Agreement and Note, and in order to obtain a "AAA" rating for the Revenue Bonds by Standard and Poor's Corporation, Georgia may cause an insurance company to issue a policy of insurance guaranteeing the payment when due of the principal of and interest on such series of the Revenue Bonds. Such insurance policy would extend for the term of the related Revenue Bonds and would be non-cancellable by the insurance company for any reason. A non-refundable, one-time insurance premium for the policy would be fully paid by Georgia at the time the policy is issued. In addition, Georgia may be obligated to make payments of certain specified amounts into separate escrow funds and to increase the amounts on deposit in such funds under certain circumstances. The amount in each escrow fund would be payable to the insurance company as indemnity for any amounts paid pursuant to the related insurance policy in respect of principal of or interest on the related Revenue Bonds.

If, due to insufficiency of coverage or for other reasons, Georgia is unable or determines not to issue the Collateral Bonds or to deliver the Letter of Credit to the Trustee or to cause an insurance policy to be issued, the Revenue Bonds would be issued without the benefit of such security. In that event Georgia may convey to the Authority a subordinated security interest in the Facilities or other property of Georgia as security for its obligations under the Note. Such subordinated security interest would be assigned by the Authority to the Trustee. Alternatively, Georgia also may guarantee the payment of the principal of, premium, if any, and interest on the Revenue Bonds.

It is contemplated that the Revenue Bonds will be sold by the Authority pursuant to arrangements with one or more purchasers or underwriters. In accordance with the laws of the State of Georgia, the interest rate to be borne by the Revenue Bonds will be fixed by the Board of Directors of the Authority and will be either a fixed rate or a rate which will fluctuate in accordance with a specified prime or base rate or rates, which fluctuating rate may be convertible to a fixed rate. If Collateral Bonds are issued, such a fluctuating rate will not exceed a specified maximum rate or fall below a specified minimum rate. While Georgia may not be party to the purchase or underwriting arrangements for the Revenue Bonds, such arrangements will provide that the terms of the Revenue Bonds and their sale by Authority shall be satisfactory to Georgia. Bond Counsel will issue an opinion that, based upon existing law, interest on the Revenue Bonds is exempt from Federal Income Taxation. Georgia has been advised that the interest rates on obligations, the interest on which is tax exempt, recently have been and can be expected at the time of issuance of the Revenue Bonds to be approximately two to three percentage points lower that the rates on obligations of like tenor an comparable quality, interest on which is fully subject to Federal Income Taxation.

Georgia has requested that the Notes and Collateral Bonds be excepted from the requirements of Rule 50 as inappropriate because they are to be issued and pledged solely to evidence and secure Georgia's obligations to the Authorities and no public offering of the Notes and Collateral Bonds is to be made.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their veiws in writing by April 20, 1984, to the Secretary, Securities and Exchange Commission, Washington D.C. 20549, and service a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so request will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 84-8846 Filed 4-2-84: 8:45 am]

BILLING CODE 8010-01-M

[Release No. 23262; (70-6967)]

National Fuel Gas Co.; Proposal to Declare Two-For-One Stock Split, To Declare Ten Percent Stock Dividend and To Increase by One Hundred-Twenty Percent the Number of Shares Subject to Outstanding Options

March 27, 1984.

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, has filed an application-declaration with this Commission pursuant to Section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(1) thereunder.

The Board of Directors ("Board") of National, at its meeting on March 15, 1984, declared a two-for-one stock split and a 10% stock dividend on National's Common Stock ("Common Stock"). The stock dividend wfll be in addition to the regular cash dividend on Common Stock declared by the Board at the same meeting. The two-for-one stock split will be effectuated first, and the 10% stock dividend will be issued as soon thereafter as possible.

The purpose of the proposed stock dividend is to enhance the market price of the Common Stock. Only by enhancing the ratio of Common Stock price to book value can National have the flexibility of issuing, in the future additional shares of Common Stock without significantly diluting the equity of current shareholders.

After the two-for-one stock split and stock dividend have been effectuated, the aggregate number of shares of Common Stock subject to the National Fuel Gas Company 1983 Incentive Stock Option Plan ("Plan") will be increased to 550,000, and the number of such shares subject to outstanding options granted pursuant to such Plan will be, in each case, be increased by one hundred twenty percent, in order to equitably compensate for the effects of such stock split and stock dividend pursuant to the provisions of section 6 of the Plan.

Currently National has issued an outstanding 5,264,126 shares of Common Stock as compared with the 20,000,000 shares authorized. Thus, if the proposed transactions are effectuated, the number of shares of Common Stock issued and outstanding will still be well within the number authorized.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 20, 1984, to the secretary, securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Office of Public Utility Regulation, pursuant to delegated authority.

George A Fitzsimmons,

Secretary.

[FR Doc. 84-8843 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13846; (812-5774)]

Security Benefit Life Insurance Co. and Variflex; Filing of Application

March 27, 1984.

Notice is hereby given that Security Benefit Life Insurance Company ("SBL"), depositor and underwriter for certain variable annuity contracts ("contracts") and Variflex, 700 Harrison Street, Topeka, Kansas 66636, registered under the Act as a unit investment trust and established by SBL in connection with the proposed issuance of the contracts, (collectively, "Applicants") filed an application on February 16, 1984, and amendments thereto on March 15, 1984 and March 23, 1984, for an order purusant to Section 6(c) of the Investment Company Act of 1940 ("Act") granting exemptions from the provisions of Sections 12(d)(1), 26(a), and 27(c)(2) to the extent necessary to permit transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein in support of the requested relief pursuant to Section 6(c), which are summarized below, and are referred to the Act for a statement of the relevant provisions.

Applicants propose that they be granted an exemption from Sections 26(a) and 27(c)(2) to allow as a deduction from the contract value: (1) a daily charge for mortality and expense risks equal on an annual basis to 1.2% of daily net assets, (approximately .50% for expense risks, including the risk of a shortfall in the contingent deferred sales load deducted from the contracts; .10% for death benefit risk; and .60% for mortality risk); (2) an annual charge of $30 for administrative fees which is guaranteed for cumulative payments up to $100,000 per participant; (3) a $10.00 charge for a change in allocation instructions or a transfer of account values, in excess of one per contract year; and (4) a charge for premium taxes.

With respect to (1) above, Applicants assert that the mortality and expense risk charge is consistent with the protection of investors standard set forth in Section 6(c) as it is reasonable as determined by industry practice with respect to comparable annuity products and reasonable in relation to the risks assumed. SBL represents that it has reviewed publicly available information about similar industry practices, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. SBL further represents that the data supporting and setting forth this conclusion will be maintained on file at its home office and available to the Commission. Applicants further represent that as a condition of this relief, Variflex will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan Rule 12b-1 to finance distribution expenses.

With respect to (2), (3) and (4) above, Applicants assert that these charges have been set at levels no higher than the estimated acutual costs of administering the contracts and are not expected to exceed the actual expenses incurred.

Applicants request exemption from Section 12(d)(1) to the extent necessary to permit Variflex to invest in shares of series of SBL Fund, a registered management investment company and the underlying funding media for Variflex, without regard to the limitations therein.

Finally, Applicants request exemption from Sections 26(a) and 27(c)(2) to the extent necessary to permit SBL to hold Variflex's assets under agreement that does not create a trust and to hold the securities of SBL Fund in open account in lieu of stock certificates. Applicants represent that the assets of each series will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 19, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-8845 Filed 4-2-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region I Advisory Council Meeting

The Small Business Adminstration, Region I Advisory Council, located in the geographical area of Boston, will hold a public meeting at 1:00 p.m. on Monday, April 9, 1984, at the Federal Reserve Bank of Boston, 600 Atlantic Avenue (4th Floor), to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James H. Angevine, Regional Administrator, U.S. Small Business Administration, 60 Batterymarch Street, 10th floor, Boston, Massachusetts 02110, (617) 223–660.

March 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84–8790 Filed 4–2–84; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council Meeting

The Small Business Administration, Region IV Advisory Council, located in the geographical area of Nashville, will hold a public meeting at 9:00 a.m. on Wednesday, April 18, 1984, at the Bank of Oak Ridge, 795 Main Street, Oak Ridge, Tennessee, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Robert M. Hartman, District Director, U.S. Small Business Administration, Suite 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219. Telephone (615) 251–5850.

March 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84–8793 Filed 4–2–84; 8:45 am]

BILLING CODE 8025–01–M

Region IV Advisory Council Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Miami, Florida, will hold a public meeting at 9:00 a.m., on Wednesday, April 18, 1984, at the Miami Airport Inn-Best Western, 1550 N.W. LeJeune Road, Miami, Florida, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, 2222 Ponce de Leon Blvd., 5th Floor, Coral Gables, Florida 33134. Telephone (305) 350–5533.

March 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84–8792 Filed 4–2–84; 8:45 am]

BILLING CODE 8025–01–M

Region V Advisory Council Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Madison, Wisconsin, will hold a public meeting at 10:00 a.m., on Tuesday, May 22, 1984, at the Small Business Administration office in the Federal Center at 212 East Washington Avenue, Madison, Wisconsin, Room 213, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call C. A. Charter, District Director, U.S. Small Business Administration 212 East Washington Avenue, Room 213, Madison, Wisconsin 53703, (608) 264–5205.

March 27, 1984.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 84–8791 Filed 4–2–84; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 02/02–0477]

Unicorn Ventures II, L.P.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Unicorn Ventures II, L.P. (Unicorn), a limited partnership located at 14 Commerce Drive, Cranford, New Jersey 07016, with the Small Business Association (SBA), pursuant to 13 CFR 107.102 (1984).

The Applicant presently has about $1,150,000 committed for investment. The General Partner, Cranford Associates, will contribute $14,400 to the partnership capital. Cranford Associates is a general partnership consisting of the following individuals:

Arthur Bugs Baer, 115 Central Park West, New York, New York 10023.
Frank P. Diassi, 9 Indian Run, Scotch Plains, New Jersey 07076.

The limited partners of Unicorn which will own 10 percent or more of the partnership capital is The B.D. Fidanque Trust U/T/D 1–7–52, 455 Pennsylvania Avenue, Freeport, New York 11520.

Cranford Associates is the general partner of Unicorn Ventures, Ltd., License Number 02/02–0405, located at the same address.

The Applicant intends to conduct its operations principally in the State of New Jersey.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Cranford, New Jersey.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 27, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84–8794 Filed 4–2–84; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 8–84]

Notes of Series 1–1988; Interest Rates

March 28, 1984.

The Secretary announced on March 27, 1984, that the interest rate on the notes designated Series L–1988, described in Department Circular—Public Debt Series—No. 8–84 dated March 21, 1984, will be 12 percent. Interest on the notes will be payable at the rate of 12 percent per annum.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 84–8764 Filed 4–2–84; 8:45 am]

BILLING CODE 4810–40–M

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Requests for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and

related schedules. While the comments may apply to any tax form issued by IRS, the Service would particularly appreciate specific suggestion on ways to reduce paperwork on the tax forms. The hearings will be held in three separate cities on Wednesday, May 9, 1984, beginning at 10 A.M. local time. The hearings will be held in Jackson, Mississippi; Milwaukee, Wisconsin; and San Jose, California.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearing he or she plans to attend. If the Service is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact the Internal Revenue Service regarding the hearings, as well as the hearing locations, are listed below:

Jackson

Internal Revenue Service, Attn: Public Affairs Office, 100 West Capitol Street, Jackson, Mississippi 39269, Phone (601) 490–4520

Milwaukee

Internal Revenue Service, Attn: Public Affairs Office, P.O. Box 493, 517 E Wisconsin Avenue, Milwaukee, Wisconsin 53201, Phone (414) 362–3386

San Jose

Internal Revenue Service, Attn: Chief, Taxpayer Service, P.O. Box 100, San Jose, California 95103, Phone (408) 291–7148

Hearing Location: Rose Garden Public Library, Community Room, 1580 Naglee, San Jose, California

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to allow as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance of the approximate time for their schedule appearance. The last date for submitting requests to speak is May 1. However, if there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by the Internal Revenue Service. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made because of the volume of correspondence expected.

In order to meet our work schedule and early printing deadlines, we request that written submissions be made on or before June 1, 1984.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Further information concerning this notice may be obtained by calling (202) 566–4866.

Dated: March 20, 1984.

Approved:

Robert I. Brauer,

Director, Tax Forms and Publications Division.

[FR Doc. 84–8614 Filed 4–2–84; 8:45 am]

BILLING CODE 4830–01–M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on April 17, 1984 from 10 a.m. to 4 p.m. in room 840, 301 4th Street, SW., Washington, D.C. The Commission will discuss matters relating to USIA's programs in the Far East, its television programs, and private sector committees.

Please call Elizabeth Fahl, (202) 485–2468, if you plan to attend because entrance to the building is controlled.

Dated: March 28, 1984.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84–8852 Filed 4–2–84; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 65
Tuesday, April 3, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

AFRICAN DEVELOPMENT FOUNDATION

TIME AND DATE: 9:30 a.m., April 6, 1984 and 9:00 a.m., April 7, 1984.

PLACE: African Development Foundation, 1724 Massachusetts Avenue, NW., Washington, D.C.

SUBJECT:

April 6, 1984—Panel discussion: Overview of the African development
April 7, 1984—General Business Open.

STATUS: Open.

PERSON TO CONTACT: Kevin Callwood, African Development Foundation (202) 861–2900.

Dated: March 28, 1984.

Bunyan Bryant,

Acting General Counsel of the African Development Foundation.

[FR Doc. 84-8930 Filed 3-30-84; 8:45 am]

BILLING CODE 6116-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, April 5, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED: *Statement of General Policy OS #5626*

The Commission will consider a Statement of General Policy concerning internal personnel practices of the Agency.

For a recorded message containing the latest agenda information, call 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207—301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

March 29, 1984.

[FR Doc. 84-8859 Filed 3-30-84; 9:40 am]

BILLING CODE 6355-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

March 29, 1984.

Deletion of agenda item from March 29th open meeting.

The following item has been deleted at the request of the Office of the Chairman from the list of agenda items scheduled for consideration at the March 29, 1984, Open Meeting and previously listed in the Commission's Notice of March 22, 1984.

Agenda, Item No., and Subject

Policy—6—Title: Amendments of Parts 2 and 73 of the Commission's Rules Concerning Use of Subsidiary Communications Authorization. Summary: The Commission will consider Petitions for Reconsideration of the *First Report and Order* in BC Docket No. 82–536, FM subchannels.

Issued: March 29, 1984.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-8861 Filed 3-30-84; 10:32 am]

BILLING CODE 6712-01-M

4

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 11:00 a.m., Monday, April 9, 1984.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Date: March 30, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-8931 Filed 3-30-84; 3:59 pm]

BILLING CODE 6210-01-M

federal register

Tuesday
April 3, 1984

Part II

International Development Cooperation Agency

Agency for International Development

48 CFR Ch. 7
Acquisition Regulations; Final Rule

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Ch. 7

Agency for International Development Acquisition Regulation (AIDAR)

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: AID is hereby establishing the AIDAR to supplement and implement the Federal Acquisition Regulation. The AIDAR is designed as much as possible to be consistent with the FAR and the procurement regulations of other Federal agencies, thereby reducing administrative impact on bidders and contractors. The AIDAR contains all of AID's significant policies and procedures on government procurement. The AIDAR supersedes the AID Procurement Regulation as of April 1, 1984.

EFFECTIVE DATE: April 1, 1984.

FOR FURTHER INFORMATION CONTACT: M/SER/CM/SD/POL, Mr. J. M. Kelly, Telephone (703) 235–9107.

SUPPLEMENTARY INFORMATION: Availability of a draft of the AIDAR for public review and comment was publicized in the December 23, 1984, **Federal Register** (48 FR 56806), as required by OFPP Policy Letter 83–2 (48 FR 24492), and FAR 1.303(b). Fifty-one firms, institutions, or individuals requested copies of the AIDAR. We received comments from six.

All of the comments received concerned areas where the AIDAR unnecessarily repeated, paraphrased, or restated material contained in the FAR; areas where the AIDAR material was not properly keyed to the FAR material it supplemented; and the numbering system used for material unique to AID.

Based on the comments received, we have removed all material identified by commentors as being redundant to FAR coverage; have redesignated material identified by commentors as improperly keyed to existing FAR material to correct this deficiency; and have revised the numbering system generally to simplify it, and key it more precisely to the FAR.

Although the AIDAR is being issued as a final rule, we recognize that it is new, and consider that further development will be required. Significant new items, or revisions to existing text will be issued for public review and comment. We will also be glad to receive and consider any comments on existing text, published as final rule.

Past users of the AID Procurement Regulations (AIDPR) will note a significant difference between the AIDPR and the AIDAR. The AIDAR contains no coverage of noncompetitive procurements. This is because FAR coverage of noncompetitive procurement rules and Pub. L. 98–72 have not been issued as of the date the AIDAR was prepared for issuance. AIDAR coverage, as required, will be issued as soon as possible after final FAR coverage is published in the **Federal Register.** Prior to such issuance noncompetitive procurements will continue to be governed by the FPR and AIDPR system, including FPR Temporary Regulation 75.

The AIDAR is a procurement regulation, and has been exempted by the Director, OMB, from the requirements of Executive Order 12291 (2/17/81) by memorandum dated April 8, 1981, as subsequently amended December 15, 1983.

As required by the Regulatory Flexibility Act, AID certifies that the AIDAR will not have a significant economic impact on a substantial number of small entities.

The collection of information requirements in the AIDAR have been submitted to OMB for review as required by the Paperwork Reduction Act (announcement of submission appeared in 49 FR 5001). No person may be penalized for failure to comply with any information collection requirement of the AIDAR unless the requirement has been approved and assigned a control number by OMB. The OMB control number(s) will be announced, when assigned, by notice in the **Federal Register.**

List of Subjects in 48 CFR Ch. 7

Government procurement.

Title 48 is hereby amended by establishing a new Chapter 7, as set forth below.

Dated: March 27, 1984.

John F. Owens,

AID Procurement Executive.

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT

General Structure

SUBCHAPTER A—GENERAL

Part 701—Federal Acquisition Regulation System
Part 702—Definitions of Words and Terms
Part 703—Improper Business Practices and Personal Conflicts of Interest
Part 704—Administrative Matters
Part 705—Publicizing Contract Actions

SUBCHAPTER B—ACQUISITION PLANNING

Part 707—Acquisition Planning
Part 708—Required Sources of Supplies and Services
Part 709—Contractor Qualifications

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

Part 714—Formal Advertising
Part 715—Contracting by Negotiation
Part 716—Types of Contracts
Part 717—Special Contracting Methods

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

Part 719—Small Business and Small Disadvantaged Business Concerns
Part 722—Application of Labor Laws to Government Acquisition
Part 724—Protection of Privacy and Freedom of Information
Part 725—Foreign Acquisition

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

Part 728—Bonds and Insurance
Part 731—Contract Cost Principles and Procedures
Part 732—Contract Financing
Part 733—Disputes and Appeals

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

Part 736—Construction and Architect-Engineer Contracts
Part 737—Service Contracting

SUBCHAPTER G—CONTRACT MANAGEMENT

Part 742—Contract Administration
Part 749—Termination of Contracts
Part 750—Extraordinary Contractual Actions

SUBCHAPTER H—CLAUSES AND FORMS

Part 752—Solicitation Provisions and Contract Clauses
Part 753—Forms
Appendices to Chapter 7

SUBCHAPTER A—GENERAL

PART 701—FEDERAL ACQUISITION REGULATION SYSTEM

Subpart 701.3—Agency for International Development Acquisition Regulation

Sec.
701.370 Purpose.
701.371 Authority.
701.372 Applicability.
701.373 Code arrangement.
701.374 Publication.
701.375 Citation.
701.376 Agency implementation.
701.376–1 Responsibility.
701.376–2 AIDAR Notices.
701.376–3 Appendices.
701.376–4 Implementation within AID contracting activities.
701.377 Procurement policy.

Subpart 701.4—Deviations From the FAR or AIDAR

701.402 Policy.
701.470 Procedure.

Subpart 701.6—Contracting Authority and Responsibility

Sec.
701.601 General.
701.603 Selection, appointment and termination of appointment.
701.603–70 Designation of contracting officers.

Authority: Sec. 621, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 701.3—Agency for International Development Acquisition Regulation

701.370 Purpose.

The Agency for International Development Acquisition Regulation (AIDAR) supplements the Federal Acquisition Regulation (FAR) and implements the procurement related aspects of the Foreign Assistance Act, Executive Order 11223, and established AID policies on contracting as set forth in Supplement B to AID Handbook 1. The AIDAR provides for the codification and publication of procedures for the acquisition of services and personal property by AID.

701.371 Authority.

The AIDAR is prepared by the AID Procurement Executive by direction of the Administrator of AID pursuant to the Foreign Assistance Act of 1961. See FAR Subpart 1.3.

701.372 Applicability.

(a) Unless a deviation is specifically authorized in accord with Subpart 701.4, or unless otherwise provided, the FAR and AIDAR apply to all contracts (regardless of currency of payment) for personal property and nonpersonal services to which AID is a direct party.

(b) At Missions where joint administrative services are arranged, procuring offices may apply the Department of State Acquisition Regulation for all administrative and technical support contracts except in defined areas. The defined areas and administrative guidelines for procurement will be furnished to the overseas Missions by the Office of Management Operations. Administrative and local support services include the procurement accountability, maintenance and disposal of all office and residential equipment and furnishings, vehicles and expendable supplies purchased with administrative and/or technical support funds, either dollars or local currency.

701.373 Code arrangement.

(a) The Federal Acquisition Regulation System brings together, in Title 48 of the Code of Federal Regulations, the procurement regulations that apply to all agencies of the Government. The FAR is Chapter 1 of Title 48; the AIDAR is Chapter 7.

(b) The FAR is divided into 69 parts; Parts 1 through 69 of AIDAR expand upon or modify the policies and procedures included in the FAR. Material issued in the first 69 parts of the AIDAR will be numerically keyed to the corresponding sections of the FAR.

701.374 Publication.

(a) Those parts of the AIDAR which contain basic and significant policies and procedures considered to be of interest to the general public will be published in the daily issues of the **Federal Register** and, in cumulated form, in the Code of Federal Regulations. Copies of the AIDAR in **Federal Register** and Code of Federal Regulations form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(b) Public participation will be obtained for significant revisions to the AIDAR by soliciting comments in accordance with FAR 1.501.

701.375 Citation.

Any section of the AIDAR may be identified by "AIDAR" followed by the section number. Within the AIDAR itself, internal references to an AIDAR section will cite the number only, and will not include the term "AIDAR". Since the AIDAR is published in the **Federal Register**, any section may be incorporated into contracts by reference, using the citation "48 CFR" followed by the section number, as "48 CFR 703.375."

701.376 Agency implementation.

701.376–1 Responsibility.

Responsibility for the development and maintenance of the AIDAR is assigned to the Procurement Executive, and under him, to the Director, Office of Contract Management. Amendments and revisions will be prepared in coordination with the General Counsel, and such other offices as may be appropriate.

701.376–2 AIDAR Notices.

AIDAR Notices will be used to promulgate changes to the AIDAR. Such Notices will be prepared by the Procurement Executive.

701.376–3 Appendices.

Procurement policies and instructions which are essentially informational or procedural may be issued as Appendices to the AIDAR. Appendices are filed behind the main text of the AIDAR in a section entitled "Appendices to Chapter 7." The Appendices section contains a table of contents and individual Appendices. The Appendices are identified by letter and subject title (e.g. Appendix A, [title]).

701.376–4 Implementation within AID contracting activities.

The heads of the various AID contracting activities may issue operating instructions and procedures consistent with the FAR, AIDAR, and other Agency regulations, policies, and procedures for application within their organizations. One copy of each such issuance shall be forwarded to the Director, Office of Contract Management. Insofar as possible, such material will be numerically keyed to the AIDAR.

701.377 Procurement policy.

Subject to the direction of the Administrator, the Procurement Executive will be responsible for the development and maintenance of necessary uniform procurement policies, procedures, and standards; for providing assistance to the contracting activities as appropriate; for keeping the Administrator and Executive Staff fully informed on procurement matters which should be brought to their attention.

Subpart 701.4—Deviations From the FAR or AIDAR

701.402 Policy.

It is the policy of AID that deviation from the mandatory requirements of the FAR and AIDAR shall be kept at a minimum and be granted only if it is essential to effect necessary procurement and when special and exceptional circumstances make such deviation clearly in the best interest of the Government.

701.470 Procedure.

(a) Deviation from the FAR or AIDAR affecting one contract or transaction.

(1) Deviations which affect only one contract or procurement will be made only after prior approval by the head of the contracting activity. Deviation requests containing the information listed in paragraph (c) of this section shall be submitted sufficiently in advance of the effective date of such deviation to allow adequate time for consideration and evaluation by the head of the contracting activity.

(2) Requests for such deviations may be initiated by the responsible AID contracting officer who shall obtain clearance and approvals as may be required by the head of the contracting activity. Prior to submission of the deviation request to the head of the

contracting activity for approval, the contracting officer shall obtain written comments from the Office of Contract Management, Support Division. The Support Division shall normally be allowed 10 working days prior to the submission of the deviation request to the head of the contracting activity to review the request and to submit comments. If the exigency of the situation requires more immediate action, the requesting office may arrange with the Support Division for a shorter review period. In addition to a copy of the deviation request, the Support Division shall be furnished any background or historical data which will contribute to a more complete understanding of the deviation. The comments of the Support Division shall be made a part of the deviation request file which is forwarded to the head of the contracting activity.

(3) Coordination with the Office of General Counsel, as appropriate, should also be effected prior to approval of a deviation by the head of the contracting activity.

(b) Class deviations from the FAR or AIDAR: Class deviations are those which affect more than one contract or contractor.

(1) Class deviations from the AIDAR will be processed in the same manner as prescribed in paragraph (a) of this section.

(2) Class deviations from the FAR shall be considered jointly by AID and the Chairperson of the Civilian Agency Acquisition Council (C/CAAC) (FAR 1.404) unless, in the judgement of the head of the contracting activity, after due consideration of the objective of uniformity, circumstances preclude such consultation. The head of the contracting activity shall certify on the face of the deviation the reason for not coordinating with the C/CAAC. In such cases, the Office of Contract Management, Support Division, shall be responsible for notifying the C/CAAC of the class deviation.

(3) Class deviations from the FAR shall be processed as follows:

(i) The request shall be processed in the same manner as paragraph (a) of this section, except that the Office of Contract Management, Support Division, shall be allowed 15 working days prior to the submission of the deviation request to the head of the contracting activity to effect the necessary coordination with the C/CAAC and to submit comments. If the exigency of the situation requires more immediate action, the requesting office may arrange with the Support Division for a shorter review and coordination period. The comments of the C/CAAC and the Support Division shall be made a part of the deviation request file which is forwarded to the head of the contracting activity.

(ii) The request shall be processed in the same manner as paragraph (a) of this section if the request is not being jointly considered by AID and the C/CAAC.

(4) Deviations involving basic agreements or other master type contracts are considered to involve more than one contract.

(5) Unless the approval is sooner rescinded, class deviations shall expire 2 years from the date of approval provided that deviation authority shall continue to apply to contracts or task orders which are active at the time the class deviation expires. Authority to continue the use of such deviation beyond 2 years may be requested in accordance with the procedures prescribed in paragraph (a) of this section.

(6) Expiration dates shall be shown on all class deviations.

(c) Requests for deviation shall contain a complete description of the deviation, the effective date of the deviation, the circumstances in which the deviation will be used, a specific reference to the regulation being deviated from, an indication as to whether any identical or similar deviations have been approved in the past, a complete justification of the deviation including any added or decreased cost to the Government, the name of the contractor, and the contract or task order number.

(d) Register of deviations: Separate registers shall be maintained by the procuring activities of the deviations granted from the FAR and AIDAR. Each deviation shall be recorded in its appropriate register and shall be assigned a control number as follows: the symbol of the procuring activity, the abbreviation "DEV", the fiscal year, the serial number [issued in consecutive order during each fiscal year] assigned to the particular deviation and the suffix "c" if it is a class deviation, e.g. CM–DEV–85–1, CM–DEV–85–2c. The control number shall be embodied in the document authorizing the deviation and shall be cited in all references to the deviation.

(e) Central record of deviations: Copies of approved deviations shall be furnished promptly to the Office of Contract Management, Support Division, who shall be responsible for maintaining a central record of all deviations that are granted.

(f) Semiannual report of class deviations:

(1) AID contracting officers shall submit a semiannual report to the Office of Contract Management, Support Division of all contract actions effected under class deviations to the FAR and AIDAR which have been approved pursuant to paragraph (b) of this section.

(2) The report shall contain the applicable deviation control number, the contractor's name, contract number and task order number (if appropriate).

(3) The report shall cover the 6-month periods ending June 30 and December 31, respectively, and shall be submitted within 20 working days after the end of the reporting period.

Subpart 701.6—Contracting Authority and Responsibility

701.601 General.

Except as otherwise prescribed, the head of each contracting activity (as defined in 702.170) is responsible for the procurement of supplies and services under or assigned to the procurement cognizance of his or her activity. The heads of AID contracting activities are vested with broad authority to carry out the programs and activities for which they are responsible. This authority includes procurement and the establishment of procurement policies, procedures, and standards appropriate for their programs and activities, subject to Government-wide and AID requirements and restrictions (see 701.376–4).

701.603 Selection, appointment, and termination of appointment.

701.603–70 Designation of contracting officers.

A contracting officer represents the U.S. Government through the exercise of his/her delegated authority to negotiate, sign, and administer contracts on behalf of the U.S. Government. The contracting officer's duties are sensitive, specialized, and responsible. In order to insure proper accountability, and to preclude possible security, conflict of interest, or jurisdiction problems, it is AID policy that AID contracting officers must be U.S. citizen employees of the U.S. Government.

PART 702—DEFINITIONS OF WORDS AND TERMS

Subpart 702.170—Definitions

Sec.

702.170–1 AID.
702.170–2 Administrator.
702.170–3 Contracting activities.
702.170–4 Cooperating country.
702.170–5 Cooperating country national (CCN).
702.170–6 Executive agency.

Sec.
702.170–7 Foreign Assistance Act.
702.170–8 Government, Federal, State, local and political subdivisions.
702.170–9 Head of the agency.
702.170–10 Head of the contracting activity.
702.170–11 Mission.
702.170–12 Overseas.
702.170–13 Procurement Executive.
702.170–14 Third country national (TCN).
702.170–15 U.S. national (USN).

Subpart 702.270—Definitions Clause

702.270–1 Definitions clause.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 702.170—Definitions

702.170–1 AID.

"AID" means the Agency for International Development and its predecessor agencies, including the International Cooperation Administration (ICA).

702.170–2 Administrator.

"Administrator" means the Administrator or Deputy Administrator of the Agency for International Development.

702.170–3 Contracting activities.

The contracting activities within AID are:

(a) *The AID/Washington activities.* The contracting activities located in Washington are the Office of Contract Management, Office of Management Operations, and Office of International Training. Subject to delegations of authority, the contracting activities are responsible for procurement related to programs and activities for their areas. The Office of Management Operations is responsible for administrative and program support procurements. The Office of International Training has limited authority for the procurement of training for participants. The Office of Contract Management is responsible for procurements which do not fall within the responsibility of other contracting activities or which are otherwise assigned to it. Delegations of authority to AID/Washington contracting activities are published in the Federal Register, and in AID Handbook 5, Delegations of Authority.

(b) *The overseas field contracting activities.* Mission Directors and specified subordinate individuals may be redelegated contracting authority by the Procurement Executive or his/her designee, based on the recommendation of the regional bureau involved.

702.170–4 Cooperating country.

"Cooperating country" means a foreign country in which there is a program or activity administered by AID.

702.170–5 Cooperating country national (CCN).

Cooperating country national (CCN) means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

702.170–6 Executive agency.

"Executive agency" includes the Agency for International Development (AID) and its predecessor agencies, including the International Cooperation Administration.

702.170–7 Foreign Assistance Act.

"Foreign Assistance Act" means the Foreign Assistance Act of 1961, as amended (22 U.S.C., Chapter 32).

702.170–8 Government, Federal, State, local and political subdivisions.

As used in the FAR and AIDAR, these terms do not refer to foreign entities except as otherwise stated.

702.170–9 Head of the agency.

"Head of the agency" means, for AID, the Administrator, and the Deputy Administrator.

702.170–10 Head of the contracting activity.

The heads of the contracting activities within AID are the Director, Office of Contract Management, and the Mission Directors or other officers in charge of overseas field activities who have been delegated contracting authority.

702.170–11 Mission.

"Mission means the AID mission or the principal AID office or representative (including an embassy designated to so act) in a foreign country in which there is a program or activity administered by AID.

702.170–12 Overseas.

"Overseas" means outside the United States, its possessions, and Puerto Rico.

702.170–13 Procurement Executive.

"Procurement Executive" is the AID official designated by the Administrator as the official responsible for the management of AID's procurement system, including development and maintenance of AID acquisition regulations, certification and designation of contracting officers, and similar functions. The procurement executive for AID is Mr. John F. Owens, the Associate Assistant to the Administrator for Management.

702.170–14 Third country national (TCN).

"Third country national (TCN)" means an individual who is neither a cooperating country national nor a U.S. national, but is a citizen of a Free World Country (i.e., Geographic Code 935).

702.170–15 U.S. national (USN).

"U.S. national (USN)" means an individual who is a U.S. citizen or a non-U.S. citizen lawfully admitted for permanent residence in the United States.

Subpart 702.270—Definitions Clause

702.270–1 Definitions clause.

Use the appropriate clause in 752.202–1, in addition to the clause in FAR 52.202–1.

PART 703—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 730.4—Contingent Fees

703.403 Applicability.

The exception stated in FAR 3.404(b)(6) for contracts to be made in foreign countries will not be used.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

PART 704—ADMINISTRATIVE MATTERS

Subpart 704.4—Safeguarding Classified Information Within Industry

Sec.
704.405 Contract clause.

Subpart 704.8—Contract Files

704.803 Contents of contract files.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 704.4—Safeguarding Classified Information Within Industry

704.405 Contract clause.

If the contract involves access to classified ("Confidential", "Secret", or "Top Secret"), or administratively controlled ("Limited Official Use") information, use the contract clause in 752.204–2.

Subpart 704.8—Contract Files

704.803 Contents of contract files.

(a) In order that the official contract file may contain a full history of each procurement to support actions taken by various personnel in the procurement cycle, provide information for reviews conducted by AID or others, supply data for use in preparing replies to

Congressional inquiries, and furnish essential facts in the event of litigation, each such file shall contain the data required by 4.803 of the FAR, and the following additional data, as applicable:

(1) A full record of negotiations (memorandum of negotiation) including, but not limited to:

(i) Participants,

(ii) Dates and places of meetings,

(iii) Selection of the successful contractor, including reasons for selection,

(iv) Agreements on Government-furnished materials, equipment, or facilities,

(v) Technical or financial recommendations,

(vi) Terms, conditions and type of contract agreed to,

(vii) Agreements on subcontracting,

(viii) Justification for fixed fee or profit, and

(ix) Justification for final cost or price;

(2) Any required approvals and clearances (such as General Counsel, security, project office, Mission, Office of Small and Disadvantaged Business Utilization, Office of Information Resources Management, Communications Review Board);

(3) Any exceptions or exemptions to the Buy American Act, Foreign Assistance Act, or AID's nationality policy (Part 725 or Part 25 of the FAR);

(4) Copies of all amendments and task orders with supporting documents;

(5) Copy of contractor's established policies and practices covering compensation, leave, work week, promotions, etc.;

(6) Copy of contracting officer's decisions under the disputes clause (FAR 33.011);

(7) All other pertinent correspondence, documents and reports;

(8) Financial release upon completion of the contract (release forms, 753.270–3).

PART 705—PUBLICIZING CONTRACT ACTIONS

705.001 Policy.

AID's Office of Small and Disadvantaged Business Utilization maintains a Contractor's Index, which serves as a reference source and an indication of a prospective contractor's interest in performing AID contracts. Prospective contractors are invited to file the appropriate form (Standard Forms 254/255, Architect-Engineer and Related Services Questionnaire; or AID Forms 1420–50A, Consulting Organization Registration Form; or 1420–50B, Individual Consultant Registration Form) with AID's Office of Small and Disadvantaged Business Utilization (Department of State, Agency for International Development, Washington, D.C. 20523—Attention: Office of Small and Disadvantaged Business Utilization). These forms should be updated annually.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

SUBCHAPTER B—ACQUISITION PLANNING

PART 707—ACQUISITION PLANNING

Subpart 707.1—Acquisition Plans—[Reserved]

PART 708—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 708.1—Excess Personal Property

708.102–70 Policy.

See AID Handbook 16, Excess Property.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

PART 709—CONTRACTOR QUALIFICATIONS

Subpart 709.4—Debarment, Suspension and Ineligibility

709.402 Policy.

The regulations for debarment, suspension, and ineligibility of contractors and suppliers for the Agency for International Development are codified in 22 CFR Part 208.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 714—FORMAL ADVERTISING

Subpart 714.4—Opening of Bids and Award of Contract

Sec.

714.406–3 Other mistakes disclosed before award.
714.406–4 Disclosure of mistakes after award.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 714.4—Opening of Bids and Award of Contract

714.406–3 Other mistakes disclosed before award.

The Head of the Agency is the designated central authority to make the determinations described in FAR 14.406–3.

714.406–4 Disclosure of mistakes after award.

The Procurement Executive is the designated central authority to make the determinations described in FAR 14.406–4.

PART 715—CONTRACTING BY NEGOTIATION

Subpart 715.2—Negotiation Authorities

Sec.

715.270 Negotiation authority.

Subpart 715.5—Unsolicited Proposals

715.502 Policy.
715.504 Advance guidance.
715.506 Agency procedures and point of contact.
715.506–1 Receipt, and initial review.
715.507 Contracting methods.

Subpart 715.6—Source Selection

715.605 Evaluation factors.
715.605–70 Adaptability to overseas conditions.
715.608 Proposal evaluation.
715.613 Alternative source selection procedures.
715.613–70 Educational institution and international research center selection procedure.
715.613–70–1 Scope of section.
715.613–70–2 Definitions.
715.613–70–3 Applicability.
715.613–70–4 Solicitation, evaluation, and selection procedures.
715.613–71 Collaborative assistance selection procedure.
715.613–71–1 Scope of section.
715.613–71–2 Definition.
715.613–71–3 Applicability.
715.613–71–4 Determination
715.613–71–5 Evaluation, and selection.

Subpart 715.10—Preaward and Postaward Notifications, Protests, and Mistakes

715.1002 Debriefing of unsuccessful offerors.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 715.2—Negotiation Authorities

715.270 Negotiation authority.

All negotiated AID contracts are negotiated under the authority of section 633 of the Foreign Assistance Act of 1961, as amended, and Executive Order 11223, May 12, 1965, 30 FR 6635. The files of negotiated AID contracts shall cite, as the circumstance permitting negotiation, FAR 15.215 ("Otherwise authorized by law"). No other circumstances as set forth in FAR 15.2 need be cited.

Subpart 715.5—Unsolicited Proposals

715.502 Policy.

(a) AID encourages the submission of unsolicited proposals which contribute

new ideas consistent with and contributing to the accomplishment of the Agency's objectives. However, the requirements for contractor resources are normally quite program specific, and thus widely varied, and must be responsive to host country needs. Futher, AID's projects are usually designed in collaboration with the cooperating country. These factors can limit both the need for, and AID's ability to use unsolicited proposals. Therefore, prospective offerors are encouraged to contact AID to determine the Agency's technical and geographical requirements as related to the offeror's interests before preparing and submitting a formal unsolicited proposal.

(b) AID's basic policies and procedures regarding unsolicited proposals are those established in FAR 15.5 and this Subpart.

(c) For detailed information on unsolicited proposals, see 715.504; for initial contact point within AID, see 715.506.

715.504 Advance guidance.

(a) Information concerning AID's policies and procedures for unsolicited proposals is available from the Department of State, Agency for International Development, Washington, D.C. 20523, to the attention of either PRE/SDB/SB, Room 647, SA–14, or, for research, S&T/RUR, Room 309, SA–18.

(b) The information available concerns:

(1) Contact points within AID;

(2) Definitions;

(3) Characteristics of a suitable proposal;

(4) Determination of contractor responsibility;

(5) Organizational conflict of interest;

(6) Cost sharing; and

(7) Procedures for submission and evaluation of proposals.

715.506 Agency procedures and point of contact.

Initial inquiries and subsequent formal unsolicited proposals (other than research) should be submitted to the Department of State, AID, Washington, D.C. 20523, Attention: PRE/SDB/SB, Room 647, SA–14. Formal unsolicited proposals for research should be submitted to the Department of State, AID, Washington, D.C. 20523, Attention: S&T/RUR, Room 309, SA–18.

715.506–1 Receipt, and initial review.

AID follows the policies and procedures established on FAR 15.506–1 and 15.506–2.

715.507 Contracting methods.

The justification for noncompetitive procurement based on an unsolicited proposal required by FAR 15.507(b) must be approved by the Assistant Administrator primarily responsible for the activity, for actions valued at or under $300,000. For actions over $300,000, approval of the Administrator is required. Each such justification will include a certification from the project officer that neither he/she, nor, to the best of his/her knowledge and belief, any other AID employee solicited the proposal from the offeror or had other prior contact with the offeror regarding the subject matter of the proposal other than to convey to the offeror an understanding of AID's mission and needs relative to the type of effort contemplated in the offer.

Subpart 715.6—Source Selection

715.605 Evaluation factors.

715.605–70 Adaptability to overseas conditions.

In addition to the factors set forth in FAR 15.605, AID will consider the adaptability of the prospective contractor and its employees to employment and residence in the overseas location or locations where work is to be performed.

715.608 Proposal evaluation.

(a) *AID evaluation committees.* An evaluation committee shall be established for each proposed procurement. In each case, these committees shall be composed of a chairman representing the project office, a representative of the contracting office, and representatives from other concerned offices as appropriate.

(b) *Functions and procedures of AID evaluation committees.*

(1) The functions of an evaluation committee shall be:

(i) To evaluate all proposals pursuant to the evaluation criteria established and set forth in the solicitation document.

(ii) To prepare a written listing of all offerors together with the results of the evaluation of their proposals. Such a listing shall be sent by the chairman to the contracting officer setting forth the results of the evaluation.

(iii) The contracting officer is responsible for reviewing the justification in support of the written evaluation results to determine that it is adequate and complete.

(2) The procedures for an evaluation committee shall be:

(i) The contracting officer will receive all proposals and provide a listing and copies to the chairman.

(ii) The chairman will promptly call a meeting of the committee to evaluate the proposals received. The evaluation will be based on the evaluation factors set forth in the solicitation document.

(iii) No member of the AID evaluation committee shall hold discussions with any offeror before or during the AID evaluation committee's proceedings.

715.613 Alternative source selection procedures.

715.613–70 Education institution and international research center selection procedure.

715.613–70–1 Scope of section.

The section prescribes policies and procedures for the selection of contractors to perform projects which have been determined to require the services of an educational institution or international research center (see 715.613–70–2 and 715.613–70–3 of this section).

715.613–70–2 Definitions.

(a) An educational institution, as used in this section, is any non-profit corporation, foundation, trust, or state or local governmental entity operated primarily as an institution of higher learning offering a course of general studies leading to the granting of academic degrees. Consortia whose membership consists exclusively of educational institutions, as defined above, are considered to be educational institutions.

(b) An international research center is an organization formally recognized and listed as such by the Assistant Administrator, Bureau for Science and Technology.

715.613–70–3 Applicability.

The provisions of this section are applicable when it has been determined by the project office, with the concurrence of the contracting officer, that the required skills or institutional relationships are available only from educational institutions or international research centers. This section is not applicable to contracts for collaborative assistance (see 715.613–71 of this subpart), or for architect-engineer services (see subpart 736.6).

715.613–70–4 Solicitation, evaluation, and selection procedures.

(a) A sufficient number of sources shall be solicited to insure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected pursuant to the procedures of this section.

(b) Following the concurrence of the contracting officer in the decision that the required services are available only from an educational institution or

international research center (see 715.613–70–3), the project office shall:

(1) Prepare selection criteria for evaluation of potential contractors for use in preparing the source list, determining predominantly qualified sources, and selecting the contractor;

(2) Prepare an initial source list of institutions considered qualified to perform the proposed project;

(3) Provide a statement providing a description of qualifications and areas of expertise considered essential, a statement of work, estimate of personnel requirements, special requirements (logistic support, government furnished property, and so forth) for the contracting officer's use in preparing the request for technical proposal.

(4) Send a memorandum incorporating paragraphs (b) (1) through (3) of this section, together with the "Action" copy of the PIO/T to the contracting officer, requesting him/her to prepare and distribute requests for technical proposal from the source list provided.

(c) Upon receipt and acceptance of the project officer's request, the contracting officer shall prepare requests for technical proposals (RFTP). The RFTP shall contain sufficient information to enable an offeror to submit a responsive and complete technical proposal; this includes a definitive statement of work, an estimate of the personnel required, and special provisions (such as logistic support, government furnished equipment, and so forth), a proposed contract format, and evaluation criteria. No cost or pricing data will be requested or required by the requests for technical proposals. The RFTP will be distributed to the sources recommended by the project office, and to others, if appropriate. The RFTP will normally allow a minimum of 60 days for preparation and submission of a proposal.

(d) Upon receipt of responses to the RFTP by the contracting officer, an evaluation committee will be established consisting of a representative of the project office as chairman, the contracting officer or his/her designee, and any other members considered appropriate by the project office and contracting officer.

(e) The evaluation committee will evaulate all proposals in accordance with the criteria set forth in the RFTP, and will prepare a selection memorandum which shall:

(1) State the evaluation criteria;

(2) List all of the institutions whose proposals were reviewed;

(3) Report on the ranking and rationale therefor for all proposals;

(4) Indicate the institution(s) considered best qualified.

(f) The evaluation committee will submit the selection memorandum to the contracting officer for review and approval.

(g) The contracting officer will either approve the selection memorandum, or return it to the evaluation committee for reconsideration for specified reasons.

(h) If the selection memorandum is approved, the contracting officer shall obtain cost, pricing, and other necessary data from the selected institution(s) and shall conduct negotiations with said institution(s). If a satisfactory contract cannot be obtained, the contracting officer will so advise the evaluation committee. The evaluation committee may then recommend alternate sources.

715.613–71 Collaborative assistance selection procedure.

715.613–71–1 Scope of section.

This section prescribes policies and procedures for the selection of contractors for collaborative assistance projects.

715.613–71–2 Definition.

(a) A collaborative assistance project is any project for which it has been determined (see 715.613–71–4 of this section) that:

(1) A continuing collaborative relationship between AID, the host country, and the contractor is required from project design through completion of the project. AID, host country, and contractor participation in a continuing review and evaluation of the project is essential for its proper execution; and

(2) The required skills or institutional relationship have been determined by the project office, with the concurrence of the contracting officer to be available only from an educational institution, international research center (as defined in 714.613–70–2), or cooperative development organization (which are organizations recognized and listed as such by the Assistance Administrator, Bureau for Food for Peace and Voluntary Assistance).

(b) The collaborative assistance method is fully defined and discussed in AIDAR Appendix F—Use of Collaborative Assistance Method for Aid Direct Contracts for Technical Assistance.

715.613–71–3 Applicability.

The provisions of this section are applicable to all contracts implementing collaborative assistance projects (see 715.613–71–4).

715.613–71–4 Determination.

In order to prepare a contract pursuant to the collaborative assistance method, the determinations in 715.613–71–2 of this section must be made in accordance with the following procedures:

(a) The responsible project office makes a preliminary finding that a project should be classed as collaborative assistance in accordance with 715.613–71–2(a) (1) and (2).

(b) Based upon this preliminary finding, the project office shall establish an evaluation panel consisting of a representative of the project office as chairman; a representative of the Bureau for Science and Technology, for projects where the services of an educational institution or international research center are deemed necessary; a representative of the Bureau for Food for Peace and Voluntary Assistance, for projects where the services of a cooperative development organization are deemed necessary; a representative of the Office of Contract Management; and any other representatives considered appropriate by the chairman.

(c) The evaluation panel will review the proposed project; based on the panel's findings, the chairman will make the formal, written determinations as to whether or not the project is collaborative assistance as required by 715.613–71–2(a)(1) and 715.613–71–2(a)(2).

715.613–71–5 Evaluation and selection.

(A) A sufficient number of sources will be considered to insure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected pursuant to the procedures of this section.

(b) Following determination that a project is in fact collaborative assistance, the evaluation panel shall:

(1) Prepare evaluation and selection criteria;

(2) Prepare an initial source list including all potential sources known to have capabilities and expertise in the areas required by the proposed project; and

(3) Evaluate the list, using the evaluation criteria previously determined, for the purpose of making a written determination of the source (or sources) considered most capable of performing the project.

(c) The chairman of the evaluation panel will prepare a memorandum to the contracting officer setting forth:

(1) The formal determination that the project is collaborative assistance,

(2) The evaluation criteria which have been determined, and

(3) The recommended source list and the rationale therefore, and requesting the contracting officer to prepare a

request for expressions of interest from the qualified institution (or institutions).

(d) The contracting officer will prepare a request for an expression (or expressions) of interest, containing sufficient information to permit an institution to determine its interest in the project, and to discuss the project with AID representatives, if appropriate. The request for expression of interest should include a concise statement of the purpose of the project, any special conditions or qualifications considered important, a brief description of the selection procedure and evaluation criteria which will be used (if expressions of interest are being requested from more than one institution), the proposed contract format, and any other information considered appropriate. The request for expression of interest will be issued to the institution or institutions recommended by the panel; it will normally allow a minimum of 60 days for submission of an expression of interest. Guidelines for preparation of expressions of interest are contained in Attachment 1 to AIDAR Appendix F.

(e) The contracting officer will transmit all expressions of interest to the evaluation panel for evaluation and selection recommendation. The panel may conduct on site evaluations at its discretion, as part of the evaluation process.

(f) The chairman of the evaluation panel will prepare a written selection recommendation with supporting justification, recommending that negotiations be conducted with the prospective contractor(s) selected by the evaluation panel. The selection recommendation shall be transmitted to the contracting officer together with the complete official file on the project which was being maintained by the evaluation panel.

(g) The contracting officer will review the selection recommendation, obtain necessary cost and other data, and proceed to negotiate with the recommended source.

Subpart 715.10—Preaward and Postaward Notifications, Protests, and Mistakes

715.1002 Debriefing of unsuccessful offerors.

(a) FAR 15.1002 provides general guidance on post-award notification and debriefing of unsuccessful offerors. This subsection 715.1002 provides additional guidance regarding notification and debriefing requirements and procedures.

(b) *Notification.* (1) The FAR provides for notification and debriefing *after* award. However, there are circumstances which make it proper to notify unsuccessful offerors *prior* to award; these are:

(i) When the procurement is limited to educational institutions or international research centers, pursuant to subsection 715.613–70;

(ii) When it is expected that negotiations with offerors whose proposals are in the competitive range are likely to exceed 30 days.

Notifications pursuant to paragraph (b)(1)(i) of this section, should be limited to a statement that the unsuccessful offeror's proposal was not in the competitive range, advising that further negotiations with the offeror are not contemplated, and that no revised proposal will be considered. The contracting officer shall inform each unsuccessful offeror by written notice of the name and location of the apparently successful offeror(s). Each apparently unsuccessful offeror should be advised that any subsequent revisions of its proposal will not be considered, since no further negotiations are contemplated. No further contact with the contracting officer should be made regarding the procurement unless the unsuccessful offeror has grounds to challenge the small business size status of the apparently successful offeror(s).

(2) Except as provided in paragraph (b)(1) of this section, notification of unsuccessful offerors will be made *after* award. Following the award of any negotiated contract over $25,000, all unsuccessful offerors will be promptly notified that their offer has not been accepted. It is not necessary to volunteer a debriefing in this notification, but the contracting officer may do so if desired. The notification will, as a minimum, tell the unsuccessful offerors the name(s) and address(es) of the contractor(s) receiving the award, the contract number(s), and the amount(s). The notification should also include, *in general terms,* the reasons why the unsuccessful offeror's proposal was rejected.

(c) *Debriefing.* If, after post-award notification, an unsuccessful offeror requests a debriefing, the contracting officer should take the following steps:

(1) Notify the cognizant project office, and arrange to have a project officer who was directly involved in the selection made available.

(2) Establish a mutually convenient time for the project office, the contracting office, and the unsuccessful offeror, for the debriefing.

(3) The cognizant project officer and negotiator should have a pre-debriefing meeting to establish the contents of the debriefing (see paragraph (c)(2) of this section).

(4) Conduct the debriefing (see paragraph (c)(2) of this section).

(5) A summary of this debriefing will be retained as part of the contract file.

PART 716—TYPES OF CONTRACTS

Subpart 716.3—Cost-Reimbursement Contracts

716.301–3 Limitations.

The requirement of FAR 16.301–3(c) shall not apply to negotiated amendments to cost reimbursement contracts. The original determination and findings justifying the initial use of a cost reimbursement-type contract shall be deemed applicable to all subsequent amendments to said contracts.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

PART 717—SPECIAL CONTRACTING METHODS

Subpart 717.70—Pharmaceutical Products

717.700 General.

Section 606(c) of the Foreign Assistance Act bars procurement by the Government of drug and pharmaceutical products manufactured outside the United States if their manufacture involves the use of or is covered by an unexpired U.S. patent which has not been held invalid by an unappealed or unappealable court decision unless the manufacture is expressly authorized by the patent owner. Applicable policies and procedures are set forth in AID Handbook 15, AID-Financed Commodities, and in AID Handbook 1, Supplement B, Procurement Policies, Chapter 4C3.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 719—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Subpart 719.2—Policies

Sec.

719.270 Small business policies.
719.271 Agency program direction and operation.
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719.271–7 Reports on procurement actions that are exempted from screening.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

SUBPART 719.2—POLICIES

719.270 Small business policies.

(a) In keeping with section 602 of the Foreign Assistance Act of 1961 (22 U.S.C. 2352), as amended, AID shall, insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of said Act, assist United States small business to participate equitably in the furnishing of supplies and services for Foreign Assistance activities.

(b) It is the policy of AID to:

(1) Fully endorse and carry out the Government's small business program for placing a fair proportion of its purchases and contracts for supplies, construction (including maintenance and repair), research and development, and services (including personal, professional, and technical services) with small business, including minority small business concerns; and

(2) Increase their participation in AID procurement.

(c) In furtherance of this policy:

(1) Program/project officers shall make positive efforts (see 719.271–5) to identify potentially qualified small and minority business firms during precontract development of programs/projects and shall, with the responsible contracting officers, assure that such firms are given full opportunity to participate equitably;

(2) Small business set-asides shall be made for all contracts to be executed in AID/Washington which qualify for small business set-aside action under Part 19 of the FAR; and

(3) Consideration shall be given in appropriate cases to the award of the contract to the Small Business Administration for subcontracting to small business firms pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(d) This program shall be implemented by all AID/Washington contracting activities in order to attain these policy objectives. In accordance with 719.271, all AID/Washington direct-procurement requirements which exceed $5,000 shall be screened for small business opportunities by the Office of Small and Disadvantaged Business Utilization (SDB) except those exempted by 719.271–6(a).

(e) Where practicable and desirable, small business and minority business enterprise award goals will be established for the respective AID/Washington procuring activities to provide incentive for contracting personnel to increase awards to small firms. The goals will be set by SDB after consultation with the respective head of the contracting activity (see subsection 702.170–10).

(f) In the event of a disagreement between SDB and the contracting officer concerning: (1) A recommended set-aside, or (2) a request for modification or withdrawal of a class or individual set-aside, complete documentation of the case including the reasons for disagreement shall be transmitted within five working days to the head of the contracting activity (see 719.271–6(e)) for a decision. Procurement action shall be suspended pending a decision.

(g) The above suspension shall not apply where the contracting officer:

(1) Certifies in writing, with supporting information, that in order to protect the public interest award must be made without delay;

(2) Promptly provides a copy of said certification to SDB; and

(3) Includes a copy of the certification in the contract file.

(h) SDB shall be the Small Business Advisor and Minority Business Procurement Policy Manager for all AID/Washington procuring activities.

(i) The details on the Agency's direction and operation of the small business program are set forth in 719.271.

(j) No decision rendered, or action taken, under the coverage set forth in 719.271 shall preclude the Small Business Administration from appealing directly to the AID Administrator as provided for in Part 19 of the FAR.

(k) SDB may delegate the responsibilities set forth in 719.271–2(b)(8), (9), and (17) to the Director, Office of Management Operations with the power to redelegate. The delegation shall cover only supplies and services authorized to be procured by the Office of Management Operations. Responsibilities not delegated are reserved to SDB.

719.271 Agency program direction and operation.

719.271–1 General.

The purpose of this section is to prescribe responsibilities and procedures for carrying out the small business program policy set forth in 219.270, and in Part 19 of the FAR. Small Business concerns are defined in FAR Subpart 19.1; in addition, small business concerns are concerns organized for profit. Nonprofit organizations are not considered small business concerns. Small disadvantaged business enterprises are defined in FAR Subpart 19.1. Small disadvantaged business enterprises are included in the term "small business" when used in this subpart; specific reference to disadvantaged business enterprises is for added emphasis.

719.271–2 The AID Office of Small and Disadvantaged Business Utilization (SDB).

(a) SDB is responsible for administering, implementing, and coordinating the Agency's small business (including minority business enterprises) program.

(b) SDB, headed by the Director SDB, who also serves as the Minority Business Procurement Manager, shall be specifically responsible for:

(1) Developing policies, plans, and procedures for a coordinated Agency-wide small business and minority business enterprise procurement program;

(2) Advising and consulting regularly with AID/Washington procuring activities on all phases of their small business program, including, where practicable and desirable, the establishment of small business and minority business enterprise award goals;

(3) Collaborating with officials of the Small Business Administration (SBA), other Government Agencies, and private organizations on matters affecting the Agency's small business program;

(4) Developing and maintaining a Contractor's Index of bidders/offerors (annotated to identify small business and minority business enterprise firms) capable of furnishing services for use by the AID contracting activities;

(5) Cooperating with contracting officers in administering the performance of contractors subject to the Small Business and Minority Business Enterprises Subcontracting Program clauses;

(6) Developing a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises;

(7) Establishing small business class set-aside for types and classes of items of services where appropriate;

(8) Reviewing each procurement requisition (PIO/T, PIO/C or other requisitioning document) to make certain individual or class set-asides are initiated on all suitable AID/Washington proposed contract actions

in excess of $5,000 which are subject to screening (see 719.271–6);

(9) Maintaining a program designed to:

(i) Locate capable small business sources for current and future procurements through GSA and other methods;

(ii) Utilize every source available to determine if an item is obtainable from small business; and

(iii) Develop adequate small business competition on all appropriate procurements;

(10) Taking action to assure that unnecessary qualifications, restrictive specifications, or other features (such as inadequate procurement lead time) of the programming or procurement process, which may prevent small business participation in the competitive process, are modified to permit such participation where an adequate product or service can be obtained;

(11) Recommending that portions of large planned procurements or suitable components of end items or services be purchased separately so small firms may compete;

(12) On proposed non-competitive procurements, recommending to the contracting officer that the procurement be made competitive when, in the opinion of SDB, there are small business or minority business enterprises believed competent to furnish the required goods or services, and supplying the contracting officer a list of such firms;

(13) Assisting small business concerns with individual problems;

(14) Promoting increased awareness by the technical staff of the availability of small business firms;

(15) Making available to GSA copies of solicitations when so requested;

(16) Counseling non-responsive or non-responsible small business bidders/offerors to help them participate more effectively in future solicitations; and

(17) Examining bidders lists to make certain small business firms are appropriately identified and adequately represented for both negotiated and advertised procurements.

719.271–3 AID contracting officers.

With respect to procurement activities within their jurisidiction, contracting officers are responsible for:

(a) Being thoroughly familiar with Part 19 of the FAR and this section dealing with the small business program;

(b) Screening abstracts of bids and other award data to determine set-aside potential for future procurements;

(c) Assuring that small business concerns and minority business enterprises are appropriately identified on source lists and abstracts of bids or proposals by an "S" and "M", respectively, or other appropriate symbol;

(d) Reviewing types and classes of items and services to determine where small business set-asides can be applied;

(e) Recommending that portions of large planned procurements of suitable components of end items or services be purchased separately so small firms may compete;

(f) Making a unilateral determination for total or partial small business set-asides in accordance with Subpart 19.5 of the Federal Acquisition Regulations;

(g) Submitting proposed procurement actions (PIO/Ts, PIO/Cs, or other requisitioning documents) for AID/Washington contracts to SDB for screening (see 719.271–6);

(h) Taking action to assure that unnecessary qualifications, restrictive specifications or other features (such as inadequate procurement lead time) of the programming or procurement process which may prevent small business participation in the competitive process are modified to permit such participation where an adequate product or service can be obtained;

(i) Prior to rendering a final decision on a proposed non-competitive procurement action, and as part of his/her findings and determinations, the contracting officer shall consider the recommendations, if any, of SDB together with the latter's list of additional sources;

(j) As appropriate, referring small business concerns, including small minority business enterprises, SDB for information and advice;

(k) Promoting increased awareness by the technical staff of the availability of small business concerns;

(l) Making available to SDB copies of solicitations when requested;

(m) Assisting SDB in counseling non-responsive or non-responsible small business bidders/offerors to help them to participate more effectively in future solicitations; and

(n) Including the Small Business and Minority Business Enterprises Subcontracting Program clauses in all contracts where required by Part 19 of the FAR.

719.271–4 Heads of Contracting Activities.

In order for the agency small business program to be effective, the active support of top management is required. The heads of the contracting activities shall be responsible for:

(a) Rendering decisions in cases resulting from non-acceptances by their contracting officers of set-aside recommendations made by SDB;

(b) Consulting with SDB in establishing small business and minority business enterprise award goals, where practicable and desirable; and

(c) Advising program/project officers of their responsibilities as set forth in 719.271–5.

719.271–5 Program/project officers.

Since the procurement process starts with the establishment of a program/project requirement, the actions of the program/project officers can affect the opportunity of small business to participate equitably; therefore, each program/project officer shall, during the formulation of programs/projects which will require contractural implementation:

(a) Consult with SDB on the availability and capabilities of small business firms to permit making a tentative set-aside determination where appropriate; and

(b) Provide sufficient procurement lead time in the program/project implementation schedule to allow potential small business participation.

719.271–6 Small business screening procedure.

(a) *General.* All AID/Washington proposed contract actions (PIO/Ts, PIO/Cs, or other requisitioning documents) in excess of $5,000 shall be screened by SDB, with the exception of:

(1) Class set-asides and those unilaterally set-aside by contracting officers (719.271–3(f));

(2) Those where the contracting officer certifies in writing that the public exigency will not permit the delay incident to screening (719.271–7(b));

(3) Contracts with educational or non-profit institutions, the object of which is "institution building", i.e., the development of a counterpart capability in the host country by the educational or non-profit institution; or collaborative assistance contracts with educational institutions, international research centers, or cooperative development organizations pursuant to 715.613–71 and Appendix F.

(4) Those involving the payment of tuition and fees for participant training at academic institutions; and

(5) Personal services contract requirements (see 719.270).

(b) *Preparation of Form AID 1410–14 (the Small Business/Minority Business Enterprise Procurement Review Form).*

(1) The contracting officer shall prepare the subject form in an original and 3 copies and forward the original and 2 copies to SDB within one working day of receipt by the contracting activity of a procurement requisition (PIO/T,

PIO/C, or other requisitioning document, such as an approved Noncapital Project Paper (PROP), which may be substituted for the PIO/T or PIO/C if required by the urgency of the procurement).

(2) The contracting officer will attach to his/her transmittal a complete copy of the procurement request and a copy of the recommended source list as furnished by the technical office and supplemented by him/her.

(3) The contracting officer shall complete blocks 2, 3, 4, 5, 9, and 10 (when appropriate) prior to submittal to SDB.

(c) *Screening of Form AID 1410–14 by SDB.* (1) SDB will screen the contracting officer's recommendations on set-aside potential, small business subcontracting opportunities, and section 8(a) subcontracting, and furnish him/her with either a written concurrence in his/her recommendations or written counter-recommendations on the original and duplicate copy within five working days from receipt of the form from the contracting officer.

(2) SDB will complete Blocks 1, 6, 7, 8, 11, and 12 (when appropriate) prior to returning the screened form to the contracting officer.

(d) *Concurrence or rejection procedure.* (1) The contracting officer shall complete Block 13 upon receipt of the original and duplicate copy of the screened form from SDB.

(2) If the contracting officer rejects the SDB counter-recommendation, he/she shall return the original and duplicate forms with his/her written reasons for rejection to SDB within two working days.

(3) Upon receipt of the contracting officer's rejection, SDB may: (i) accept, or (ii) appeal, the rejection. In the case of acceptance of the contracting officer's rejection, SDB shall annotate Block 14 when it renders a decision and return the original form to the contracting officer within two working days.

(e) *Appeal procedure.* (1) When informal efforts fail to resolve the set-aside disagreement between the contracting officer and SDB, the latter official may appeal the contracting officer's decision to the head of the contracting activity. Such an appeal will be made within five working days after receipt of the contracting officer's rejection.

(2) In the case of an appeal, SDB will send the original and duplicate form, with the appeal noted in Block 14, directly to the head of the contracting activity with its written reasons for appealing. The contracting officer will be notified of SDB's appeal by means of a copy of the written reasons for appealing.

(3) The head of the contracting activity shall render a decision on the appeal (complete Block 15) within three working days after receipt of same and return the original to SDB and the duplicate to the contracting officer.

719.271–7 Reports on procurement actions that are exempted from screening.

(a) *Unilateral and class set-asides.* The contracting officer shall prepare Form AID 1410–14 as stated in 719.271–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to SDB. The original will be filed in the contract file.

(1) If, upon review of the material submitted under 719.271–7(a) above, SDB concludes that it would be practicable to accomplish all or a portion of the procurement involved under section 8(a) subcontracting, it shall so advise the contracting officer in writing within five days after receipt of such material.

(2) Such advice shall be considered a counter-recommendation and shall be processed in accordance with 719.271–6 (d) and (e).

(b) *Public exigency exemption.* The contracting officer shall prepare Form AID 1410–14 as stated in 719.271–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to SDB. In addition to the documentation called for in 719.271–6, the contracting officer shall furnish a copy of his/her written determination exempting the procurement from screening. The determination shall cite the pertinent facts which led to his/her decision. This exemption is not intended to be used as substitute for good procurement planning and lead-time; SDB will report abuses of this exemption to the head of the contracting activity for appropriate action in accordance with 719.271–4(c).

(c) *Institution building contract (IBC) exemption.* The contracting officer shall prepare Form AID 1410–14 as stated in 719.271–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to SDB.

(d) *Personal services contract exemption.* Preparation of Form AID 1410–14 is not required for personal services contracts.

PART 722—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION

Subpart 722.1—Basic Labor Policies

Sec.
722.103 Overtime.
722.103–1 Definitions.
722.103–70 Compensatory time off.
722.103–71 Policy.
722.103–72 Approvals.
722.170 Employment of third country nationals (TCN's) and cooperating country nationals (CCN's).

Subpart 722.8—Equal Employment Opportuntity

722.870–1 Introduction.
722.870–2 EEO clearance requirements.
722.870–3 Clearance procedures.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 722.1—Basic Labor Policies

722.103 Overtime.

722.103–1 Definitions.

722.103–70 Compensatory time off.

"Compensatory time off" means leave equal to overtime worked, which, unless otherwise authorized in a contract or approved by a contracting officer, must be taken not later than the end of the calendar month following that in which the overtime is worked.

722.103–71 Policy.

(a) Most contracts covered by this regulation call for the performance of professional or technical services overseas on a cost-reimbursement basis. The compensation for employees performing such services is normally fixed on a monthly or annual basis, and the contracts usually state minimum work week hours. It is not expected that these employees will receive additional pay, overtime or shift premiums, or compensatory time off.

(b) When the contracting officer determines it is in the best interests of the Government, specific provision may be made in contracts to permit such benefits for non-technical and non-professional employees serving overseas, subject to approvals to be required in the contract.

722.103–72 Approvals.

The contracting officer may make the determinations referred to in FAR 22.103–4.

722.170 Employment of third country nationals (TCN's) and cooperating country nationals (CCN's).

(a) *General.* It is AID policy that cooperating country nationals (CCN's) and third country nationals (TCN's), who are hired abroad for work in a cooperating country under AID-direct contracts, generally be extended the same benefits, and be subject to the same restrictions as TCN's and CCN's employed as direct hires by the AID Mission. Exceptions to this policy may be granted either by the Mission Director or the Assistant Administrator having program responsibility for the

project. (TCN's and CCN's who are hired to work in the United States shall be extended benefits and subject to restrictions on the same basis as U.S. citizens who work in the United States.)

(b) *Compensation.* Compensation, including merit or promotion increases paid to TCN's and CCN's may not, without the approval of the Mission Director or the Assistant Administrator having program responsibility for the project, exceed the prevailing compensation paid to personnel performing comparable work in the cooperating country as determined by the AID Mission. Unless otherwise authorized by the Mission Director or the Assistant Administrator having program responsibility for the project, the compensation of such TCN and CCN employees shall be paid in the currency of the cooperating country.

(c) *Allowances and differentials.* TCN's and CCN's, hired abroad for work in a cooperating country, are not eligible for allowances or differentials under AID-direct contracts, unless authorized by the Mission Director or the Assistant Administrator having program responsibility for the project.

(d) *Country and security clearances.* The contractor shall insure that the necessary clearances, including security clearances, if required, have been obtained for TCN and CCN employees in accordance with any such requirements set forth in the contract or required by the AID Mission, prior to the TCN or CCN starting work under the contract.

(e) *Physical fitness.* Contractors are required to insure that prospective TCN and CCN employees are examined prior to employment to determine whether the prospective employee meets the minimum physical requirements of the position and is free from any contagious disease.

(f) *Workweek, holidays, and leave.* The workweek, holidays, and leave for TCN and CCN employees shall be the same as for all other employees of the contractor, under the terms of the contract; however, TCN and CCN employees are not eligible for home leave or military leave unless authorized by the Mission Director or the Assistant Administrator having program responsibility for the project.

(g) *Travel and transportation for TCN's and CCN's.* Travel and transportation shall be provided TCN and CCN employees on the same basis as for all other employees of the contractor, under the terms of the contract.

(h) *Household effects and motor vehicles.* AID will not provide household effects to TCN and CCN employees; such employees may ship their household effects and motor vehicles to their place of employment on the same basis as for all other employees of the contractor, under the terms of the contract unless they are residents of the cooperating country.

Subpart 722.8—Equal Employment Opportunity

722.870-1 Introduction.

Executive Order 12086 consolidated the compliance responsibility for equal employment opportunity programs, which had previously been assigned to selected, designated compliance agencies, in the Department of Labor. The Department of Labor assumed full responsibility for verification of contractor's compliance with EEO requirements. Since there is no longer a compliance officer in AID, contracting officers will now obtain verification of contractor compliance directly from the cognizant regional Office of Federal Contract Compliance Programs (OFCCP) in accordance with the procedures in 722.870–3.

772.870-2 EEO clearance requirements.

(a) *General.* AID will not award a contract to a firm or institution unless it complies with EEO requirements.

(b) *Contracts for $1,000,000 or more.* For contracts with an estimated total value over the life of the contract of $1,000,000 or more, formal verification of compliance shall be obtained from the cognizant regional OFCCP in accordance with the procedures in paragraphs (a), (b), and (d) of 722.870–3.

(c) *Contracts over $10,000 but less than $1,000,000.* Contracts with an estimated total value over the life of the contract of more than $10,000, but less than $1,000,000 do not require formal verification of compliance from OFCCP. Compliance shall be determined in accordance with the procedures in paragraphs (a), (c), and (d) of 722.870–3.

(d) *Contract amendments.* Any amendment which increases the total estimated value of a contract to $1,000,000 or more, or any amendment which is itself $1,000,000 or more, requires formal verification of compliance from the cognizant regional OFCCP, i.e., the regional office responsible for the geographic area where the work is to be performed, in accordance with the procedures in 722.870–3(b). For other amendments, the method of verification of compliance is at the discretion of the contracting officer (see 722.870–3(c) and 722.870–3(d)(3)); formal verification is not required.

722.870-3 Clearance procedures.

(a) *General.* (1) All necessary representations and certifications (Reps and Certs) as required by FAR 22.810 is required for all AID contracts over $10,000. The (Reps and Certs) must be reviewed by the contracting officer when received to determine that they have been completed and signed as required, and are acceptable. Acceptable Reps and Certs are the first step in the EEO clearance process.

(2) If the Reps and Certs are not deemed acceptable on technical grounds (e.g. incomplete, not signed, etc.) the contracting officer must decide if they can be made acceptable within a reasonable period by corrective action on the part of the offeror, or if the fault is such that it renders the offer nonresponsive. In the first case, necessary corrective action should be taken; in the second case, negotiations with the non-responsive offeror will be terminated. If the Reps and Certs raise questions concerning EEO compliance, and this would be the basis for finding the offeror non-responsive, the matter must be referred to OFCCP regardless of the estimated value of the contract; only OFCCP may make determination of non-compliance with EEO requirements.

(b) *Contracts for $1,000,000 or more.* Contracts and amendments with an estimated value of $1,000,000 or more must have OFCCP verification of EEO compliance before award (see 722.870–2). This verification shall be obtained by:

(1) Getting completed, signed, Reps and Certs from the offeror (see 722.870–3(a).

(2) Contacting the cognizant regional OFCCP for verification of EEO compliance.

(i) OFCCP may require 30 days lead time for verification if a compliance study is required. This should be considered in the procurement planning process.

(ii) The contracting officer may make initial inquiry to OFCCP by telephone, and telephone verification of EEO compliance may be used in making an award; however, the inquiry and verification must be confirmed in writing.

(iii) The following information is normally required by OFCCP:

(A) The offeror's full name and address;

(B) Name, title, address, and telephone number of a contact person for the prospective contractor;

(C) A description of the type of organization (university, nonprofit, etc.) and its ownership (private, foreign, state, etc.).

(D) Names and addresses of organizations in joint venture (if any); names and addresses of subcontractors (if any).

(E) Type of procurement (new contract—RFP or IFB, amendment, etc.) and estimated dollar amount, and term.

(F) Copy of approved Reps and Certs. In the initial contact with OFCCP, the contracting officer and OFCCP should mutually determine what information is to be included in the written verification request. In the event that OFCCP reports that the offeror is not in compliance, negotiations with the offeror shall be terminated.

(c) *Contracts over $10,000, but less than $1,000,000.* Contracts and amendments within this range do not require formal verification by OFCCP (see 722.870–2). The method used to verify compliance is at the discretion of the contracting officer. The contracting officer may rely on the documentation submitted by the offeror (the Reps and Certs—see 722.870–3(a)), unless he or she is aware of some reason to doubt the documentation submitted. In case of doubt, then an informal check with OFCCP should be made. In the event that evidence of non-compliance is developed, the contracting officer must contact OFCCP for confirmation of EEO status; only OFCCP may determine non-compliance with EEO requirements. If OFCCP confirms non-compliance, negotiations with the offeror or contractor shall be terminated.

(d) *Documentation for the contract file.* (1) Every contract file must contain completed signed Reps and Certs. The file must clearly show that these documents have been reviewed and accepted by the contracting officer. If the Reps and Certs or O/S Team Agreement were revised to make them acceptable (see 722.870–3(a)), the file must show what changes were required and certify that the changes were made.

(2) For contracts or amendments of $1,000,000 or more, the file must contain:

(i) A record of the initial contact with OFCCP, specifying the name, address, and telephone number of the person contacted, a summary of the information presented, and the advice given by OFCCP;

(ii) A copy of the written follow-up request for EEO compliance verification to OFCCP; and

(iii) A copy of the compliance verification from OFCCP.

(3) For contracts or amendments over $10,000 but less than $1,000,000, the file must contain a memorandum from the contracting officer stating that the contractor is considered in compliance with EEO requirements, and giving the basis for this statement (see 722.870–3(c)).

(4) Documentation in the event of non-compliance. In the event that OFCCP determines that a prospective contractor is not in compliance, a copy of OFCCP's written determination, and a summary of resultant action taken (termination of negotiations, notification of offeror and project officer, negotiation with next offeror in competitive range, resolicitation, etc.) will be placed in the contract file for any contract which may result, together with other records related to unsuccessful offers, and retained for at least six months following award.

PART 724—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 724.1—Protection of Individual Privacy

Sec.

724.170 Protection of individual privacy.

Subpart 724.2—Freedom of Information Act

724.202 Policy.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 724.1—Protection of Individual Privacy

724.170 Protection of individual privacy.

The Privacy Act of 1974 is implemented in FAR Subpart 24.1 which summarizes statutory and regulatory requirements, and specifies procedures, notification requirements, and contract clauses.

Subpart 724.2—Freedom of Information Act

724.202 Policy.

The Agency for International Development's policies concerning implementation of the Freedom of Information Act are codified in 22 CFR Part 212 (AID Regulation 12).

PART 725—FOREIGN ACQUISITION

Subpart 725.1—Buy American Act—Supplies

Sec.

725.170 Exceptions for Foreign Assistance Act functions.

Subpart 725.2—Buy American Act—Construction Materials

725.270 Exceptions for Foreign Assistance Act functions.

Subpart 725.4—Purchases Under the Trade Agreement Act of 1979

725.403 Exceptions.

Subpart 725.70—Source, Origin, and Nationality

Sec.

725.701 General.

725.702 Designation of authorized geographic code.

725.703 Contractor employees.

725.704 Contract clause—source and nationality requirements.

725.705 Local cost financing—authorization and contract clause.

725.706 Geographic source waivers.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 725.1—Buy American Act—Supplies

725.170 Exceptions for Foreign Assistance Act functions.

In addition to the exception stated in FAR 25.102 for purchases for use outside the United States, there is an exception for economic assistance functions performed under authority of the Foreign Assistance Act. This exception is stated in Executive Order 11223, dated May 12, 1965 (30 FR 6635). U.S. procurement restrictions are applied by AID, however, as shown elsewhere in this part. These restrictions are generally tighter than the Buy American Act. As a general rule, the tighter AID restrictions will be used. In the case of certain procurements for use within the United States, the Buy American provision may be used instead in the interest of uniformity among Federal Agencies procuring for domestic use.

Subpart 725.2—Buy American Act—Construction Materials

725.270 Exceptions for Foreign Assistance Act functions.

In addition to the exception stated in FAR 25.202 for purchases for use outside the United States, there is an exception for economic assistance functions performed under authority of the Foreign Assistance Act. This exception is stated in Executive Order 11223, dated May 12, 1965 (30 FR 6635). U.S. procurement restrictions are applied by AID, however, as shown elsewhere in this part. These restrictions are generally tighter than the Buy American Act. As a general rule, the tighter AID restrictions will be used. In the case of certain procurements for use within the United States, the Buy American provision may be used instead in the interest of uniformity among Federal Agencies procuring for domestic use.

Subpart 725.4—Purchases Under the Trade Agreement Act of 1979

725.403 Exceptions.

FAR subpart 25.4 establishes procedures for purchases under the Trade Agreement Act of 1979. Under the General Agreement on Tariffs and Trade, the Agreement on Government Procurement exempts tied—aid procurements from the requirements of the General Agreement. Under this authority AID is not required to follow the procedures in FAR subpart 25.4 for any contract implementing a foreign assistance project. The procurement of goods or services for the direct benefit and use of AID, rather than for implementation of an assistance project, would be subject to the procedures in FAR subpart 25.4, unless otherwise exempted by one of the exceptions specified in FAR subpart 25.4.

Subpart 725.70—Source, Origin, and Nationality

725.701 General.

AID policies regarding source, origin, and nationality requirements for AID contractors and subcontractors are established in AID Handbook 1, Supplement B, primarily in Chapter 5. Additional related policies are set forth in Chapters 4, 7, and 18. These policies as they apply to subcontracts and purchases under AID-direct contracts have been incorporated into the contract clauses referenced in 725.704 and 725.705 of this subpart.

725.702 Designation of authorized geographic code.

(a) The authorized geographic code or codes for an AID contract shall be specified in the Schedule of each contract and shown on its cover page. If no geographic code is specified, the authorized code will be deemed to be Geographic Code 000, the U.S.

(b) Individual country and geographic codes are defined in Attachment A–11, Section III, of Appendix D to AID Handbook 18.

725.703 Contractor employees.

There are no nationality restrictions on employees or consultants of either contractors or subcontractors providing services under an AID-financed contract, except that they must be citizens of a Geographic Code 935 country, or non-U.S. citizens lawfully admitted for permanent residence in the U.S.

725.704 Contract clause—source and nationality requirements.

The clause in 725.704 is required in all AID direct contracts.

725.70–5 Local cost financing—authorization and contract clause.

(a) Local cost financing requires specific authorization under Chapter 18 of AID Handbook 1, Supplement B. The authorization must specify the U.S. Dollar amount which may be used for local cost financing.

(b) When local cost financing has been authorized, the contract must contain the clause specified in 752.7017.

725.706 Geographic source waivers.

(a) Authority to waive source, origin, nationality, and transportation services requirements is set forth in Delegation of Authority No. 40 (AID Handbook 5). Additional guidance is available in Chapters 5, 7, and 18 of Supplement B to AID Handbook 1.

(b) The contracting officer shall insert the authorized geographic code based on an approved geographic source waiver in the Schedule of the contract as provided for in 725.702. In addition, the contracting officer shall place a copy of any approved geographic source waiver in the official contract file.

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 728—BONDS AND INSURANCE

Subpart 728.1—Bonds

Sec.

728.105–1 Advance payment bonds.

Subpart 728.3—Insurance

728.302 Notice of cancellation or change.

728.305 Overseas worker's compensation and war-hazard insurance.

728.307–2 Liability.

728.370 Contract clause.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 728.1—Bonds

728.105–1 Advance payment bonds.

(a) Generally, advance payment bonds will not be required in connection with AID contracts containing an advance payment provision. In lieu thereof, contracting officers will follow procedures set forth in FAR 32.409–3.

(b) Whenever a contracting officer considers that an advance payment bond is necessary, the contracting officer will: (1) Establish a bond penalty that will adequately protect interests of the Government, (2) use the AID Advance Payment Bond format, (3) place bond with a surety currently approved by the U.S. Treasury Department according to the latest Treasury Department Circular 570, (4) stipulate that the cost of the bond shall not exceed a rate of $7.50 per $1,000 per annum based on the penalty of the bond, without the prior written approval of the Insurance Advisor, Office of Contract Management.

(c) Where the surety's obligation under an advance payment bond covers all advances made to the contractor during the term of the contract, no release should be issued to the surety until all advances made and to be made under the contract have been fully liquidated in accordance with the provisions of the contract, such as no-pay vouchers, reports of expenditures, or by refund. Where the surety's obligation under the bond is limited to advances made during a specified period of time, no release should be issued to the surety until all advances made and to be made during the specified period have been liquidated as aforesaid.

Subpart 728.3—Insurance

728.302 Notice of cancellation or change.

All policies required by AID will provide that in the event of cancellation or change in policy coverage thirty days prior written notice will be given to the cognizant contracting officer. The contracting officer will, in turn, notify the Insurance Advisor, Office of Contract Management.

728.305 Overseas worker's compensation and war-hazard insurance.

(a) Upon the recommendation of the AID Administrator, the Secretary of Labor may waive the applicability of the DBA with respect to any contract, subcontract, or subordinate contract, work location, or classification of employees. Either the contractor or AID can request a waiver from coverage. Such a waiver can apply to any employees who are not U.S. citizens, not residents of, or not hired in the United States. Waivers requested by the contractor are submitted to the contracting officer for approval and further submission to the Department of Labor, which grants the waiver. Application for a waiver is submitted on Labor Department Form BEC 565. AID has a number of blanket waivers already in effect for certain countries that are applicable to its direct contracts with contractors performing in such countries. Where such waivers are granted from coverage under the DBA, the waiver is conditioned on providing other workmen's compensation coverage to employees to which the waiver applies. Usually this takes the form of securing workmen's compensation coverage of the country where work will be performed or of the country of the employee's nationality,

whichever offers greater benefits. Copies of AID secured waivers should be made available for review by contractors. Contracting officers are responsible for advising contractors of applicable AID secured waivers. The Department of Labor has granted partial blanket waivers of Defense Base Act coverage for the countries listed below. The waivers are applicable to AID-financed contracts performed in the listed countries, and are subject to two conditions:

(1) Employees hired in the United States by the contractor, and citizens or residents of the United States are to be provided Defense Base Act insurance coverage:

(2) Waived employees (i.e., foreign nationals hired outside the United States) will be provided worker's compensation benefits prescribed in the applicable foreign laws as the contract requires. Countries for which waivers are in effect are:

1. Afghanistan
2. Antigua
3. Bahamas
4. Bangladesh
5. Barbados
6. Belize
7. Benin
8. Bolivia
9. Botswana
10. Brazil
11. Burundi
12. Cameroon
13. Cape Verde
14. Chad
15. Chile
16. Colombia
17. Costa Rica
18. Djibouti
19. Dominica
20. Dominican Republic
21. Ecuador
22. Egypt
23. El Salvador
24. Ethiopia
25. Fiji
26. Gambia
27. Ghana
28. Guatemala
29. Guinea
30. Guinea-Bissau
31. Guyana
32. Haiti
33. Honduras
34. India
35. Indonesia
36. Israel
37. Italy
38. Ivory Coast
39. Jamaica
40. Jordan
41. Kenya
42. Korea
43. Lebanon
44. Lesotho
45. Liberia
46. Madagascar
47. Malawi
48. Mali
49. Mauritania
50. Mauritius
51. Mexico
52. Morocco
53. Nepal
54. New Caledonia
55. Nicaragua
56. Niger
57. Nigeria
58. Oman
59. Pakistan
60. Panama
61. Papua New Guinea
62. Paraguay
63. Peru
64. Philippines
65. Portugal
66. Rwanda
67. St. Lucia
68. St. Vincent
69. Senegal
70. Seychelles
71. Sierra Leone
72. Sinai Support Mission
73. Somalia
74. Sri Lanka
75. Sudan.
76. Swaziland
77. Syria
78. Tanzania
79. Thailand
80. Togo
81. Tonga
82. Tunisia
83. Uganda
84. Upper Volta
85. Uruguay
86. Western Samoa
87. Yemen Arab Republic
88. Zambia
89. Zambia
90. Zimbabwe

(b) To assist contractors in securing insurance at minimal rates for the workmen's compensation insurance required under the DBA, and to facilitate meeting insurance requirements for such coverage, AID, after open and competitive negotiation, has entered into a contract with an insurance carrier to provide such coverage at a specified rate. The terms of this contract require the insurance carrier to provide coverage, and the contractor to make payments to and handle its claims with that insurance carrier. Contracting officers are responsible for explaining and advising contractors of the details of securing such insurance.

728.307-2 Liability.

If a contractor or any of its employees or their dependents transport or cause to be transported privately owned motor vehicles to a cooperating country, or they or any of them purchase a motor vehicle within a cooperating country, the contractor must give assurance that adequate liability coverage is provided and kept in force. Before such a motor vehicle is operated in a cooperating country, and whenever requested, the contractor will provide to the Mission Director, or his/her designee, satisfactory evidence of such coverage by an insurance carrier. Coverage will be for amounts equal in dollars or currency of the cooperating country to not less than $10,000/$20,000 for personal injury and $5,000 for property damage, or equal to not less than such minimums as the Mission Director may prescribe from time to time. The cost of such insurance is not reimbursable.

728.370 Contract clause.

In lieu of the clause prescribed in FAR 28.309, use the appropriate clause prescribed in 752.228-70 in all AID direct contracts under which worker's compensation insurance is required pursuant to Subpart 728.3 or Subpart 28.3 of the FAR.

PART 731—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 731.1—Applicability

Sec.
731.109 Advance agreements.

Subpart 731.2—Contracts With Commercial Organizations

731.205-6 Compensation for personal services.
731.205-46 Travel costs.

Subpart 731.3—Contracts With Educational Institutions

731.370 Predetermined fixed rates for indirect costs.
731.371 Compensation for personal services.

Subpart 731.7—Contracts With Nonprofit Organizations

731.770 OMB Circular A–122; cost principles for nonprofit organizations; AID implementation.
731.771 Bid and proposal costs.
731.772 Compensation for personal services.
731.773 Independent research and development costs.

Authority: Sec. 621, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 731.1—Applicability

731.109 Advance agreements.

Advance agreements on selected costs may be negotiated with AID contractors by the Overhead and Special Cost Branch, Office of Contract Management. Such advance understandings will be applicable to all AID contracts with that contractor.

Subpart 731.2—Contracts With Commercial Organizations

731.205–6 Compensation for personal services.

(a) *General.* (1) Specific limitations on compensation for personal services, including fringe benefits, may be spelled out or incorporated by reference in AID contracts. Where the provisions of the contract are inconsistent with this section, such provisions will govern.

(2) Direct compensation of personnel will be reimbursable, in accordance with the contractor's established policies and procedures and FAR 31.205–6 except as provided in paragraphs (b) and (c) of this section. Such policies, procedures, and practices shall be the same as used in contracts and grants with other Government agencies and accepted by the U.S. Government agency assigned primary audit responsibility for the contractor, shall be in writing, and shall be made available to the contracting officer or his/her designated representative, upon request.

(3) Overseas recruitment incentive.

(i) Contract employees serving overseas under a contract who do not qualify, request, and receive an exemption for overseas income provided under section 911 of the U.S. Internal Revenue Code (26 U.S.C 911) are eligible to receive an overseas recruitment incentive, provided that the average incentive for all such employees does not exceed 10 percent of the initial base annual salary of all employees eligible for the incentive under the contract.

(ii) The overseas recruitment incentive is payable under one of the following alternative methods:

(A) As a lump-sum amount after the eligible employee has completed his/her tour of duty in the Cooperating Country under a contract, and has furnished to the contractor a certification that he/she does not qualify, and will not apply for an exemption from overseas income as provided by 26 U.S.C. 911 (the contractor shall retain such certifications for post-audit); or

(B) At the option of the contractor, the overseas recruitment incentive may be paid in increments during an employee's tour of duty; provided however, that payments made by the contractor to employees who become eligible for an exemption from overseas income as provided by 26 U.S.C. 911, which payments were reimbursed by AID under the contract, shall be refunded to AID; and provided further, that neither the contractor's (nor the subcontractor's) inability to collect refunds from ineligible employees shall be used as a basis to excuse subsequent refunds by the contractor to AID.

(iii) If the overseas recruitment incentive causes the employee's salary to exceed the level for a Foreign Service Officer, Class FS–1, contracting officer approval must be obtained.

(b) *Salaries and wages.* (1) Salaries and wages exclude overseas differential and other allowances associated with overseas service but include payments for personal services (including fees and honoraria) computed on a daily rate or other time basis different from an annual rate. Daily rates of compensation are computed on the basis of a 260-day work year made up of 5-day (8 hour) work weeks.

(2) Any compensation (i.e., the employee's or consultant's base annual salary plus overseas recruitment incentive, if any) which exceeds the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended, will be reimbursed only with the written approval of the contracting officer. Contracting officer approval of salaries in excess of the maximum payable rate for a Foreign Service Officer Class FS–1 will be based upon a memorandum from the technical office and approved by the Assistant Administrator or Mission Director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the Assistant Administrator or Mission Director will be furnished to the Support Division, Office of Contract Management.

(3) For policies on compensation of third country national or cooperating country national contractor employees, see 722.170.

(c) *Fringe benefits.* AID contracts spell out rules and principles governing reimbursement of specific fringe benefits related to overseas service, including leave, holidays, differential, allowances, travel, transportation, and similar costs. The contract provisions are set forth in Part 752.

731.205–46 Travel costs.

International travel costs are allowable only when the travel has received the specific prior approval of the contracting officer. For purposes of this provision, international travel is defined as any travel outside of the United States, or its territories and possessions.

Subpart 731.3—Contracts With Educational Institutions

731.370 Predetermined fixed rates for indirect costs.

Section 635(k) of the Foreign Assistance Act of 1961, as amended, authorizes AID to use predetermined fixed rates in determining the indirect costs applicable under contracts with educational institutions.

731.371 Compensation for personal services.

(a) Specific limitations on compensation for personal services are set forth in the contract clauses specified in 752.7007. Contracting officer approval of salaries in excess of the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1, as set forth in the Uniform State/AID/USIA Regulations, as from time to time amended will be based upon a memorandum from the technical office and approved by the Assistant Administrator or Mission Director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the Assistant Administrator or Mission Director will be furnished to the Support Division, Office of Contract Management.

(b) For policies on compensation of third country national or cooperating country national contractor employees, see 722.170.

Subpart 731.7—Contracts With Nonprofit Organizations

731.770 OMB Circular A–122, Cost Principles for Nonprofit Organizations; AID implementation.

(a) Paragraph 6 of the transmittal letter for OMB Circular A–122 specifies that "Agencies shall designate a liaison official to serve as the agency representative on matters relating to the implementation of this Circular." The Director, Office of Contract Management, has been so designated. The Overhead and Special Cost Branch, Office of Contract Management (OSC) provides staff assistance to the Director concerning OMB Circular A–122. OSC is also responsible for obtaining cognizance under the criteria in the transmittal letter for OMB Circular A–122; for liaison with other cognizant agencies; for authorizing exclusion of OMB Circular A–122 coverage for a particular nonprofit organization pursuant to paragraph 5 of the OMB Circular A–122 transmittal letter; and for advice and assistance in applying OMB Circular A–122 cost principles.

(b) Paragraph 4b of the OMB Circular A–122 transmittal letter contains a definition of "prior approval" as follows:

> Prior approval means securing the awarding agency's permission in advance to incur costs for those items that are designated as requiring prior approval by OMB Circular A–122. Generally, this permission will be in writing. Where an item of cost requiring prior approval is specified in the budget of an award, approval of the budget constitute approval of that cost.

Consequently, an award containing a budget constitutes prior approval of the direct cost item in the budget, unless otherwise annotated. Accordingly, award budgets should be appropriately annotated substantially as follows:

> Inclusion of any cost in the line item budget of this award does not obviate the requirement for prior approval of cost items designated as requiring prior approval by OMB Circular A–122 ; or
>
> In accordance with the requirements to OMB Circular No. A–122, approval is granted to incur costs for (name specific item or items) which are included in the budget of this award.

731.771 Bid and proposal costs.

Pending the establishment of Government-wide principles in Attachment B of OMB Circular A–122, AID will treat bid and proposal costs as follows:

(a) Bid and proposal costs are the costs of preparing bids, proposals, and applications for potential activities such as Government and non-Government grants, contracts and other agreements, including the development of scientific, cost, and other data needed to support such bids, proposals, and applications. Except as provided in (b) below, bid and proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs for allocation to all current activities, and no bid and proposal costs of past accounting periods will be allocable to the current period. However, if the organization's established practice is to treat bid and proposal costs by some other method, the results obtained may be accepted only if found to be reasonable and equitable.

(b) Bid and proposal costs incurred by the organization to obtain unrestricted funds are to be treated as fund raising and allocated an appropriate share of indirect costs under the conditions described in paragraph B.3 of Attachment A to OMB Circular A–122.

731.772 Compensation for personal services.

(a) It is AID policy to require prior approval by the contracting officer before reimbursing a contractor for employees compensation which exceeds the FS–1 rate, as set forth in the payment schedule of the Uniform State/AID/USIA Regulations. The contracting officer's approval will be obtained as specified in 731.205–6.

(b) For policies on compensation of third country national or cooperating country national contractor employees, see 722.170.

731.773 Independent research and development costs.

Pending establishment of Government-wide principles in Attachment B of OMB Circular A–122, AID will apply the cost principles at FAR 31.205–18 for independent research and development costs.

PART 732—CONTRACT FINANCING

Subpart 732.4—Advance Payments

Sec.

732.401 Statutory authority.
732.403 Applicability.
732.406–70 Letters of Credit (LOC)—AID procedures.
732.406–70–1 Purpose.
732.406–70–2 Circumstances for use of an LOC.
732.406–70–3 Establishing an LOC.
732.406–70–4 LOC contract clause.
732.406–70–5 Revocation of the LOC.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 732.4—Advance Payments

732.401 Statutory authority.

(a) Sections 635(b) of the Foreign Assistance Act and Executive Order 11223, May 12, 1955, 30 FR 6635, permit the making of advance payments with respect to functions authorized by the Foreign Assistance Act. Advance payments may also be made under section 305 of the Property Act, which provides authority, not otherwise available to AID, to take a paramount lien.

(b) The Act of August 28, 1968, Pub. L. 85–804 does not apply to AID.

732.403 Applicability.

References to nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work include nonprofit

contracts with nonprofit institutions for: (a) Technical assistance services provided to or for another country or countries, and (b) projects which concern studies, demonstrations and similar activities related to economic growth or the solution of social problems of developing countries.

732.406-70 Letters of Credit (LOC)—AID procedures.

732.406-70-1 Purpose.

This subsection provides guidance on use of the Letter of Credit—Treasury Financial Communication System (LOC-TFCS) and the Letter of Credit-Federal Reserve Bank (LOC-FRB), formerly know as an FRLC, for advance payments.

732.406-70-2 Circumstances for use of an LOC.

(a) The LOC-TFCS shall be used under the following circumstances:

(1) The contracting officer has determined that an advance payment is necessary and appropriate, in accordance with this subpart, the guidance provided in Subpart 32.4 of the FAR, and Chapter 15C of AID Handbook 1, Supplement B;

(2) The agency has, or expects to have, a continuing relationship of at least one year with the recipient organization, and the annual amount required for advance financing will be at least $120,000;

(3) To Office of Financial Management, Program Accounting Division (M/FM/PAD) agrees that the letter of credit payment method is appropriate; and

(4) The recipient organization's financial institution has entered into an agreement with the U.S. Treasury on the use of the LOC-TFCS.

(b) The LOC-FRB shall be used if the recipient organization's financial institution has not entered into an agreement with the U.S. Treasury on the use of the LOC-TFCS, provided that circumstances specified in 732.406-70-2(a)(1) through 732.406-70-2(a)(4) are met.

732.406-70-3 Establishing an LOC.

(a) An LOC is established by M/FM/PAD under rules and procedures issued by the Treasury Department. While the contract will provide for the use of an LOC when it is justified under 732.406-70-2, the LOC is a separate agreement between the contractor and M/FM/PAD, acting on behalf of the AID Controller. The terms and conditions of the LOC are established by the LOC.

(b) An LOC is established upon the request of the contracting officer, with the consent of M/FM/PAD. The request to M/FM/PAD must be made in writing early in the negotiation cycle as possible, and must include the following information:

(1) The name and address of the contractor, and the name, address, and telephone number of the contractor's representative for matters concerning establishment of the LOC.

(2) The name and address of the contractor's financial institution.

(3) The contracting officer's justification for an advance payment.

(4) The estimated total amount of the contract, and estimated frequency and amount of drawdowns against the LOC.

(5) A copy of the contractor's proposal.

(6) A copy of the PIO/T.

(7) Any other information specified by M/FM/PAD.

(8) Any special conditions or restrictions to be addressed in the LOC such as subadvances, special approval for subadvances, etc.

(c) M/FM/PAD will respond to the contracting officer's request within 5 working days of receipt by either:

(1) Concurring in the request (either as received, or with suggested changes).

(2) Requesting additional information.

(3) Rejecting the request for specified reasons.

(d) Rejection by M/FM/PAD may be appealed to the head of the contracting activity (HCA) and the AID Controller for a final decision.

(e) If a LOC is to be used:

(1) The contracting officer will:

(i) Prepare the appropriate findings, determination, and authorization for advance payment for signature by the HCA or his/her authorized designee.

(ii) Transmit a signed copy of the findings, determination and authorization to M/FM/PAD, together with a signed copy of the contract to authorize the LOC (see 732.406-70-4).

(iii) Include the LOC material provided by M/FM/PAD, under 732.406-70-3(e)(2)(v), in the official contract file.

(2) M/FM/PAD will:

(i) Determine the appropriate LOC type (LOC-TFCS or LOC-FRB) in accordance with 732.406-70-2(d) and (e).

(ii) Prepare the LOC in accordance with the procedures issued by Treasury and implemented by AID.

(iii) Enter into the LOC with the contractor.

(iv) Maintain the LOC in accordance with its terms, and Treasury and AID procedures and regulations.

(v) Provide the contracting officer(s) a copy of each LOC and any other material governing its use at the time the LOC is issued or when it is amended or modified.

732.406-70-4 LOC contract clause.

If payment is to be provided by LOC, the contract shall contain the clause in 752.232-70.

732.406-70-5 Revocation of the LOC.

After consultation with the contracting officer, M/FM/PAD may revoke the LOC by written notification to the contractor. A copy of any such revocation notice will immediately be provided to the cognizant contracting officer(s).

PART 733—DISPUTES AND APPEALS

Subpart 733.70—Aid Procedure

Sec.

733.7001 Designation of Armed Services Board of Contract Appeals (ASBCA) to hear and determine appeals under AID contracts.

733.7002 Special procedures regarding contract disputes appeals promulgated pursuant to Paragraph 2 of the Administrator's Designation.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp. p. 435.

Subpart 733.70—AID Procedure

733.7001 Designation of Armed Services Board of Contract Appeals (ASBCA) to hear and determine appeals under AID contracts.

(a) The ASBCA is hereby designated the authorized representative of the Administrator of the Agency for International Development (AID) in hearing, considering, and determining as fully and finally as might the Administrator, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts requiring the determination of such appeals by the Administrator or his/her duly authorized representative or Board.

(b) In acting under this designation, the ASBCA will follow such rules and procedures as are or may be prescribed for the conduct of Defense Department contract appeal cases, except for the rules entitled "Forwarding of Appeals" (Rule 3) and "Duties of the Contracting Officer" (Rule 4), which subjects will be governed by procedures to be promulgated by the General Counsel of AID with approval of the Chairman of the ASBCA.

(c) The General Counsel of AID will assure representation of the interests of the Government in proceedings before the ASBCA.

(d) All officers and employees of AID will cooperate with the ASBCA and Government counsel in the processing of appeals so as to assure their speedy and just determination.

(e) This designation will apply to appeals which have not been docketed by the AID Board of Contract Appeals before November 1, 1965, and, to such extent and in such manner as may be agreed upon by the General Counsel of AID and the Chairman of the ASBCA to appeals docketed before that date.

(f) The General Counsel of AID will assure that all matters docketed by the AID Board of Contract Appeals before November 1, 1965, are transferred or brought to completion, that no appeals will subsequently be docketed by that Board, that upon completion of its business the records and files of the Board will be transferred to the Executive Secretary of AID. The General Counsel will thereupon dissolve the Board.

733.7002 Special procedures regarding contract disputes appeals promulgated pursuant to Paragraph 2 of the Administrator's Designation.

(a) The following rules will apply, in lieu of Rules 3 and 4(a) of the ASBCA, to contract dispute appeals to the Administrator of the AID or his/her authorized representative which are docketed with that Board.

(b) Rule 3 (AID). *Forwarding of Appeals.* When a notice of appeal in any form has been received by the contracting officer, he/she shall endorse thereon the date of mailing (or date or receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board with a copy to the AID General Counsel in Washington, D.C. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the AID General Counsel will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

(c) Rule 4 (AID). *Preparation, Contents, Organization, Forwarding, and Status of Appeal File* (Supersedes Rule 4, "Duties of Contracting Officer" of the ASBCA rules in effect on September 30, 1965).

(d) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the AID General Counsel in Washington, D.C., two copies of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract, including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the decision was issued;

(4) All transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

(e) The General Counsel will compile the appeal file from such documents, which file must contain the items enumerated in (d) (1) through (5) above and will promptly, and in any event within 65 days after the appeal is docketed by the Board, transmit the appeal file to the Board. The General Counsel will notify the appellant when he/she has compiled the appeal file, will provide him/her with a list of its contents, and will afford him/her an opportunity to examine the complete file at the office of the Board and, if the General Counsel deems it appropriate, at any overseas location, for the purpose of satisfying himself/herself as to the contents, and furnishings or suggesting any additional documentation deemed pertinent to the appeal. After receipt of the foregoing file, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 736—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 736.6—Architect-Engineer Services

Sec.

736.602–2 Evaluation boards.
736.602–3 Evaluation board functions.
736.602–4 Selection authority.
736.602–5 Short selection procedure for procurements not to exceed $25,000.
736.603 Collecting data on and appraising firms' qualifications.
736.605 Government cost estimate for architect-engineer work.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 736.6—Architect-Engineer Services

736.602-2 Evaluation boards.

(a) The Senior Engineer, Engineering Staff, Bureau for Science and Technology, or the chief engineer at an AID Mission is the designated representative of the Agency head for the establishment of architect-engineer evaluation boards.

(b) No firm or organization shall be eligible for consideration for a contract where its principals or associates participated as a member of the evaluation board in the selection process for that project.

(c) Each evaluation board will include a representative of the contracting officer and, as appropriate, the cognizant bureau.

736.602-3 Evaluation board functions.

Agency architect-engineer evaluation boards shall perform the following functions:

(a) Prepare a selection memorandum recommending no less than three firms which are considered most highly qualified to perform the required services for submission to the head of the contracting activity for his/her approval. This selection memorandum shall include the information specified in 736.602–3(c).

(b) In evaluating architect-engineer firms, the architect-engineer evaluation board shall apply the following criteria, other criteria established by Agency regulations, and any criteria set forth in the public notice on a particular contract:

(1) Specialized experience of the firm (including each member of joint venture or association) with the type of service required;

(2) Capacity of the firm to perform the work (including any specialized services) within the time limitations;

(3) Past record of performance on contracts with AID or other Government agencies and private industry with respect to such factors as control of costs, quality of work, and ability to meet schedules, to the extent such information is available;

(4) Ability to assign an adequate number of qualified key personnel from the organization, including a competent supervising representative having considerable experience in responsible positions on work of a similar nature;

(5) The portions of the work the architect-engineer is able to perform with its own forces when required;

(6) Ability of the architect-engineer to furnish or to obtain required materials and equipment;

(7) If the geographical or topographical aspects of the project are deemed vital, familiarity with the locality where the project is situated;

(8) Financial capacity;

(9) Responsibility of the architect-engineer under standards provided in FAR subpart 9.1. No contract may be awarded to a contractor that does not meet these standards;

(10) Volume of work previously awarded to the firm by the Agency, with the object of effecting an equitable distribution of architect-engineer contracts among qualified firms. Each

architect-engineer evaluation board shall give favorable consideration, to the fullest extent practicable to the most highly qualified firms that have not had prior experience on Government projects (including small business firms and firms owned by the socially and/or economically deprived).

(c) The evaluation board shall prepare a selection memorandum for the approval of the head of the contracting activity. The selection memorandum will be signed by the board chairman and cleared by each board member. The selection memorandum shall include the following information:

(1) A listing by name of all firms reviewed by the board;

(2) A listing of the evaluation criteria applied;

(3) An analysis of the selection showing the rationale for the board's recommendation;

(4) The board's recommendation of the three most highly qualified firms, in order of preference;

(5) An independent Government cost estimate. The evaluation board shall require the project engineer to develop an independent Government estimate of the cost of the required architect-engineer services. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project and the estimated costs expected to be generated by the work. The independent Government estimate shall be revised as required during negotiations to correct noted deficiencies and reflect changes in or clarification of, the scope of the work to be performed by the architect-engineer. A cost estimate based on the application of percentage factors to cost estimates of the various segments of the work involved, e.g., construction project, may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

736.602-4 Selection authority.

(a) The head of the contracting activity or his/her authorized designee shall review the selection memorandum and shall either approve it or return it to the board for reconsideration for specified reasons.

(b) Approval of the selection memorandum by the head of the contracting activity or his/her authorized designee shall serve as authorization for the contracting office to commence negotiation.

736.602-5 Short selection procedure for procurements not to exceed $25,000.

References to FAR 36.602-3 and 36.602-4 contained in FAR 36.602-5 shall be construed as references to 736.602-3 and 736.602-4 of this subpart.

736.603 Collecting data on and appraising firms' qualifications.

A Contractor's Index is maintained in Washington by the AID Office of Small and Disadvantaged Business Utilization. Architect-engineers wishing to perform contracts for AID should file the appropriate form with that office, as provided in subpart 705.001. Procurements are publicized in the *Commerce Business Daily*, as provided in FAR Part 5.

736.605 Government cost estimate for architect-engineer work.

See 736.602-3(c)(5).

PART 737—SERVICE CONTRACTING

Subpart 737.2—Services of Experts and Consultants

Sec.

737.200 Scope of subpart.
737.201 Definitions.
737.270 Contracting for consulting services.
737.271 Contract data reporting.
737.272 Identifying contracts for consulting services.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 737.2—Services of Experts and Consultants

737.200 Scope of subpart.

This subpart implements and supplements Subpart 37.2 of the FAR. It provides supplementary, AID-specific examples of activities excluded from the definition of consulting services; and establishes procedures for determination, justification, approval, and reporting of such services, as required by OMB Circular A-120 and Subpart 37.2 of the FAR. This subpart also establishes special marking requirements in 737.272 for contracts for consulting services.

737.201 Definitions.

Within the specific context of AID's operations, any consulting services for which the primary beneficiary is the host country are not considered to be consulting services.

737.270 Contracting for consulting services.

(a) In cases where a single contract finances activities included within the definition of consulting services, and activities excluded from the definition, the contracting officer is responsible for determining whether the primary purpose of the contract is consulting services, in which case the contract will be classed as a consulting services contract.

(b) A signed justification and approval, as specified in paragraph (c) of this section must accompany each request for a contract for consulting services. If the contracting officer determines that a requested contract is for consulting services, and the required justification and approval has not been prepared, the request will be returned to the cognizant project office, together with a memorandum stating that the requested contract has been determined to be for consulting services; that justification and approval is required; and that the request for contract services will be acted upon when it is returned accompanied by the required justification and approval.

(c) The justification and approval must be clearly identified as a justification for consulting services, and must provide the following information:

(1) *Need and Utilization:* State concisely the specific need for procuring the consulting service, including the objectives and the anticipated benefits for the Agency. State the estimated cost of the services, and evaluate the cost in terms of anticipated utilization of the work product.

(2) *Review of Prior Work:* Briefly describe efforts made to ensure that the proposed consulting service does not, in the given circumstances, duplicate work conducted previously. Where appropriate, describe the results of an AID Data Bank (located in the Acquisitions Development Information and Utilization Service, Bureau for Program and Policy Coordination) search.

(3) *In-House Capability:* Describe the expertise needed for the service and state whether such expertise exists in AID. If it is found that the expertise does exist in AID, and is available for assignment to the work, state why AID personnel are not being assigned to the task.

(d) The justification must be approved by an officer one level above the organizational unit within a Bureau or Office requesting the service but two levels above during the fourth quarter of the fiscal year. For Mission-awarded direct contracts, these guidelines regarding approval levels should be followed whenever possible; however, throughout the fiscal year, the approval officer need be no higher than the principal AID officer at the post.

(e) *Organizational conflict of interest.* (1) As required by FAR 37.205, offerors must disclose possible conflicts of interest. The offeror will be required to

submit the following representation with its proposal:

Organizational Conflicts of Interest Representation

(i) The offeror represents, to the best of its knowledge and belief, that the award to it of a contract or the modification of an existing contract does ( ) or does not ( ) involve an organizational conflict of interest.

(ii) The term "organizational conflict of interest" means that a relationship exists whereby an offeror or a contractor (including its chief executives, directors, proposed consultants or subcontractors) has interest which: (A) may diminish its capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product, or, (B) may result in an unfair competitive advantage. It does not include the normal flow of benefits from the performance of a contract.

(iii) The term "Contractor" means any person, firm, unincorporated association, joint venture, partnership, corporation or affiliate thereof, which is a party to a contract with the United States of America. As used in this definition, the term "affiliate" has the same meaning as provided in FAR 19.101.

(2) If the offeror indicates that there are organizational conflicts of interest in the "Organizational Conflicts of Interest Representation", the offeror shall provide a statement which describes in a concise manner all relevant facts concerning any present or current planned interest (financial, contractual, organizational, or otherwise) relating to the work to be performed in the proposed contract and bearing on whether the offeror has a possible organizational conflict of interest with respect to being able to render impartial, technically sound, and objective assistance or advice, or being given an unfair competitive advantage. The offeror may also provide relevant facts that show how its organizational structure and/or management systems limit its knowledge of possible organizational conflicts of interest relating to other divisions or sections of the organization and how that structure or system would eliminate or neutralize such organizational conflict.

(3) The contract clause entitled "Organizational Conflicts of Interest" set forth in subsection 752.7020 of the AIDAR shall be included in every contract award pursuant to this Subpart 737.2.

737.271 Contract data reporting.

Within AID, input into the Federal Procurement Data System is accomplished through the Contract On-Line Reporting System. The contracting officer is responsible for insuring that contracts for consulting services are identified as such on Form AID 1420-49, the Contract/Grant/ Cooperative Agreement Data Sheet.

737.272 Identifying contracts for consultant services.

The contracting officer is responsible for identifying all contracts, including purchase orders, work orders, and amendments thereto, determined to be for consulting services in accordance with Subpart 737.2. All copies of such contracts are to be legibly marked "Consulting Services" on the upper right-hand corner of the cover page of the contract.

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 742—CONTRACT ADMINISTRATION

Subpart 742.7—Indirect Cost Rates

742.770 Negotiated indirect cost rate agreement.

Except for educational institutions having a cognizant agency (as defined in OMB Circular A-88, 44 FR 70094, 12/5/79) other than AID, AID may establish negotiated overhead rates in a Negotiated Indirect Cost Rate Agreement (Form AID 1420-47, as set forth in 753.270-1), executed by both parties. The Negotiated Indirect Cost Rate Agreement is automatically incorporated in each contract between the parties and shall specify: (a) The final rate(s), (b) the base(s) to which the rate(s) apply, (c) the period(s) for which the rate(s) apply, (d) the items treated as direct costs, and (e) the contract(s) to which the rate(s) apply. The Negotiated Indirect Cost Rate Agreement shall not change any monetary ceiling, obligation, or specific cost allowance or disallowance provided for in each contract between the parties.

(Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435)

PART 749—TERMINATION OF CONTRACTS

Subpart 749.1—General Principles

Sec.
749.100 Scope of subpart.
749.111 Review of proposed settlements.
749.111-70 Termination settlement review boards.
749.111-71 Required review and approval.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 749.1—General Principles

749.100 Scope of subpart.

The Foreign Aid and Related Agencies Appropriation Act, 1963, and subsequent appropriation Acts, have imposed the following requirement:

> None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

See, for example, section 110 of the Foreign Assistance and Related Agencies Appropriation Act, 1965.

749.111 Review of proposed settlements.

749.111-70 Termination settlement review boards.

(a) The AID Settlement Review Board shall be composed of the following members or their delegates (except as provided under 749.111-71(b)):

(1) Procurement Executive;

(2) Controller;

(3) General Counsel.

(b) The Procurement Executive or his/her delegate shall be designated as chairman of the board. Delegate members of the board shall have broad business and contracting experience and shall be senior AID officials. Each member or his/her delegate must be in attendance in order to conduct business, and the board shall act by majority vote. No individual shall serve as a member of a board for the review of a proposed settlement if he/she has theretofore reviewed, approved or disapproved or recommended approval, disapproval or other action with respect to any substantive element of such settlement proposal.

(c) The chairman shall appoint a nonvoting recorder who shall be responsible for receiving cases, scheduling and recording the proceedings at meetings, maintaining a log of all cases received by him/her for the board, and other duties as assigned by the board.

749.111-71 Required review and approval.

(a) *When required.* The AID Settlement Review Board shall receive and approve all AID/W and Mission proposed settlements or determinations if:

(1) The amount of settlement, by agreement or determination, involves $50,000 or more;

(2) The settlement or determination is limited to adjustment of the fee of a cost-reimbursement contract or subcontract and: (i) In the case of complete termination, the fee, as adjusted, with respect to the terminated portion of the contract or subcontract is

$50,000 or more; or (ii) in the case of a partial termination, the fee, as adjusted, with respect to the terminated portion of the contract or subcontract is $50,000 or more;

(3) The head of the contracting activity concerned determines that a review of a specific case or class of cases is desirable; or

(4) The contracting officer, in his/her discretion, desires review by the board.

(b) *Level of review.* Proposed settlements in excess of $1 million shall be reviewed and approved by a board consisting of the Procurement Executive, the General Counsel, and the Controller, without power of redelegation.

(c) *Submission of information.* The contracting officer shall submit to the board a statement of the proposed settlement agreement or determination, supported by such detailed information as is required for an adequate review. This information should normally include copies of: (1) The contractor's or subcontractor's settlement proposal, (2) the audit report, (3) the property disposal report and any required approvals in connection therewith, and (4) the contracting officer's memorandum explaining the settlement. The board may, in its discretion, require the submission of additional information.

PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

Sec.

750.000 Scope of part.

Subpart 750.70—Ratification of Unauthorized Contract Awards

750.7000 Ratification of unauthorized contract awards.

Subpart 750.71—Extraordinary Contractual Actions To Protect Foreign Policy Interests of the United States

750.7100 Scope of subpart.
750.7101 Authority.
750.7102 General policy.
750.7103 Definitions.
750.7104 Types of actions.
750.7105 Approving authorities.
750.7106 Standards for deciding cases.
750.7106-1 General.
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750.7108 Contractual requirements.
750.7109 Submission of requests by contractors.
750.7109-1 Filing requests.
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750.7110 Processing cases.
750.7110-1 Investigation.
750.7110-2 Intra-agency coordination.
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750.7110-4 Processing by approving authority.
750.7110-5 Records.
750.7110-6 Inter-agency coordination.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

750.000 Scope of part.

AID is not among the agencies named in the Act or authorized by the President to take actions under it; however, see Subpart 750.71—Extraordinary Contractual Actions to Protect Foreign Policy Interests of the United States.

Subpart 750.70—Ratification of Unauthorized Contract Awards

750.7000 Ratification of unauthorized contract awards.

(a) Execution of otherwise proper contracts made by individuals without contracting authority, or by contracting officers in excess of the limits of their delegated authority, may be later ratified. To be effective, such ratification must be in the form of a written document clearly stating that ratification of a previously unauthorized act is intended and must be signed by a person authorized to ratify such acts. Generally such ratification may be made only by an official on whose behalf the contract was made and then only: (1) If he/she could have given authority to enter into the contract before it was awarded and (2) if he/she still has power to do so at the time of ratification.

(b) The Director, Office of Contract Management, is the official within AID who may ratify unauthorized contract awards in accordance with paragraph (a).

Subpart 750.71—Extraordinary Contractual Actions To Protect Foreign Policy Interests of the United States

750.7100 Scope of subpart.

This subpart sets forth the standards and the procedures for disposition of requests for extraordinary contractual actions under Executive Order 11223.

750.7101 Authority.

(a) Pursuant to section 633 of the Foreign Assistance Act of 1961, 75 Stat. 454 (22 U.S.C. 2933) as amended, Executive Order 11223, dated May 12, 1965 (30 FR 6635) as amended, and State Department Delegation of Authority No. 104, dated November 3, 1961 (26 FR 10608) as amended, the Administrator of the Agency for International Development has been granted authority to provide extraordinary contractual relief. The authority is set forth in sections 3 and 4 of the Executive Order as follows:

Section 3. With respect to cost-type contracts heretofore or hereafter made with nonprofit institutions under which no fee is charged or paid, amendments or modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or of the form of the contract amended or modified, or the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

Section 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this Order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State determines in each case that such action is necessary to protect the foreign policy interests of the United States.

(b) The authority delegated to the Secretary of State under the Executive Order has been redelegated to the Administrator, Agency for International Development, under State Department Delegation 104, with power to redelegate.

750.7102 General policy.

Extra-contractual claims arising from foreign assistance contracts will be processed in accordance with this subpart, which is similar to that utilized to process claims for extraordinary relief under FAR Part 50, as modified to meet the circumstances involved under the Foreign Assistance Act and the different authority involved.

750.7103 Definitions.

(a) The term "approving authority" as used in this subpart means an officer or official having been delegated authority to approve actions under the Executive Order. This authority is distinguished from authority to take appropriate contractual action pursuant to such approval.

(b) The term "The Executive Order" shall mean Executive Order 11223 (30 FR 6635) as amended.

(c) The term "the Delegation of Authority" shall mean State Department Delegation of Authority No. 104 (26 FR 10608).

(d) The term "the Act" shall mean the Foreign Assistance Act of 1961, as amended.

750.7104 Types of actions.

Three types of actions may be taken by or pursuant to the direction of an approving authority under the Executive Order. These are contractual adjustments such as amendments without consideration, correction of mistakes, and formalization of informal commitments.

750.7105 Approving authorities.

Authority to approve actions processed under this subpart has been delegated as follows:

(a) The Director, Office of Contract Management, may approve actions up to $50,000 per contract under Section 3 of the Executive Order.

(b) The Associate Assistant to the Administrator for Management may approve actions up to $250,000 per contract under both Sections 3 and 4 of the Executive Order.

(c) The Administrator and Deputy Administrator must approve any action over $250,000.

750.7106 Standards for deciding cases.

750.7106-1 General.

The mere fact that losses occur under a Government contract is not, by itself, a sufficient basis for the exercise of the authority conferred by the Executive Order. Whether, in a particular case, appropriate action such as amendment without consideration, correction of a mistake or ambiguity in a contract, or formalization of an informal commitment, will protect the foreign policy interests of the United States is a matter of sound judgment to be made on the basis of all of the facts of such case. Although it is obviously impossible to predict or enumerate all the types of cases with respect to which action may be appropriate, examples of certain cases or types of cases where action may be proper are set forth in subsections 750.7106-2 through 750.7106-4. Even if all of the factors contained in any of the examples are present, other factors or considerations in a particular case may warrant denial of the request. These examples are not intended to exclude other cases where the approving authority determines that the circumstances warrant action.

750.7106-2 Amendments without consideration.

(a) Where an actual or threatened loss under a foreign assistance contract, however caused, will impair the productive ability of a contractor whose continued performance of any foreign assistance contract or whose continued operation as a source of supply is found to be essential to protect the foreign policy interests of the United States, the contract may be adjusted but only to the extent necessary to avoid such impairment to the contractor's productive ability.

(b) Where a contractor suffers a loss (not merely a diminution of anticipated profits) on a foreign assistance contract as a result of Government action, the character of the Government action will generally determine whether any adjustment in the contract will be made and its extent. Where the Government action is directed primarily at the contractor and is taken by the Government in its capacity as the other contracting party, the contract may be adjusted if fairness so requires; thus where such Government action, although not creating any liability on its part, increases the cost of performance, considerations of fairness may make appropriate some adjustment in the contract.

750.7106-3 Mistakes.

A contract may be amended or modified to correct or mitigate the effect of a mistake, including the following examples:

(a) A mistake or ambiguity which consists of the failure to express or to express clearly in the written contract the agreements as both parties understood them;

(b) A mistake on the part of the contractor which is so obvious that it was or should have been apparent to the contracting officer; and

(c) A mutual mistake as to a material fact.

Amending contracts to correct mistakes with the least possible delay normally will protect the foreign policy interests of the United States by expediting the procurement program and by giving contractors proper assurance that such mistakes will be corrected expeditiously and fairly.

750.7106-4 Informal commitments.

Informal commitments may be formalized under certain circumstances to permit payment to persons who have taken action without a formal contract; for example, where any person, pursuant to written or oral instructions from an officer or official of the Agency and relying in good faith upon the apparent authority of the officer or official to issue such instructions, has arranged to furnish or has furnished property or services to the agency and/or to a foreign assistance contractor or subcontractor without formal contractual coverage for such property or services. Formalization of commitments under such circumstances normally will protect the foreign policy interests of the United States by assuring persons that they will be treated fairly and paid expeditiously.

750.7107 Limitations upon exercise of authority.

(a) The Executive Order is not authority for:

(1) The use of the cost-plus-a-percentage-of-cost system of contracting;

(2) The making of any contract in violation of existing law relating to limitation on profit or fees;

(3) The negotiation of purchases of or contracts for property or services required by law to be procured by formal advertising and competitive bidding; or

(4) The waiver of any bid, payment performance or other bond required by law.

(b) No amendments, or modifications shall be entered into under the authority of the Executive Order:

(1) Unless, with respect to cases falling within Section 4 of the Executive Order, a finding is made that the action is necessary to protect the foreign policy interests of the United States;

(2) Unless other legal authority in the Agency is deemed to be lacking or inadequate;

(3) Except within the limits of the amounts appropriated and the statutory contract authorization.

(c) No contract shall be amended or modified unless the request therefor has been filed before all obligations (including final payment) under the contract have been discharged.

(d) No informal commitment shall be formalized unless:

(1) A request for payment has been filed within six months after arranging to furnish or furnishing property or services in reliance upon the commitment; and

(2) It is found that at the time the commitment was made it was impracticable to use normal procurement procedures.

750.7108 Contractual requirements.

Every contract amended or modified pursuant to this subpart shall contain:

(a) A citation of the Act and Executive Order.

(b) A brief statement of the circumstances justifying the action;

(c) A recital of the finding, with respect to cases falling within Section 4 of the Executive Order, that the action is necessary to protect the foreign policy interests of the United States.

750.7109 Submission of requests by contractors.

750.7109-1 Filing requests.

Any person (hereinafter called the "contractor") seeking an adjustment under standards set forth in 750.7106 may file a request in duplicate with the cognizant contracting officer or his/her duly authorized representative. If such filing is impracticable, requests will be deemed to be properly filed if filed with the Director, Office of Contract Management, for forwarding to the cognizant contracting officer.

750.7109-2 Form of requests by contractors.

The contractor's request shall normally consist of a letter to the contracting officer providing the information specified in FAR 50.303.

750.7109-3 Facts and evidence.

The contracting officer or the approving authority may, where considered appropriate, request the contractor to furnish the facts and evidence as dsecribed in FAR 50.304.

750.7110 Processing cases.

750.7110-1 Investigation.

The Director, Office of Contract Management, shall be responsible for assuring that the cognizant contracting officer in all cases shall make a thorough investigation of all facts and issues relevant to each case. Facts and evidence shall be obtained from contractor and Government personnel, and shall include signed statements of material facts within the knowledge of the individuals where documentary evidence is lacking, and audits where considered necessary to establish financial or cost facts. The investigation shall establish both the facts essential to meeting the standards for deciding the particular case and the essential facts as to who has authority to approve the request.

750.7110-2 Intra-agency coordination.

Prior to the submission of a case to the approving authority recommending extraordinary contractual relief, the claim will be fully developed by the Office of Contract Management and concurrences or comments obtained from the Office of General Counsel and the Inspector General for the proposed relief to be granted. Such concurrences or comments shall be incorporataed in or accompany the action memorandum submited for consideration to the approving authority in accordance with 750.7110-3.

750.7110-3 Submission of cases to the approving authority.

Cases to be submitted for consideration shall be forwarded by means of an action memorandum signed by the Director, Office of Contract Management. The action memorandum shall state:

(a) The nature of the case;

(b) The basis for authority to act under 750.7101;

(c) The findings of fact essential to the case (see 750.7109-3) arranged chronologically with cross references to supporting enclosures;

(d) The conclusions drawn from applying the standards for deciding cases, as set forth in 750.7106, to the findings of fact;

(e) The disposition recommended, and, if contractual action is recommended with respect to cases falling within Section 4 of the Executive Order, the opinion of the signer that such action is necessary to protect the foreign policy interest of the United States; and

(f) The action memorandum shall enclose copies of the contracting officer's findings and recommendations, the evidentiary materials, all other reports and comments of cognizant Government or other officials, and a copy of the contractor's request with a cover sheet providing the following summary information related to the request.

(1) Date of request;

(2) Date request received by AID:

(3) Contract number;

(4) Contractor's name and address;

(5) Name, address, and phone number of contractor's representative;

(6) Name, office symbol, and phone number of cognizant contracting officer;

(7) Amount of request.

750.7110-4 Processing by approving authority.

In each case, the approving authority, whether approving or denying the request, shall sign a decision which shall be dated and shall contain the following:

(a) The name and address of the contractor, the contract identification, and the nature of the request;

(b) The decision reached and the actual cost or estimated potential cost, if any, of the settlement;

(c) A concise description of the property or services involved;

(d) A statement of the circumstances justifying the decision; and

(e) If some adjustment action is approved with respect to cases falling within section 4 of the Executive Order, a statement in substantially the following form: I find that the action authorized herein is necessary to protect the foreign policy interests of the United States.

750.7110-5 Records.

The following shall be retained in Agency files as a record of each action processed in accordance with this subpart:

(a) The decision required in 750.7110-4;

(b) The action memorandum and all enclosures as required in 750.7110-3; and

(c) A copy of the contractual document implementing any approved contractual action.

750.7110-6 Inter-agency coordination.

(a) *General.* Where a case involves matters of interest to more than one department or agency, AID should maintain liaison with other departments and agencies of the Government and take such joint action as may be proper under the circumstances, including holding joint meetings.

(b) *Cases involving funds of other departments or agencies.* Requests for adjustment within any category, involving the funds of another department or agency, shall not be approved by AID until advice is requested and received from the department or agency whose funds are involved.

SUBCHAPTER H—CLAUSES AND FORMS

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 752.2—Texts of Provisions and Clauses

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752.202-1 Definitions.
752.203-1 Officials Not to Benefit.
752.204-2 Security Requirements.
752.216-70 Post-determined Indirect Cost Rates.
752.219-8 Utilization of Small Business Concerns and Small Disadvantaged Business Concerns.
752.225-9 Buy American Act—Trade Agreements Act—Balance of Payments Program.
752.228-70 Insurance—Workers' Compensation, Private Automobiles, Marine and Air Cargo.
752.229-70 Federal, State and Local Taxes.
752.232-70 Letter of Credit Advance Payment.
752.245-70 Government Property—AID Reporting Requirements.
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Subpart 752.70—Texts of AID Contract Clauses

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752.7001 Biographical Data.

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752.7031 Leave and Holidays.

Subpart 753.3-70—AID Clause Matrices—[Reserved]

Authority: Sec. 621, 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 752.2—Texts of Provisions and Clauses

752.200 Scope of subpart.

None of the clauses specified in this subpart are for use in AID personnel services contract. For personnel services contract clauses, see AIDAR Appendix D—Direct AID Contracts with U.S. Citizens or U.S. Residents for Personal Services Abroad.

752.202 Definitions.

(a) As prescribed in 702.270 and in FAR Subpart 2.2, AID contracts use the Definitions clause in FAR 52.202–1 and its Alternate I, as appropriate, and the following additional definitions.

(b) *Alternate 70.* For use in all AID contracts. Use in addition to the clause in FAR 52.202–1.

AID Definitions Clause—General Supplement for Use in All AID Contracts (Apr. 1984)

(a) "AID" shall mean the Agency for International Development.

(b) "Administrator" shall mean the Administrator or the Deputy Administrator of AID.

(c) When this contract is with an educational institution "Campus Coordinator" shall mean the representative of the Contractor at the Contractor's home institution, who shall be responsible for coordinating the activities carried out under the contract.

(d) When this contract is with an educational institution "Campus Personnel" shall mean representatives of the Contractor performing services under the contract at the Contractor's home institution and shall include the Campus Coordinator.

(e) "Consultant" shall mean any especially well qualified person who is engaged, on a temporary or intermittent basis to advise the Contractor and who is not an officer or employee of the Contractor who performs other duties for the Contractor.

(f) "Contractor employee" shall mean an employee of the Contractor assigned to work under this contract.

(g) "Cooperating Country or Countries" shall mean the foreign country or countries in or for which services are to be rendered hereunder.

(h) "Cooperating Government" shall mean the government of the Cooperating Country.

(i) "Economy class" air travel (also known as jet economy, air coach, tourist class, etc.) shall mean a class of air travel which is less than first class.

(j) "Federal Acquisition Regulations (FAR)", when referred to herein shall include Agency for International Development Acquisition Regulations (AIDAR).

(k) "Government" shall mean the United States Government.

(l) "Mission" shall mean the United States AID Mission to, or principal AID office in, the Cooperating Country.

(m) "Mission Director" shall mean the principal officer in the Mission in the Cooperating Country, or his/her designated representative.

(c) *Alternate 71.* For use in AID contracts with an educational institution for participant training. Use in addition to the clauses in FAR 52.202–1 and in 752.202–1(b) of this chapter.

AID Definitions Clause—Supplement for Contracts With an Educational Institution for Participant Training (Apr. 1984)

(a) "Catalog" shall mean any medium by which the Institution publicly announces terms and conditions for enrollment in the Institution, including tuition and fees to be charged. This includes "bulletins," "announcements," or any other similar word the Institution may use.

(b) "Director" shall mean the individual who fills the AID position of Director, Office of International Training, or his/her authorized representative acting within the limits of his/her authority. (c) "Fees" shall mean those applicable charges directly related to enrollment in the Institution. This shall not include any permit charge (e.g., parking, vehicle registration), or charges for services of a personal nature (e.g., food, housing, laundry) unless specifically called for in this contract.

(d) "Institution" shall mean the educational institution providing services hereunder. The terms "Institution" and "Contractor" are synonymous.

(e) "Tuition" shall mean the amount of money charged by an institution for instruction, not including fees as described in this section.

(d) *Alternate 72.* For use in all AID contracts which involve any performance overseas. Use in addition to the clauses in FAR 52.202–1 and in 752.202–1(b) of this chapter.

AID Definitions Clause—Supplement for AID Contracts Involving Performance Overseas (Apr. 1984)

(a) "Contractor's Chief of Party" shall mean the representative of the Contractor in the Cooperating Country who shall be responsible for supervision of the performance of all duties undertaken by the Contractor in the Cooperating Country.

(b) "Cooperating Country National (CCN) employee" means an individual who meets the citizenship requirements of 48 CFR 702.170–5 and is hired while residing outside the United States for work in a cooperating country.

(c) "Dependents" shall mean:

(1) Spouse;

(2) Children (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self support.

(3) Parents (including step and legally adoptive parents), of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support; and

(4) Sisters and brothers (including step or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self support.

(d) "Local currency" shall mean the currency of the Cooperating Country.

(e) "Regular employee" shall mean a Contractor employee appointed to serve one year or more in the Cooperating Country.

(f) "Resident" shall mean an individual who has been physically present for 3 consecutive years, substantially uninterrupted, in a country.

(g) "Short-term employee" shall mean a Contractor employee appointed to serve less than one year in the Cooperating Country.

(h) "Third Country National (TCN) employee" means an individual who meets the citizenship requirements of 48 CFR 702.170–14 and is hired while residing outside the United States for work in a Cooperating Country.

752.203–1 Officials Not to Benefit.

For contracts involving performance overseas the clause prescribed in FAR

3.102–2 may be modified to specify that it refers to United States officials.

752.204–2 Security Requirements.

Pursuant to the Uniform State/AID/USIA Regulations (Volume 5, Foreign Affairs Manual, Chapter 900), AID applies the safeguards applicable to "Confidential" information to administratively controlled information designated as "Limited Official Use". Therefore, when the clause in FAR 52.204–2 is used in AID contracts, pursuant to 704.404, paragraph (a) of the clause is revised as follows:

"(a) This clause applies to the extent that this contract involves access to classified ('Confidential', 'Secret', or 'Top Secret'), or administratively controlled ('Limited Official Use') information."

752.216–70 Post-determined Indirect Cost Rates.

Cost-reimbursement contracts with commercial firms which use *post-determined* overhead rates shall use the following clause (the clause may also be used for an educational institution which uses *post-determined* overhead rates by deleting reference to ". . . Fixed Fee . . ." in paragraph (a) of the clause, and by changing reference to cost principles in paragraph (c) from ". . . Subpart 31.2 (Contracts with Commercial Organizations) . . .", to ". . . Subpart 31.3 (Contracts with Educational Institutions) . . .".

Post-determined Indirect Cost Rates (Apr. 1984)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fee, and Payment", the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the close of each of its fiscal years, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with copies to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 31.2 (Contracts With Commercial Organizations) of the Federal Acquisition Regulations as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification of this contract which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively, (1) provisional rates may at the request of either party be revised by mutual agreement and (2) billing rates may be adjusted by the Contracting Officer. Any such revision of negotiated provisional rates specified in the contract shall be set forth in modification to this contract.

(f) Any failure by the parties to agree on any final rate under this clause shall be considered a dispute concerning a question of fact decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

752.219–8 Utilization of Small Business Concerns and Small Disadvantaged Business Concerns.

The Foreign Assistance Act calls for AID to give small businesses an opportunity to provide supplies and services for foreign assistance projects. To help AID meet this obligation, the following paragraph is to be added to the clause prescribed in FAR 19.708(a):

AID small business provision. To permit AID, in accordance with the small business provisions of the Foreign Assistance Act, to give small business firms an opportunity to participate in supplying equipment supplies and services financed under this contract, the Contractor shall, to the maximum extent possible, provide the following information to the Office of Small and Disadvantaged Business Utilization (PRE/SDB), AID, Washington, D.C. 20523, at least 45 days prior to placing any order in excess of five thousand dollars ($5,000) except where a shorter time is requested of, and granted by PRE/SDB:

(1) Brief general description and quantity of commodities or services;

(2) Closing date for receiving quotations or bids; and

(3) Address where invitations or specifications may be obtained."

752.225–9 Buy American Act—Trade Agreements Act—Balance of Payments Program.

The clause prescribed by FAR 25.407(a)(2) is not generally included in AID contracts when more stringent source requirements are stated in the contract or when inclusion is not appropriate under FAR 25.403, or 725.403 of this Subpart. (See Executive Order No. 11223, dated May 12, 1965, 30 FR 6635.) The clause setting forth AID's source restrictions is shown in 752.7005.

752.228–70 Insurance—Worker's Compensation, Private Automobiles, Marine and Air Cargo.

(a) Because of the volume of projects performed overseas, resulting in contracts which require insurance pursuant to the Defense Base Act (DBA), AID has contracted with an insurance carrier to provide the DBA required insurance for all AID contractors. In addition, AID has found it necessary to prescribe insurance coverage requirements for private automobiles and marine and air cargo. Therefore, the following clauses are to be used in place of the clause prescribed by FAR 28.309(b).

(b) *Alternate 70.* For use in all AID cost-reimbursement contracts involving performance overseas.

Insurance—Worker's Compensation, Private Automobiles, Marine, and Air Cargo (Apr. 1984)

(a) *Worker's compensation insurance.*

(1) The Contractor before commencing performance under this contract shall provide and thereafter maintain such workers' compensation insurance or security as is required by the Defense Base Act (DBA) as amended (42 U.S.C. 1651 et seq.).

(2) The Contractor agrees to procure DBA insurance coverage requirements pursuant to a contract between AID and its insurance carrier unless: The Contractor has a DBA self insurance program approved by the Department of Labor; has an approved retrospective rating plan for DBA; or has entered into a long term agreement for DBA coverage with an underwriter or agent prior to November 14, 1977. However, if it would be economical to cancel the long-term coverage and pay short-term rates, Contractor is required to do so.

(3) If the Contractor secures a waiver of DBA coverage for its employees who are not citizens of the United States, residents of, or hired in the United States, or, AID has secured such a waiver, the Contractor agrees to comply with the conditions of such waiver.

(4) The Contractor further agrees to insert in all subcontracts hereunder to which the DBA is applicable, a clause similar to this clause, including this sentence, imposing on all such subcontractors a like requirement to provide overseas workmen's compensation insurance coverage and obtain DBA coverage under the AID requirements contract.

(b) *Insurance on private automobiles.* If Contractor or any of its employees or their dependents transport or cause to be transported (whether or not at contract expense) privately owned automobiles to the Cooperating Country, or they, or any of them, purchase an automobile within the Cooperating Country, Contractor agrees to make certain that all such automobiles during such ownership within the Cooperating Country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director payable in United States dollars or its equivalent in the currency of the Cooperating Country: injury to persons, $10,000/$20,000; property damage, $5,000. Contractor further agrees to deliver or cause to be delivered to the Mission Director, the insurance policies

required by this clause or satisfactory proof of the existence thereof, before such automobiles are operated within the Cooperating Country. The premium costs for such insurance shall not be a reimbursable cost under this contract.

(c) *Marine and air cargo insurance.* Contractor may obtain cargo insurance on equipment, materials, and supplies procured under this contract only after obtaining the prior written approval of the Contracting Officer.

(c) *Alternate 71.* For fixed-price contracts involving overseas performance, use the clause in *Alternate 70*, deleting paragraph (c), marine and air cargo insurance.

752.229-70 Federal, state and local taxes.

For contracts involving performance overseas the clauses prescribed in FAR 29.401-3 or 29.401-4 may be modified to specify that the taxes referred to are United States taxes.

752.232-70 Letter of Credit Advance Payment.

As required by 732.406.70-4, insert the following clause in contracts being paid by Letter of Credit.

Letter of Credit Advance Payment (Apr. 1984)

(a) Payment under this contract shall be by means of a Letter of Credit (LOC) in accordance with the terms and conditions of the LOC and any instructions issued by the AID Office of Financial Management, Program Accounting Division (M/FM/PAD).

(b) As long as the LOC is in effect, the terms and conditions of the LOC and any instructions issued by M/FM/PAD constitute the payment conditions of this contract, superseding and taking precedence over any other clause of this contract concerning payment.

(c) If the LOC is revoked, payment may be made on a cost-reimbursement basis, in accordance with the other clauses of this contract concerning payment.

(d) Revocation of the LOC is at the discretion of M/FM/PAD after consultation with the contracting officer. Notification to the contractor of revocation must be in writing and must specify the reasons for such action. The contractor may appeal any such revocation to the contracting officer, in accordance with the Disputes clause of this contract. Pending final decision, payments under the contact will be in accordance with paragraph (c) of this clause.

752.245-70 Government Property—AID Reporting Requirements.

In response to a GAO audit recommendation, AID contracts must contain the following preface and reporting requirement as additions to the appropriate Government Property clause prescribed by FAR 45.106.

Preface: to be inserted preceding the text of the FAR clause.

The term "Government furnished property" wherever it may appear in the following clause, shall mean (1) non-expendable personal property owned by or leased to the U.S. Government and furnished to the contractor *and* (2) personal property furnished either prior to or during the performance of this contract by any U.S. Government accountable officer to the contractor for use in connection with performance of this contract and identified by such officer as accountable. The term "government property", wherever it may appear in the following clause, shall mean government-furnished property and non-expendable personal property title to which vests in the U.S. Government under this contract. Non-expendable property, for purposes of this contract, is defined as property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500.

Reporting Requirement: to be inserted following the text of the FAR clause.

Reporting Requirements: The contractor will submit an annual report on all non-expendable property in a form and manner acceptable to AID substantially as follows:

ANNUAL REPORT OF GOVERNMENT PROPERTY IN CONTRACTOR'S CUSTODY

[(Name of contractor) as of (end of contract year), 19xx]

Motor vehicles	Furniture and furnishings—		Other nonexpendable property
	Office	Living quarters	
A. Value of property as of last report			
B. Transactions during this reporting period			
1. Acquisitions (add):			
a. Purchased by contractor [1]			
b. Transferred from AID [2]			
c. Transferred from others, without reimbursement [3]			
2. Disposals (deduct):			
a. Returned to AID			
b. Transferred to AID—contractor purchased			
c. Transferred to other Government agencies [3]			
d. Other disposals [3]			
C. Value of property as of reporting date			
D. Estimated average age of contractor held property			
	Years	Years	Years

[1] Property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500.
[2] Government furnished property listed in this Contract as nonexpendable.
[3] Explain if transactions were not processed through or otherwise authorized by AID.

Property Inventory Verifications

I attest that (1) physical inventories of Government property are taken not less frequently than annually; (2) the accountability records maintained or Government property in our possession are in agreement with such inventories; and (3) the total of the detailed accountability records maintained agrees with the property value shown opposite line C above, and the estimated average age of each category of property is as cited opposite line D above.

Authorized Signature.

752.245-71 Title to and Care of Property.

It is AID policy to vest title with the cooperating country for contractor acquired property used in a cooperating country. The following clause is for use in all AID contracts under which the contractor will acquire property for use overseas under the contract.

Title to and Care of Property (Apr. 1984)

(a) Title to all non-expendable property purchased with contract funds under this contract and used in the Cooperating Country, shall at all times be in the name of the Cooperating Government, or such public or private agency as the Cooperating Government may designate, unless title to specified types or classes of non-expendable property is reserved to AID under provisions set forth in the schedule of this contract; but all such property shall be under the custody and control of Contractor until the owner of title directs otherwise, or completion of work under this contract or its termination, at which time custody and control shall be turned over to the owner of title or disposed of in accordance with its instructions. All performance guaranties and warranties obtained from suppliers shall be taken in the name of the title owner. (Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of $500 of more.)

(b) Contractor shall prepare and establish a program, to be approved by the Mission, for the receipt, use, maintenance, protection, custody, and care of non-expendable property for which it has custodial responsibility, including the establishment of reasonable controls to enforce such program.

(c)(1) For non-expendable property to which title is reserved to the U.S. Government under provisions set forth in the schedule of this contract, Contractor shall submit an annual report on all non-expendable property under its custody as required in the clause of this contract entitled "Government Property".

(2) For non-expendable property titled to the Cooperating Government, the Contractor shall, within 90 days after completion of this contract, or at such other date as may be fixed by the Contracting Officer, submit an inventory schedule covering all items of non-expendable property under its custody, which have not been consumed in the performance of this contract. The Contractor shall also indicate what disposition has been made of such property.

Subpart 752.70—Texts of AID Contract Clauses

752.7000 Scope of subpart.

Subpart 752.70 contains the text of AID-specific contract clauses for which there is no FAR equivalent. The clauses in this Subpart do not apply to contracts

for personal services. For personal service contract clauses see AIDAR Appendix D—Direct AID Contracts with U.S. Citizens or U.S. Residents for Personal Services Abroad.

752.7001 Biographical data.

This clause is required in all AID contracts.

Biographical Data (Apr. 1984)

(a) Contractor agrees to furnish to the Contracting Officer, on forms provided for that purpose, biographical information on the following individuals to be employed in the performance of the contract: (1) All individuals to be sent outside of the United States, (2) any employees designated as "key personnel", such as the campus coordinator, etc. Biographical data on the other individuals employed under the contract shall be available for review by AID at the Contractor's headquarters.

(b) Emergency locator information. The Contractor agrees to provide the following information to the Mission Administrative Officer on or before the arrival in the host country of every contract employee or dependent:

(1) The individual's full name, home address, and telephone number.

(2) The name and number of the contract, and whether the individual is an employee or dependent.

(3) The contractor's name, home office address, and telephone number, including any after-hours emergency number(s), and the name of the contractor's home office staff member having administrative responsibility for the contract.

(4) The name, address, and telephone number(s) of each individual's next of kin.

(5) Any special instructions pertaining to emergency situations such as power of attorney designees or alternate contact persons.

752.7002 Travel and transportation.

(a) *Alternate 70.* For use in cost reimbursement contracts in the U.S., *except* contracts with an educational institution, or contracts for participant training.

Travel and Transportation Expenses (Apr. 1984)

(a) *United States Travel.* The Contractor shall be reimbursed for actual transportation costs and travel allowances of travelers in accordance with the established practice of the Contractor for travel within the United States directly referable to the contract and not continuous with travel to and from the Cooperating Country. Such transportation costs shall not be reimbursed in an amount greater than the cost of, and time required for, economy class commercial scheduled air travel by the most expeditious route unless economy air travel or economy air travel space are not available and the Contractor certifies to the facts in the voucher or other documents retained as part of its Contract records to support its claim for post-audit. Such travel allowances shall be in accordance with the established practice of the Contractor for travel within the United States provided that it shall not exceed the rates and basis for computation of such rates as provided in the Federal Travel Regulations, as from time to time amended.

(b) *Actual Expense Basis.* Travel on an actual expense basis may be authorized or approved by the Contractor's Chief Executive Officer, or equivalent official, when it is determined that unusual circumstances of the assignment will require expenditures greatly in excess of the maximum per diem allowance provided herein. Payment on an actual expense basis is limited to specific travel assignments and should be used only in exceptional cases and not merely to cover a small amount of costs in excess of per diem. Normally, the authorization will be limited to cases where the cost of lodging (exclusive of meals) at available hotels absorbs practically all of the per diem allowance. In no event, however, shall the amount authorized exceed the applicable maximum amount allowable under section 7.2 of the Federal Travel Regulations, as from time to time amended. Receipts covering all expenses claimed hereunder shall be filed by the traveler with his/her voucher and shall be retained as a part of the Contractor's records to support the Contractor's claim for reimbursement, or for post-audit.

(b) *Alternate 71.* For contracts for participant training in the U.S.

Travel and Transportation (Apr. 1984)

The Contractor shall be reimbursed for necessary and actual transportation costs and travel allowances of travelers in accordance with the established practice of the Contractor for travel within the United States directly referable to the Contract, provided they shall not exceed the rates and basis for computation of such rates as provided in the Federal Travel Regulations, as from time to time amended. Such transportation costs shall not be reimbursed in an amount greater than the cost of, and time required for, economy class commercial air travel scheduled by the most expeditious route unless economy travel or economy travel space are not available and the Contractor certifies to the facts in the voucher or other documents required to be submitted in accordance with the clause of this contract entitled "Documentation for Payment".

(c) *Alternate 72.* For cost reimbursement contracts with educational institutions, to be performed in the U.S.

Travel Expenses (Apr. 1984)

(a) The Contractor shall be reimbursed for actual travel costs and travel allowances for travel in the United States in accordance with the established on-campus practice of the Contractor. Travel costs shall not be reimbursed in any amount greater than the cost of, and time required for, economy class commercial scheduled air travel by the most expeditious route except as otherwise provided in paragraph (b) of this section, unless economy air travel or economy air travel space are not available and the Contractor supports this in the voucher or other documents retained as part of its contract records.

(b) The Contractor may grant under this contract reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such traveler or Contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the clause of this contract entitled "Leave and Holidays."

(d) *Alternate 73.* For cost reimbursement contracts performed in whole or in part overseas (use in addition to either *Alternate 70* or *Alternate 72*, as appropriate).

Travel Expenses and Transportation and Storage Expenses (Apr. 1984)

(a) *International Travel.* Prior written approval by the Contracting Officer is required for all international travel directly and identifiably funded by AID under this contract. The Contractor shall therefore present to the Contracting Office an itinerary for each planned international trip, showing the name of the traveler, purpose of the trip, origin/destination (and intervening stops), and dates of travel, as far in advance of the proposed travel as possible, but in no event less than three weeks before travel is planned to commence. The Contracting Officer's prior written approval may be in the form of letter or telegram or similar device, or may be specifically incorporated into the schedule of the Contract. At least one week prior to commencement of approved international travel, the Contractor shall notify the cognizant Mission, with a copy to the Contracting Officer, of planned travel, identifying the travelers and the dates and times of arrival.

The Contractor shall be reimbursed for actual travel costs and travel allowances of travelers from place of residence in the United States (or other location provided) that the cost of such travel does not exceed the cost of the travel from the employee's residence in the United States) to the post of duty in the Cooperating Country and return to place of residence in the United States (or other location, provided, that the cost of such travel does not exceed the cost of travel from the post of duty in the Cooperating Country to the employee's residence) upon completion of services by the individual. Such travel costs and travel allowances shall not be reimbursed in an amount greater than economy class commercially scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (g) of this section, and unless economy air travel or economy air travel space are not available and the Contractor certifies to this in the voucher documents retained as part of its Contract records. When travel is by economy class accommodations, the Contractor will be reimbursed for the cost of transporting up to twenty-two (22) pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket provided that the total number of pounds of baggage does not exceed that

regularly allowed for first class travelers. If the cost of economy class accommodations plus the cost of transporting twenty-two pounds of additional accompanied personal baggage equals or exceeds the cost of first class accommodations, first class accommodations may be used. Travel allowances for travelers shall not be in excess of six dollars ($6) per day for persons eleven (11) years of age, or over, or three dollars ($3) per day for persons under eleven (11) years of age, for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations as from time to time amended. One (1) stopover en route for a period of not to exceed twenty-four hours is allowable when the traveler uses economy class accommodations for a trip of fourteen (14) hours or more scheduled duration. Such stopover shall not be authorized when travel is by indirect route or is delayed for the convenience of the traveler. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor but not to exceed the amounts stated in the Federal Travel Regulations, as from time to time amended.

(b) *Local travel.* Reimbursement for local travel shall not be in excess of the rates established by the Mission Director for the travel costs of travelers in the Cooperating Country in connection with duties directly referable to the contract. In the absence of such established rates, the Contractor shall be reimbursed for actual travel costs of travelers in the Cooperating Country, if not provided by the Cooperating Government or the Mission, in connection with duties directly referable to the contract, including travel allowances at rates not in excess of those prescribed by the Federal Travel Regulations as from time to time amended.

(c) *Travel for consultation.* The Contractor shall be reimbursed for the round trip of the Contractor's Chief of Party in the Cooperating Country or other designated Contractor employee or consultant in the Cooperating Country performing services required under this Contract, for travel from the Cooperating Country to the Contractor's office in the United States or to AID/Washington for consultation and return on occasions deemed necessary by the Contractor and approved in advance, in writing, by the Contracting Officer or the Mission Director.

(d) *Special international travel and third country travel.* For special travel which advances the purpose of the contract, which is not otherwise provided by the Cooperating Government, and with the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the travel cost of travelers other then between the United States and the Cooperating Country and for local travel within other countries and (ii) travel allowance for travelers while in travel status and while performing services hereunder in such other countries at rates not in excess of those prescribed by the Federal Travel Regulations, as amended.

(e) *Indirect travel for personal convenience.* When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route. If such costs include fares for air or ocean travel by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by United States-flag carriers will be reimbursable within the above limitation of allowable costs.

(f) *Limitation on travel by dependents.* Travel costs and allowances will be allowed only for dependents of regular employees and such costs shall be reimbursed for travel from place of abode to assigned station in the Cooperating Country and return, only if dependent remains in the country for at least nine (9) months and one-half of the required tour of duty of the regular employee responsible for such dependent, whichever is greater.

If the dependent is eligible for educational travel pursuant to the General Provision entitled "Differential and Allowances", time spent away from post resulting from educational travel will be counted as time at post.

(g) *Delays en route.* The Contractor may grant to travelers under this contract reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such traveler or Contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the clause of this contract entitled "Leave and Holidays".

(h) *Travel by privately owned automobile.* The Contractor shall be reimbursed for the cost of travel performed by a regular employee in his/her privately owned automobile at a rate not to exceed fifteen cents (15¢) per mile plus authorized per diem for the employee and for each of the authorized dependents traveling in the automobile if the automobile is being driven to or from the Cooperating Country as authorized under the contract; *Provided,* That the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travellers by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(i) *Emergency and irregular travel and transportation.* Actual transportation costs and travel allowances while en route, as provided in this section will also be reimbursed under the following conditions:

(1) The costs of going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other location for Contractor employees and dependents and returning to the post of duty, when the Contractor's Chief of Party makes a written determination that such travel is necessary for one of the reasons specified in paragraph (i)(1)(i) and (ii) of this clause. A copy of the written determination shall be furnished to the Contracting Officer.

(i) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject in either case, to the limitations stated in the provision of this contract entitled "Physical Fitness of Employee and Dependents." The Mission Director may authorize a medical attendant to accompany the employee at contract expense if, based on medical opinion, such an attendant is necessary.

(ii) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse. "Serious illness or injury" and "immediate family" are defined in accordance with section 699.5 of the Uniform State/AID/USIA Regulations, as in effect of the date of such travel.

(2) When, for any reason, the Mission Director determines it is necessary to evacuate the Contractor's entire team (i.e., employees and dependents or dependents only), the Contractor will be reimbursed for actual travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the Cooperating Country to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other approved location. The return of such employees and dependents may also be authorized by the Mission Director when, in his/her discretion, he/she determines it is prudent to do so.

(3) The Mission Director may also authorize emergency or irregular travel and transportation in other situations, when in his/her opinion, the circumstances warrant such action. The authorization shall include the kind of leave to be used and appropriate restrictions as to time away from post, transportation of personal and/or household effects, etc. Requests for such emergency travel shall be submitted through the Contractor's Chief of Party.

(4) If a regular employee does not complete one full year at post of duty (except for reasons beyond his/her control), the costs of going to and from the post of duty are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the Cooperating Country (except for reasons beyond his/her control) the costs of going to the post of duty are reimbursable hereunder but the costs of going from post of duty to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract or other location are not reimbursable under this contract.

(j) Home leave travel. TCN and CCN employees are not eligible for home leave unless authorized in advance by the cognizant Mission Director, and consequently are not eligible for home leave travel unless authorized in advance by the cognizant Mission Director. A copy of any such authorization shall be provided to the Contracting Officer. The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of home leave provided that such reimbursement does not exceed that

authorized by the Uniform State/AID/USIA Foreign Service Travel Regulations.

(k) *Rest and recuperation travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of rest and recuperation: *Provided,* That, such reimbursement does not exceed that authorized Mission employees, e.g., required length of service at the post of assignment unbroken by home leave: *And Provided Further,* That no reimbursement will be made unless approval is given by the Contractor's Chief of Party.

(l) *Transportation of motor vehicles, personal effects and household goods.* Transportation, including packing and crating costs, will be paid for shipping from the point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to point of origin in the United States (or other location as approved by the Contracting Officer):

(1) Of one privately owned vehicle for each regular employee,

(2) Of personal effects of travelers, and

(3) Of household goods of each regular employee not to exceed the following limitations:

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Regular employee with dependents in Cooperating Country	7,500	2,500
Regular employee without dependents in Cooperating Country	4,500	1,500

Note.— For the purpose of this clause "net weight" and "gross weight" are defined and determined in accordance with the provisions of 162.1 of the Uniform State/AID/USIA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating and transportation by surface. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the Cooperating Country, the cost of boxing or crating is not reimbursable. The transportation of a privately-owned motor vehicle for a regular employee may be authorized by the Contractor, as replacement of the last such motor vehicle shipped under this contract for such employee when the Mission Director or his/her designee determines in advance and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the regular employee. The determination shall be made under the same rules and regulations that apply to Mission employees.

(m) *Unaccompanied baggage.* The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight (pounds)
Employee	250
First dependent travelling	200
Second dependent travelling	150
Each additional dependent travelling	100

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used. Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination. To permit the arrival of effects to coincide with the arrival of regular employees and dependents, consideration should be given to advance shipments of unaccompanied baggage.

The foregoing provision concerning unaccompanied baggage is also applicable to home leave travel. The foregoing provision concerning unaccompanied baggage is also applicable to short-term employees when these are authorized by the terms of this contract.

(n) *Storage of household effects.* The cost of storage charges (including packing, crating, and drayage costs) in the U.S. of household goods of regular employees will be permitted in lieu of transportation of all or any part of such goods to the Cooperating Country under paragraph (a) above: *Provided,* That the total amount of household goods shipped to the Cooperating Country and stored in the U.S. shall not exceed 4,500 pounds net for each regular employee without dependents in the Cooperating Country and 7,500 pounds net for each regular employee with dependents in the Cooperating Country.

(o) International ocean transportation. (1) Flag eligibility requirements for ocean carriage is covered by paragraph (c)(2) of the General Provision entitled "Source and Nationality Requirements" of this contract.

(i) Transportation of things. Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Transportation Support Division, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, or the Mission Director, as appropriate, giving the basis for the request.

(ii) Transportation of persons. Where U.S. flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(2) Transportation of foreign-made vehicles. Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USIA Foreign Service Travel Regulations, as from time to time amended.

(3) Reduced rates on U.S. flag carriers. Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of AID contract personnel. These reduced rates are available provided the shipper states on the bill of lading that the cargo is "Personal property-not for resale-payment of freight charges is at U.S. Government (AID) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in an amount in excess of the reduced rates available in accordance with the foregoing.

(e) *Alternate 74.* For fixed-price technical services contracts requiring international travel.

International Travel Approval and Notification Requirements (Apr. 1984)

Prior written approval by the Contracting Officer is required for all international travel directly and identifiably funded by AID under this contract. The Contractor shall therefore present to the Contracting Officer an itinerary for each planned international trip, showing the name of the traveler, purpose of the trip, origin/destination (and intervening stops), and dates of travel, as far in advance of the proposed travel as possible, but in no event less than three weeks before travel is planned to commence. The contracting officer's prior written approval may be in the form of a letter or telegram or similar device or may be specifically incorporated into the schedule of the contract. At least one week prior to commencement of approved international travel, the Contractor shall notify the cognizant Mission, with a copy to the Contracting Officer, of planned travel, identifying the travellers and the dates and times of arrival.

752.7003 Payment.

(a) *Alternate 70.* The following clauses are required in *all* AID contracts:

Interest on Overdue Payments (Apr. 1984)

(a) The Prompt Payment Act, Public Law 97–177 (96 Stat. 85, 31 U.S.C. 1801) is applicable to payments under this contract and requires the payment to contractors of interest on overdue payments and improperly taken discounts.

(b) Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and Office of Management and Budget Circular A–125.

Payment Due Dates (Apr. 1984)

(a) Payments under this contract will be due as follows:

(1) When the designated paying office identified in the contract or purchase order is located in the U.S.: 30 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 30 days after a designated AID official or authorized representative accepts the property or services, whichever is later.

(2) When the designated paying office identified in the contract or purchase order is at a foreign location: 45 calendar days after the date of actual receipt of a proper invoice in the designated paying office or 45 days after a designated AID official or authorized representative accepted the property or services, whichever is later.

(b) For definition of the term "proper invoice", see the clause of this contract entitled "Invoice Requirements"

(c) The date of the check issued in payment or the date of by wire transfer through the Treasury Financial Communications System shall be considered to be the date payment is made.

Invoice Requirements (Apr. 1984)

Invoices shall be submitted in an original and 3 copies to the Government office designated in this contract or on the delivery order to receive invoices. To constitute a proper invoice, the invoice must include the following information and/or attached documentation:

(a) Name of the business concern and invoice date.

(b) Contract number, or other authorization for delivery of property or services.

(c) Description, price, and quantity of property and services actually delivered or rendered.

(d) Shipping and payment terms.

(e) Name and (where practicable), title, phone number, and complete mailing address of responsible official to whom payment is to be sent.

(f) Other payment documentation required by the contract.

(b) *Alternate 71.* The following clause, in addition to Alternate 70 clauses, is required in all AID direct cost reimbursement contracts.

Documentation for Payment (Apr. 1984)

(a) Claims for reimbursement under this contract shall be submitted to the Paying Office indicated on the cover page of this contract. The authorized Certifying Officer of the Paying Office is the designated representative of the Contracting Officer, authorized to approve vouchers under this contract. The Contractor shall submit a Voucher Form SR–1034 (original) and SF–1034(a) in three copies. Each voucher shall be identified by the appropriate AID contract number, properly executed, in the amount of dollar expenditures made during the period covered. The voucher forms shall be supported by:

(1) Original and three copies of a certified fiscal report rendered by the Contractor in a form and manner satisfactory to AID substantially as follows:

Total Expenditures

Category	Budget amount	To date	This period (indicate dates)
Salaries and wages:			
Home office	$XXX	$XXX	$XXX
Field office	XXX	XXX	XXX
Indirect costs:			
Home office	XXX	XXX	XXX
Field office	XXX	XXX	XXX
Consultant fees	XXX	XXX	XXX
Allowances	XXX	XXX	XXX
Travel and transportation	XXX	XXX	XXX
Expendable equipment and materials	XXX	XXX	XXX
Non-expendable property	XXX	XXX	XXX
Participant costs	XXX	XXX	XXX
Other direct costs	XXX	XXX	XXX

Total Expenditures—Continued

Category	Budget amount	To date	This period (indicate dates)
Grand total	XXX	XXX	XXX

(2) The fiscal report shall include a certification, signed by an authorized representative of the Contractor, as follows:

The undersigned hereby certifies that (i) the fiscal report and any attachments have been prepared from the books and records of the Contractor in accordance with the terms of this contract, and to the best of my knowledge and belief, that they are correct, that the sum claimed under this Contract is proper and due, that all the costs of contract performance (except as herewith reported in writing) have been paid or will be paid currently by the Contractor when due in the ordinary course of business, that the work reflected by the costs above has been performed, that the quantities and amounts involved are consistent with the requirements of this Contract, that all required Contracting Officer approvals have been obtained, and (ii) appropriate refund to AID will be made promptly upon request in the event of disallowance of costs not reimbursable under the terms of this Contract.

By: _____
Title: _____
Date: _____

(3) Unless otherwise provided in this contract, the Contractor shall submit a vendor's invoice detailing the quantity, description, and price for each individual item purchased, as follows:

(i) Expendable equipment, supplies, or commodities—for transactions totaling more than $2,500.

(ii) Non-expendable property—for every purchase. Non-expendable property is property which is complete in itself, does not lose its identity or become a component part of another article when put into use; is durable, with an expected service life of two years or more; and which has a unit cost of more than $500.

(iii) The bill of lading or airway bill as evidence of shipment by U.S.-flag carrier.

(b) *Local currency payment.* The Contractor is fully responsible for the proper expenditure and control of local currency, if any, provided under this contract. Local currency will be provided to the Contractor in accordance with written instructions provided by the Mission Director. The written instructions will also include accounting, vouchering, and reporting procedures. A copy of the instructions shall be provided to the Contractor's Chief of Party and to the Contracting Officer. The costs of bonding personnel responsible for local currency are reimbursable under this contract.

(c) Upon compliance by the Contractor with all the provisions of this contract, acceptance by the Government of the work and final report, and a satisfactory accounting by the Contractor of all Government-owned property for which the Contractor had custodial responsibility, the Government shall promptly pay to the Contractor any moneys (dollars or local currency) due under the completion voucher. The Government will make suitable reduction for any disallowance or indebtedness by the Contractor by applying the proceeds of the voucher first to such deductions and next to any unliquidated balance of advance remaining under this contract.

(d) The Contractor agrees that all approvals of the Mission Director and the Contracting Officer which are required by the provisions of this contract shall be preserved and made available as part of the Contractor's records which are required to be preserved and made available by the clauses of this contract entitled "Examination of Records by Comptroller General" and "Audit".

752.7004 Source and Nationality Requirements.

The following clause is required in all AID contracts under which the contractor will procure goods or services.

Source and Nationality Requirements for Procurement of Goods and Services (Apr. 1984)

(a) *General.* Except as may be specifically approved or directed in advance by the Contracting Officer, all goods (e.g., equipment, vehicles, materials and supplies), and services which will be financed under this contract with United States dollars shall be procured in and shipped from the United States, or from any other countries within the authorized geographic code or codes specified in the schedule of this contract. Guidance on eligibility of specific goods or services may be obtained from the Contracting Officer. AID policies on source and nationality requirements are contained in Chapters 4 and 5 of AID Handbook 1, Supplement B (Procurement Policies).

(b) *Ocean and air transportation.*

(1) Except as otherwise approved in writing by the Contracting Officer, AID will finance only those ocean transportation costs:

(i) Incurred on vessels under U.S. flag registry, when Geographic Code 000 is authorized for procurement of goods or services;

(ii) Incurred on vessels under U.S., Cooperating Country, or other Countries included in geographic Code 941 flag registry, when Geographic Code 941 is authorized for procurement of goods or services: or

(iii) Incurred on vessels under flag registry of any free world country, if the costs are part of the total cost on a through bill of lading paid to a carrier for initial carriage on a vessel which is authorized in accordance with paragraphs (b)(1)(i) and (ii), above.

(2) Any ocean or air charter, covering full or part cargo, for the transportation of goods purchased under this contract must be approved by the AID Transportation Support Division, Office of Commodity Management, prior to shipment.

(3) When use of non-U.S. flag vessels has been authorized, the following requirements still apply:

(i) At least 50% of the gross tonnage of all goods purchased under this contract and

transported to the Cooperating Country on ocean vessels shall be transported on privately-owned U.S. flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for such vessels; and

(ii) At least 50% of the gross freight revenue generated by shipments of goods purchased under this contract and transported to the Cooperating Country on dry cargo liners shall be paid to or for the benefit of privately-owned U.S. flag commercial vessels to the extent such vessels are available at fair and reasonable rates for such vessels.

(4) When U.S. flag vessels are not available, or their use would result in a significant delay, the contractor may request a certificate of nonavailability from the AID Transportation Support Division, Office of Commodity Management, giving the basis for the request. Such a determination of nonavailability will relieve the contractor of the requirement to use U.S. flag vessels for the tonnage of goods included in the determination.

(5) Vouchers submitted for reimbursement which include ocean shipment costs shall contain a certification essentially as follows: "I hereby certify that a copy of each ocean bill of lading concerned has been submitted to the Maritime Administration, Cargo Preference Control Center, Commerce Building, Washington, D.C. 20235 and that such bills of lading state all of the carrier's charges including the basis for calculation such as weight or cubic measurement".

(6) For use of U.S. flag air carriers, see the General Provision entitled "Preference for U.S. Flag Air Carriers".

(c) *Marine insurance.* The eligibility of marine insurance is determined by the country in which it is "placed." Insurance is "placed" in country if payment of the insurance premium is made to, and the insurance policy is issued by, an insurance company located in that country. Eligible countries for placement are governed by the authorized geographic code, except that if Code 941 is authorized, the Cooperating Country is also eligible. Section 604(d) of the Foreign Assistance Act requires that if a recipient country discriminates by statute, decree, rule, or practice with respect to AID-financed procurement against any marine insurance company authorized to do business in any State of the United States, then any AID-financed commodity shipped to that country shall be insured against marine risk and the insurance shall be placed in the U.S. with a company or companies authorized to do a marine insurance business in any State of the U.S.

(d) *Ineligible goods and services.* The following goods or services shall not be procured under this contract:

(1) Military equipment,

(2) Surveillance equipment,

(3) Commodities and services for support of police or other law enforcement activities,

(4) Abortion equipment and services,

(5) Luxury goods and gambling equipment, or

(6) Weather modification equipment.

If AID determines that the Contractor has procured any of these specific ineligible goods and services under this contract and has received payment therefor, the Contractor agrees to refund to AID the entire amount of the purchase.

(e) *Restricted goods.* The Contractor shall not procure any of the following goods or services without the prior written approval of the Contracting Officer:

(1) Agricultural commodities,

(2) Motor vehicles,

(3) Pharmaceuticals,

(4) Pesticides,

(5) Plasticizers,

(6) Used equipment,

(7) U.S. government-owned excess property, or

(8) Fertilizer.

If AID determines that the Contractor has procured any of these specified restricted goods under this contract without the prior written authorization of the Contracting Officer, and has received payment for such purposes, the Contractor agrees to refund to AID the entire amount of the purchase.

(f) *Printed or audio-visual teaching materials.* If the effective use of printed or audio-visual teaching materials depends upon their being in the local language and if such materials are intended for technical assistance projects or activities financed by AID in whole or in part and if other funds, including U.S.-owned or U.S.-controlled local currencies are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources, in order of preference:

(1) Code 000, United States,

(2) Code—, Cooperating Country,

(3) Code 941, Selected Free World,

(4) Code 899, Free World.

(g) *Ineligible suppliers.* Funds provided under this contract shall not be used to procure any commodity or commodity-related services furnished by any supplier whose name appears on the List of Ineligible Suppliers under AID Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for AID Financing" (22 CFR Part 208).

752.7005 Language, Weights, and Measures.

The following clause shall be used in all AID direct contracts.

Language, Weights, and Measures (Apr. 1984)

The English language shall be used in all written communications between the parties under this contract with respect to services to be rendered and with respect to all documents prepared by the Contractor except as otherwise provided in the contract or as authorized by the Contracting Officer. Wherever weights and measures are required or authorized, all quantities and measures shall be made, computed, and recorded in the metric system, unless specified otherwise in the schedule of the contract.

752.7006 Notices.

The following clause shall be used in all AID contracts.

Notices (Apr. 1984)

Any notice given by any of the parties hereunder shall be sufficient only if in writing and delivered in person or sent by telegraph, cable, or registered or regular mail as follows:

To AID: Administrator, Agency for International Development, Washington, D.C. 20523. Attention: Contracting Officer (the name of the cognizant Contracting Officer with a copy to the appropriate Mission Director).

To Contractor: At Contractor's address shown on the cover page of this contract, or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective when delivered in accordance with this clause or on the effective date of the notice, whichever is later.

752.7007 Personnel Compensation.

The following clause shall be used in all AID cost-reimbursement contracts.

Personnel Compensation (Apr. 1984)

(a) Direct compensation of the Contractor's personnel will be in accordance with the Contractor's established policies, procedures, and practices, and the cost principles applicable to this contract.

(b) Compensation (i.e., the employee's base annual salary plus overseas recruitment incentive, if any) which exceeds the maximum payable annual or daily rate for a Foreign Service Officer Class FS–1 as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended, will be reimbursed only with the approval of the Contracting Officer.

(c) Contractor employees serving overseas under this contract who do not qualify, request, and receive an exemption for overseas income provided under section 911 of the U.S. Internal Revenue Code (26 U.S.C. 911) are eligible to receive an overseas recruitment incentive, provided that the average incentive for all such employees does not exceed 10 percent of the initial base annual salary of all employees eligible for the incentive under this contract.

(1) The overseas recruitment incentive is payable under one of the following alternative methods:

(i) As a lump-sum amount after the eligible employee has completed his/her tour of duty in the Cooperating Country under this contract, and has furnished to the Contractor a certification that he/she does not qualify, and will not apply for an exemption from overseas income as provided by 26 U.S.C. 911. (Contractor shall retain such Certifications for post-audit); or

(ii) At the option of the Contractor, the overseas recruitment incentive may be paid in increments during an employee's tour of duty; provided however, that payments made by the Contractor to employees who become eligible for an exemption from overseas income as provided by 26 U.S.C. 911, which payments were reimbursed by AID under this contract, shall be refunded to AID; and provided further, that neither the Contractor's (nor the sub-contractor's) inability to collect refunds from ineligible employees shall be used as a basis to excuse subsequent refunds by the Contractor to AID.

(2) If the overseas recruitment incentive causes the employee's salary to exceed the

maximum payable annual or daily rate for a Foreign Service Officer Class FS–1, as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended, Contracting Officer approval must be obtained.

(c) The work week for the Contractor's overseas employees should take into consideration local practices and, in collaboration with the Mission Director, shall be established to coincide with the work week for those employees of the AID Mission and/or the Cooperating Country associated with the work of this contract.

752.7008 Use of Government Facilities or Personnel.

The following clause is for use in all AID contracts.

Use of Government Facilities or Personnel (Apr. 1984)

(a) The Contractor and any employee or consultant of the Contractor is prohibited from using U.S. Government facilities (such as office space or equipment) or U.S. Government clerical or technical personnel in the performance of the services specified in the contract, unless the use of Government facilities or personnel is specifically authorized in the contract, or is authorized in advance, in writing, by the Contracting Officer.

(b) If at any time it is determined that the Contractor, or any of its employees or consultants have used U.S. Government facilities or personnel without authorization either in the contract itself, or in advance, in writing, by the Contracting Officer, then the amount payable under the contract shall be reduced by an amount equal to the value of the U.S. Government facilities or personnel used by the Contractor, as determined by the Contracting Officer.

(c) If the parties fail to agree on an adjustment made pursuant to this clause, it shall be considered a dispute, and shall be dealt with under the terms of the clause of this contract entitled "Disputes".

752.7009 Marking.

The following clause is for use in all AID contracts performed in whole or in part overseas.

Marking (Apr. 1984)

(a) It is AID policy that AID-financed commodities and shipping containers, and project construction sites and other project locations be suitably marked with the AID red, white, and blue handclasp emblem. Shipping containers are also to be marked with the last five digits of the AID financing document number. As a general rule, marking is not required for raw materials shipped in bulk (such as coal, grain, etc.), or for semifinished products which are not packaged.

(b) Specific guidance on marking requirements should be obtained prior to procurement of commodities to be shipped, and as early as possible for project construction sites and other project locations. This guidance will be provided through the cognizant technical office indicated on the cover page of this contract, or by the Mission Director in the Cooperating Country to which commodities are being shipped, or in which the project site is located.

(c) Authority to waive marking requirements is vested with the Regional Assistant Administrators, and with Mission Directors.

(d) A copy of any specific marking instructions or waivers from marking requirements is to be sent to the Contracting Officer; the original should be retained by the Contractor.

752.7010 Conversion of U.S. Dollars to Local Currency.

For use in all AID contracts involving performance overseas.

Conversion of U.S. Dollars to Local Currency (Apr. 1984)

Upon arrival in the Cooperation Country, and from time to time as appropriate, the Contractor's Chief of Party shall consult with the Mission Director who shall provide, in writing, the procedure the Contractor and its employees shall follow in the conversion of United States dollars to local currency. This may include, but is not limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer or Mission Controller, as appropriate.

752.7011 Orientation and Language Training.

For use in all AID cost-reimbursement contracts involving performance overseas.

Orientation and Language Training (Apr. 1984)

(a) Regular employees shall receive a maximum of 2 weeks AID sponsored orientation before travel overseas. The dates of orientation shall be selected by the Contractor from the orientation schedule provided by AID.

(b) Participation in AID sponsored orientation in no way relieves the Contractor of its responsibility for assuring that all employees, regular and short-term, are properly oriented. As an addition to or substitution for AID's sponsored orientation for regular employees, the following types of orientation may be authorized taking into consideration specific job requirements, the employee's prior overseas experience, or unusual circumstances.

(1) Modified orientation.

(2) Language training, particularly when significant for operating capabilities.

(3) Orientation and language training for regular employee's dependents.

(4) Contractor-sponsored orientation.

(5) Orientation in all matters related to the administrative, logistical, and technical aspects of the employee's movement to, and tour of duty in, the Cooperating Country.

(c) Authorization for an additional or alternate orientation program, if any, shall be either set forth in the schedule or provided in writing by the Contracting Officer.

(d) Travel expenses not to exceed one round trip from regular employee's residence to place of orientation and return will be reimbursed, pursuant to the cost principles applicable to this contract. Allowable salary costs during the period of orientation are also reimbursable.

752.7012 Protection of the Individual as a Research Subject.

This clause is for use in any AID contract which involves research using human subjects.

Protection of the Individual as a Research Subject (Apr. 1984)

The contractor is required to comply with the procedures in Title 45, Subtitle A, Part 46 of the Code of Federal Regulations.

752.7013 Contractor-Mission Relationships.

(a) *Alternate 70.* For use in all AID contracts involving performance overseas, *except* contracts with an educational institution.

Contractor-Mission Relationships (Apr. 1984)

(a) The Contractor acknowledges that this contract is an important part of the United States Foreign Assistance Program and agrees that its operations and those of its employees in the Cooperating Country will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) The Mission Director is the chief representative of AID in the Cooperating Country. In this capacity, he/she is responsible for the total AID program in the cooperating country including certain adminstrative responsibilities set forth in this contract and for advising AID regarding the performance of the work under the contract and its effect on the United States Foreign Assistance Program. Although the Contractor will be responsible for all professional, technical, and administrative details of the work called for by the contract, it shall be under the guidance of the Mission Director in matters relating to foreign policy. The Chief of Party shall keep the Mission Director currently informed of the progress of the work under the contract.

(c) In the event the conduct of any Contractor employee is not in accordance with the preceding paragraphs, the contractor's Chief of Party shall consult with the Mission Director and the employee involved and shall recommend to the Contractor a course of action with regard to such employee.

(d) The parties recognize the right of the U.S. Ambassador to direct the removal from a country of any U.S. citizen or the discharge from this contract of any third country national or cooperating country national when, in the discretion of the Ambassador, the interests of the United States so require.

(e) If it is determined that the services of such employee shall be terminated, the Contractor shall use its best efforts to cause the return of such employee to the United States, or point of origin, as appropriate.

(b) *Alternate 71.* For cost reimbursement contracts with an educational institution which involve performance overseas, use the clause in

Alternate 70, with the following additional paragraph added.

(f) It is understood by the parties that the Contractor's responsibilities shall not be restrictive of academic freedom. Notwithstanding these academic freedoms, the Contractor's employees, while in the Cooperating Country, are expected to show respect for its conventions, customs, and institutions, to abide by applicable laws and regulations, and not to interfere in its internal political affairs.

752.7014 Notice of Changes in Travel Regulations.

The following clause is for use in cost-reimbursement contracts involving work overseas.

Notice of Changes in Travel Regulations (Apr. 1984)

Changes in travel, differential, and allowance regulations shall be effective on either the beginning of the contractor's next pay period following receipt of the notice or the effective date of such notice, whichever is later. Notice of changes shall be sent by the Contracting Officer or Mission Director pursuant to the clause of this contract entitled "Notices".

752.7015 Use of Pouch Facilities.

For use in all AID Contracts involving performance overseas.

Use of Pouch Facilities (Apr. 1984)

(a) Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for AID contractors and their employees as a general policy, as detailed in paragraphs (a)(1) through (a)(7) of this clause; however, the final decision regarding use of pouch facilities rests with the Embassy or AID Mission. In consideration of the use of pouch facilities as hereinafter stated, the Contractor and its employees agree to indemnify and hold harmless the Department of State and AID against loss or damage occurring in pouch transmission.

(1) Contractors and their employees are authorized use of the pouch for transmission and receipt of up to a maximum of 2 pounds per shipment of correspondence and documents needed in the administration of foreign assistance programs.

(2) U.S. citizen employees are authorized use of the pouch for personal mail up to a maximum of one pound per shipment (but see paragraph (a)(3) of this clause).

(3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this clause, and are not authorized to be sent or received by pouch.

(4) Official mail pursuant to paragraph (a)(1) of this section sent by pouch should be addressed as follows: Name of individual or organization (followed by letter symbol "C"), Name of post (USAID/————), Agency for International Development, Washington, D.C. 20523.

(5) Personal mail pursuant to paragraph (a)(2) of this clause should be sent to the address specified in paragraph (a)(4) of this clause, but without the name of the organization.

(6) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission.

(7) AID contractor personnel are not authorized use of military postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. Posts having access to APO/FPO facilities and using such for diplomatic pouch dispatch, may, however, accept official mail from Contractors and letter mail from their employees for the pouch, provided of course, adequate postage is affixed.

(b) The Contractor shall be responsible for advising its employees of this authorization and these guidelines and limitations on use of pouch facilities.

(c) Specific additional guidance on use of pouch facilities in accordance with this clause is available from the Post Communication Center at the Embassy or AID Mission.

752.7016 Family Planning and Population Assistance Activities.

The following clause is applicable to all contracts involving any aspect of family planning or population activities.

Family Planning and Population Assistance Activities (Apr. 1984)

(a) *Voluntary Participation.* (1) The Contractor agrees to take any steps necessary to ensure that funds made available under this contract will not be used to coerce any individual to practice methods of family planning inconsistent with such individual's moral, philosophical, or religious beliefs. Further, the Contractor agrees to conduct its activities in a manner which safeguards the rights, health and welfare of all individuals who take part in the program.

(2) The Contractor shall insert the substance of this clause in any subgrants, subcontracts, purchase orders, and other subordinate agreements hereunder whenever appropriate to the goods or services to be provided under such agreements.

(b) *Prohibition on Abortion-related Activities.* (1) No funds made available under this Contract shall be used to finance, support, or be attributed to the following activities: (i) procurement or distribution of equipment intended to be used for the purposes of inducing abortions as a method of family planning; (ii) special fees or incentives to women to coerce or motivate them to have abortions; (iii) payments to persons to perform abortions or to solicit persons to undergo abortions; (iv) information, education, training, or communication programs that seek to promote abortion as a method of family planning; (v) any biomedical research which relates, in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning (epidemiologic or descriptive research to assess the incidence, extent or consequences of abortion is not precluded); or (vi) lobbying for abortion.

(2) The Contractor shall insert the substance of this clause in any subgrants, subcontracts, purchase orders, and other subordinate agreements hereunder whenever appropriate to the goods or services to be provided under such agreements.

(c) *Voluntary Participation Requirements for Sterilization Programs.* (1) None of the funds made available under this contract shall be used to pay for the performance of involuntary sterilizations or to coerce or provide any financial incentive to any person to practice sterilizations.

(2) The Contractor shall insure that any surgical sterilization procedures supported in whole or in part by funds from the contract are performed only after the individual has voluntarily come to the treatment facility and has given an informed consent to the sterilization procedure. Informed consent means the voluntary knowing assent from the individual given after being advised of the surgical procedures to be followed, the attendant discomforts and risks, the benefits to be expected, the availability of alternative methods of family planning, the purpose of the operation and its irreversibility, and the fact that the consent can be withdrawn at any time prior to the operation. An individual's consent is considered voluntary if it is based upon the exercise of free choice and is not obtained by any special inducement or any element of force, fraud, deceit, duress or other forms of coercion or misrepresentation.

(3) Further, the Contractor shall document the patient's informed consent by: (i) A written consent document in a language the patient understands and speaks, which explains the basic elements of informed consent, as set out above, and which is signed by the individual and by the attending physician or by the authorized assistant of the attending physician; or (ii) when a patient is unable to read adequately a written certification signed by the attending physician or by the authorized assistant of the attending physician that the basic elements of informed consent above were orally presented to the patient, and that the patient thereafter consented to the performance of the operation. The receipt of the oral explanation shall be acknowledged by the patient's mark on the certification and by the signature or mark of the witness who shall be of the same sex and speak the same language as the patient.

(4) Copies of the informed consent forms and certification documents for each voluntary sterilization (VS) procedure must be retained by the performing Contractor or subcontractor for a period of three years after the performance of the sterilization procedure.

(5) The Contractor shall insert the substance of this clause in any subgrants, subcontracts, purchase orders, and other subordinate agreements hereunder whenever appropriate to the goods and services to be provided under such agreements.

752.7017 Local Cost Financing With U.S. Dollars.

For use in any AID contract involving performance overseas, under which

local cost financing has been authorized in accordance with Chapter 18 of AID Handbook 1, Supplement B.

Local Cost Financing With U.S. Dollars (Apr. 1984)

Local cost financing is the use of U.S. dollars to obtain local currency for the procurement of goods and services in the Cooperating Country in furtherance of the purpose of the contract. Local cost financing must be specifically authorized in the schedule of the contract. The amount of U.S. dollars which may be used must be specified in the authorization, together with any special restrictions on their use. Procurement of goods and services under local cost financing is subject to the restrictions governing Ineligible goods and services, and Restricted goods in 48 CFR 752.7004(d) and 752.7004(e). Unless otherwise specifically authorized, the policies in chapter 18 of AID Handbook 1, Supplement B are applicable to all local cost financing.

752.7018 Health and Accident Coverage for AID Participant Trainees.

For use in any AID contract under which AID participants are trained.

Health and Accident Coverage for AID Participant Trainees (Apr. 1984)

(a) The Contractor shall enroll all non-U.S. participants (hereinafter referred to as "participants"), whose training in the U.S. is financed by AID under this contract, in AID's Health and Accident Coverage (HAC) program.

(b) The Contractor shall, prior to the initiation of travel by each participant financed by AID under this contract, fill out and mail to AID the Participant Data Form (form AID 1381-4). The contractor can obtain a supply of these cards and instructions for completing them, from the Office of International Training, AID Washington, D.C. 20523.

(c) The Contractor shall assure that enrollment shall begin immediately upon the participant's departure for the United States for the purpose of participating in a training program financed by AID and that enrollment shall continue in full force and effect until the participant returns to his/her country of origin, or is released from AID's responsibility, whichever is the sooner. The Contractor shall continue enrollment for participants whose departure is delayed due to medical or other compelling reasons, with the written concurrence of the AID Project Manager and subject to the requirements of paragraph (d).

(d) The Contractor shall submit the Participant Data Form to AID, as specified in paragraph (b) of this section, to enable the participant(s), or the provider of medical services, to submit bills for medical costs resulting from illness and accident to the HAC Administrator (the name and address of the HAC Administrator may be obtained from either M/FM/PAD (see paragraph (d)(1) of this clause), or from the Office of International Training (see paragraph (b) of this clause).

The HAC Administrator, not the Contractor, shall be responsible for paying all reasonable and necessary charges, not otherwise covered by student health service or other insurance programs (see paragraphs (e) and (f)), subject to the availability of funds for such purposes, in accordance with the standards of coverage established by AID under the HAC program, and subject to the payment of the fee specified in paragraph (d)(1), of this clause.

(1) Within thirty (30) days after enrollment, the Contractor shall send to: Agency for International Development, Office of Financial Management, Program Accounting Division, Non-Project Assistance, Washington, D.C. 20523, an enrollment fee computed on the basis of the fixed rate per participant per month (information regarding the current rate is available from the AID Office of International Training, or the HAC Administrator). The minimum period for calculation of fee is one month—that is, one participant month, 30 days, not one calendar month. Premiums may not be prorated for fractional periods of less than 30 days. The enrollment fee should cover a minimum period of up to one year or the current training period for which funds are obligated under this contract, whichever is less. As applicable, payments for additional periods of enrollment shall be made 30 days prior to the beginning of each new enrollment period or new period of funding of this contract. All such fee payments shall be made by check, payable to the "Agency for International Development (HAC)." If payments are not made within 30 days, a late payment charge shall apply at a percentage rate based on the current value of funds to the Treasury for each 30 day period; the full charge shall also be applicable to periods of less than 30 days. The percentage rate will be calculated by the Treasury as an average of the current value of funds to the Treasury for a recent three month period and will be transmitted to AID in TFRM Bulletins.The late payment charge shall be applied to any portion of the fees in arrears and be remitted together with the fees as a separately identified item on the covering memorandum.

(2) Whenever possible, fee payments for groups of several participants entering the HAC Program within the thirty-day reporting period shall be consolidated and covered by a single check. Participants covered by the fee payment shall be listed individually in a covering letter, identifying each participant (the name reported must be identical to that on the HAC enrollment card), showing period of enrollment (or period of coverage for which payment is remitted if this is different from the enrollment period), fee amount paid, contract number, and U.S. Government appropriation number (as shown under the "Accounting and Appropriation Data" block of the cover page of the contract).

(e) The Contractor, to the extent that it is an educational institution with a student health service program, shall also enroll all participants in their institution's student health service program. Medical costs which are covered under the institution's student health service shall not be eligible for payment under AID's HAC program. The Contractor shall provide the HAC Administrator with a copy of information showing what medical costs are covered by the institution's student health service program; medical costs that are not covered by the institution's student health service program shall be submitted to the HAC Administrator.

(f) If the Contractor has a mandatory, non-waivable health and accident insurance program for students, the costs of such insurance will be allowable under this contract. Any claims eligible under such insurance will not be payable under AID's HAC plan or under this contract. Even though the participant is covered by the Contractor's mandatory, non-waivable health and accident insurance program, the participant MUST be enrolled in AID's more comprehensive HAC program and HAC payments MUST be made to AID as provided above. In addition, a copy of the mandatory insurance policy must be forwarded to the HAC Administrator.

(g) Any payments for medical costs not covered by the Contractor's student health service program, or mandatory, non-waivable health and accident insurance program, or AID's HAC program shall be reimbursable under this contract only with specific written approval of the Contracting Office and subject to the availability of funds.

752.7019 Participant Training.

(a) *Alternate 70.* For use in any AID contract involving participant training except for cost reimbursement contracts with an educational institution.

Participant Training (Apr. 1984)

(a) *Definitions.*

(1) Participant training is the training of any foreign national outside of his or her home country, using AID funds.

(2) A Participant is any foreign national being trained under this contract outside of his or her home country.

(b) *Applicable regulations.* Participant training is to be conducted according to the policies established in AID Handbook 10-Participant Training, except to the extent that specific exceptions to AID Handbook 10 have been provided in this contract. (Handbook 10 may be obtained by submitting a request to the Office of International Training, at the address specified in paragraph (c) of this section.)

(c) *Reporting requirement.* Once each month the Contractor shall submit three copies of form AID 1381-4, "Participant Data Form" to the Office of International Training, AID, Washington, D.C. 20523.

(b) *Alternate 71.* For use in cost reimbursement contracts with an educational institution.

Participant Training (Apr. 1984)

(a) To the extent foreign country national training is authorized in the schedule of this contract, the contractor shall be reimbursed for the following reasonable and allocable costs incurred in providing training and observation to participants in the United States or other approved location:

(1) Customary tuition and fees of the institution in which the training takes place, as published in catalogs and announcements.

(2) Typing of papers and allowances for required textbooks, the titles of which will be approved by the Contractor.

(3) Travel within the United States or other countries (other than the country of the participant), as approved by the Contractor, including the cost of travel from port of entry into the United States to Contractor's campus and from the Contractor's campus to port of embarkation from the United States.

(4) Subsistence while in the United States or in third countries not to exceed maximum AID rates established in the applicable AID Handbook, furnished to the Contractor, as from time to time amended.

(5) Other direct costs authorized in the operational plan or otherwise determined by the Contracting Officer to be allowable in accordance with the general provisions clause of this contract entitled "Allowable Cost and Payment".

(b)(1) Health and accident coverage for foreign country nationals is governed by the clause of this contract entitled "Health and Accident Coverage for AID Participant Trainees."

(2) The Contractor shall prepare and submit to the Office of International Training three copies of Form AID 1381–4, "Participant Data Form" on the last day of each month.

(c) For participants assigned to the Contractor for whom specifically designed courses not otherwise covered in paragraph (a)(1) of this clause are authorized, the Contractor shall be paid the following in lieu of the costs authorized in paragraph (a)(1) of this clause.

(1) For not exceeding 20 instructional days (days on which such courses are scheduled to meet and are actually conducted):

(i) One participant: $150 for the first day, and $50 per day for each additional day, up to 19 days.

(ii) Groups up to and including 10 participants: for the first day, $150 for the first participant, and $50 for each additional participant. For each additional day, up to 19 days, $50 for each participant.

(2) For more than 20 instructional days, or more than 10 participants: The Contractor shall submit a proposal including supporting costs and pricing data to the Contracting Officer for approval.

(d) The Contractor shall prepare and submit to the Office of International Training a nonobligating Project Implementation Order/Participant, AID Form 1380–1, on all participants training under this contract, either in the United States or third country.

(e) Mandatory use of form IAP 66A, "Certificate for Exchange Visitor (J–1) Status." The Contractor shall insure that any foreign students brought to the United States for training under this contract use from IAP 66A to obtain a visa.

752.7020 Organizational Conflicts of Interest.

For use in all AID contracts.

Organizational Conflicts of Interest (Apr. 1984)

(a) The Contractor warrants that, to the best of its knowledge and belief, and except as otherwise set forth in this contract, it does not have any organizational conflicts of interest.

(1) The term "organizational conflict of interest" means that a relationship exists whereby an offeror or a contractor (including chief executives, directors, proposed consultants or subcontractors) has interests which (i) may diminish its capacity to give impartial, technically sound, objective assistance and advice or may otherwise result in a biased work product or, (ii) may result in an unfair competitive advantage. It does not include the "normal flow of benefits" from the performance of a contract.

(2) The term "Contractor" means any person, firm, unincorporated association, joint venture, partnership, corporation or affiliate thereof, which is a party to a contract with the United States of America. As used in this definition, the term "affiliate" has the same meaning as provided in FAR 9.403.

(b) The Contractor agrees that, if after award it discovers an organizational conflict of interest with respect to this contract, it shall make an immediate and full disclosure in writing to the Contracting Officer which shall include a description of the action which the Contractor has taken or proposes to take to avoid, eliminate or neutralize the conflict. The Government may, however, terminate the contract for the convenience of the Government if it would be in the best interests of the Government.

(c) The Contractor agrees further that if the award follows a formally advertised solicitation and a conflict of interest was identified prior to award, it will adequately avoid, eliminate or neutralize the conflict in a manner satisfactory to the Contracting Officer.

(d) In the event that the Contractor was aware of an organizational conflict of interest prior to the award of this contract and intentionally did not disclose the conflict to the Contracting Officer, the Government may terminate the contract at no cost to the Government.

752.7021 Changes in Tuition and Fees.

For use in contracts for participant training with an educational institution.

Changes in Tuition and Fees (Apr. 1984)

While educational programs for participants will be established utilizing the Contractor's currently applicable tuition and fee schedule, the parties understand that such standard tuition and fees may be subject to change during the course of the program. If such event results in an increase in the cost of the program, AID agrees to pay such increased standard tuition and fees in the next applicable academic term as a condition for the continuation of the program. If such change results in a decrease in the cost of the program, the Contractor agrees to charge to AID only the amount of such revised standard tuition and fees in the next applicable academic term. The Contractor shall undertake to keep AID currently advised as to changes in its standard tuition and fees. At such time as increases in the amounts of tuition and fees results in there being inadequate funds remaining in this contract to meet the costs of the next academic term, the Contractor will so advise AID. AID may then provide such additional funds as required to complete the program.

752.7022 Conflicts Between Contract and Catalog.

For use in contracts for participant training with an educational institution.

Conflicts Between Contract and Catalog (Apr. 1984)

In the event of any inconsistency between the provisions of this contract and any catalog, or other document incorporated in this contract by reference or otherwise or any of the Contractor's rules and regulations, the provisions of this contract shall govern.

752.7023 Required Visa Form for AID Participants.

For use in any AID direct contract which involves training of AID participants.

Required Visa Form for AID Participants (Apr. 1984)

The Contractor shall insure that any foreign student brought to the United States for training under this contract uses visa form IAP 66A "Certificate for Exchange Visitor (J–1) Status".

752.7024 Withdrawal of Students.

For use in contracts for participant training with an educational institution.

Withdrawal of Students (Apr. 1984)

(a) The Government may, at its option and at any time, withdraw any student.

(b) The Contractor may request withdrawal by the Government of any student for academic or disciplinary reasons.

(c) If such withdrawal occurs prior to the end of a term, the Government shall pay any tuition and fees due for the current term in which the student may be enrolled, and the Contractor shall credit the Government with any charges eligible for refund under the Contractor's standard procedures for civilian students in effect on the effective date of such withdrawal.

(d) Withdrawal of students by the Government shall not be the basis for any special charge or claim by the Contractor other than as provided by the Contractor's standard procedures.

752.7025 Approvals.

For use in all AID contracts.

Approvals (Apr. 1984)

All approvals required to be given under the contract by the Contracting Officer or the Mission Director shall be in writing and, except when extraordinary circumstances make it impracticable, shall be requested by the Contractor sufficiently in advance of the contemplated action to permit approval, disapproval or other disposition prior to that action. If, because of existing conditions, it is impossible to obtain prior written approval, the approving official may, at his discretion, ratify the action after the fact.

752.7026 Reports.

(a) *Alternate 70.* For use in all AID direct contracts *except* fixed-price contracts for technical services.

Reports (Apr. 1984)

(a) Unless otherwise provided in the schedule of this contract, the Contractor shall prepare and submit to the Contracting Officer three copies, and the Mission four copies, of a semi-annual report, within 45 days following the end of the period being covered, which shall include the following:

(1) A substantive report covering the status of the work under the contract, indicating progress made with respect thereto, setting forth plans for the ensuing period, including recommendations covering the current needs in the fields of activity covered under the terms of this contract.

(2) An administrative report covering expenditures, foreign country national trainees, and personnel employed under the contract.

(b) Contractor shall prepare and submit to the Contracting Officer such other reports as may be specified in the schedule.

(c) Unless otherwise provided in the schedule of this contract, at the conclusion of the work hereunder, the Contractor shall prepare and submit to the Contracting Officer three copies, and to the Mission four copies, of a final report which summarizes the accomplishments of the assignment, methods of work used and recommendations regarding unfinished work and/or program continuation. The final report shall be submitted within 60 days after completion of the work hereunder unless required date of submission is extended by the Contracting Officer.

(d) Contractor shall submit three copies of each report required by paragraphs (a)(1), (b), and (c) of this clause or any other report of a technical nature required by the schedule to the Development Information Utilization Service, Bureau for Program and Policy Coordination (PPC/DIU), Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to PPC/DIU pursuant to this paragraph (d) shall include the contract number, project number and project title as set forth in the schedule of this contract.

(b) *Alternate 71.* For use in fixed-price contracts for technical services, use the clause in *Alternate 70,* less paragraph (a)(2).

752.7027 Personnel.

(a) *Alternate 70.* For use in AID fixed-price contracts involving performance overseas.

Personnel (Apr. 1984)

(a) *Cooperating country clearance.* The Contractor shall not send any individual outside the United States to perform work under the contract without first obtaining written notification from the Contracting Officer of country clearance for the employee.

(b) *Individuals engaged or assigned when outside the United States.* No individual shall be engaged or assigned when outside the United States to perform work outside the United States unless authorized in the Schedule or otherwise approved by the Contracting Officer or Mission Director.

(c) *Physical fitness of employees.* Contractor shall exercise reasonable precautions in assigning employees for work under this contract in the Cooperating Country to assure that such employees are physically fit for work and residence in the Cooperating Country. In carrying out this responsibility Contractor shall require all such employees (other than those hired in the Cooperating Country) to be examined by a licensed doctor of medicine. Contractor shall require the doctor to certify that, in the doctor's opinion, the employee is physically qualified to engage in the type of activity for which he/she is employed and the employee is physically qualified to reside in the country to which he is assigned for duty. The employee's medical certification shall be retained by the Contractor and made available to AID if so required.

(d) *Conformity to laws and regulations of Cooperating Country.* Contractor agrees to use its best efforts to assure that its personnel, while in the Cooperating Country, will abide by all applicable laws and regulations of the Cooperating Country and political subdivisions thereof.

(e) *Sale of personal property or automobiles.* To the extent permitted by Cooperating Country laws, the importation and sale of personal property or automobiles by Contractor employees and their dependents in the Cooperating Country shall be subject to the same limitations and prohibitions which apply to U.S. nationals employed by the Mission. This provision does not apply to employees or consultants who are citizens or legal residents of the Cooperating Country.

(f) *Conflict of Interest.* Other than work to be performed under this contract for which an employee or consultant is assigned by the Contractor, no such employee or consultant of the Contractor, shall engage, directly or indirectly, either in his/her own name or in the name or through the agency of another person, in any business, profession or occupation in the Cooperating Country or other foreign countries to which he/she is assigned, nor shall he make loans or investments to or in any business, profession or occupation in the Cooperating Country or other foreign countries in which he/she is assigned. This provision does not apply to employees or consultants who are citizens or legal residents of the Cooperating Country.

(g) *Right to recall.* On the written request of the Contracting Officer or of a cognizant Mission Director, the Contractor will terminate the assignment of any individual to any work under the contract and, as requested, will use its best efforts to cause the return to the United States of the individual from overseas or his/her departure from a foreign country or a particular foreign locale. Termination of each employee and placement of a substitute employee shall be at no cost to AID.

(b) *Alternate 71.* For use in AID cost reimbursement contracts involving performance overseas.

Personnel (Apr. 1984)

(a) *Clearance.*

(1) *Individuals Engaged or Assigned Within the United States.*

The Contractor will obtain written notification from the Contracting Officer of Cooperating Country clearance of any employee sent outside the United States to perform duties under this contract.

(2) *Individuals Engaged or Assigned When Outside the United States.* No individual shall be engaged or assigned when outside the United States to perform work outside the United States under this contract unless authorized in the schedule or otherwise approved by the Contracting Officer or Mission Director. However, when services are performed in the Cooperating Country on a casual or irregular basis or in an emergency, exception to this provision can be made in accordance with instructions or regulations established by the Mission Director.

(b) *Duration of Appointments.*

(1) Regular employees will normally be appointed for a minimum of 2 years which period includes orientation (less language training) in the United States and authorized international travel under the contract except:

(i) An appointment may be made for less than 2 years if the contract has less than 2 years but more than 1 year to run; provided, that if the contract is extended the appointee shall also be extended to the full 2 years. This provision shall be reflected in the employment agreement prior to employment under this contract.

(ii) When a 2-year appointment is not required, appointment may be made for less than 2 years but in no event less than 1 year.

(iii) When the normal tour of duty established for AID personnel at a particular post is less than 2 years, then a normal appointment under this contract may be of the same duration; or

(iv) When the Contractor is unable to make appointments of regular employees for a full 2 years, the Contractor may make appointments of less than 2 but not less than 1 year, provided that such appointment is approved by the Contracting Officer.

(2) Services required for less than 1 year will be considered short-term appointments and the employee will be considered a short-term employee.

(c) *Employment of Dependents.* If any person who is employed for services in the Cooperating Country under this contract is either (1) a dependent of an employee of the Government working in the Cooperating Country, or (2) a dependent of a Contractor employee working under a contract with the Government in the Cooperating Country, such person shall continue to hold the status of a dependent and be entitled and subject to the contract provisions which apply to dependents except as they apply to employees. He or she shall be entitled to salary for the time services are actually performed in the cooperating country, and differential and allowances as established by the Standardized Regulations (Government Civilians, Foreign Areas).

(d) *Physical Fitness of Employees and Dependents.*

(1) *Predeparture.* For all employees (other than those hired in the Cooperating Country) and their authorized dependents, it shall be

certified by a licensed doctor of medicine that in his/her opinion the employee is physically qualified to engage in the type of activity for which he/she is to be employed and that he/she and his/her dependents are physically able to reside in the country to which he/she is assigned. If the Contractor has no such medical certificate on file prior to the departure for the cooperating country of any employee or authorized dependent and such employee is unable to perform the type of activity for which he is employed and complete his tour of duty because of any physical disability (other than physical disability arising from an accident while employed under this contract) or such authorized dependent is unable to reside in the cooperating country for at least 9 months or one-half of the period, whichever is greater, of the related employee's initial tour of duty because of any physical disability (other than physical disability arising from an accident while a dependent under this contract), the contractor shall not be reimbursed for the return transportation of the physically disabled employee or dependent required to return because of such disability.

(2) *End of tour.* The contractor is authorized to provide its regular employees and dependents with physical examinations within 60 days after completion of their regular tours of duty.

(3) The Contractor is encouraged to establish its own policy of pre- and post-tour medical examinations. As a contribution, AID shall reimburse the Contractor for physical examinations authorized in paragraphs (d) (1) and (2) of this clause as follows:

(i) For the employee and dependents 12 years of age and over: Not to exceed $100 for the physical examination plus reimbursement of charges for immunizations.

(ii) For dependents under 12 years of age: Not to exceed $40 for each child plus reimbursement of charges for immunizations.

(e) *Importation, purchase, or sale of personal property or automobiles.* To the extent permitted by the Cooperating Country laws and regulations, the importation, purchase, and sale of personal property or automobiles by Contractor employees and their dependents in the Cooperating Country shall be subject to the same limitations and prohibitions which apply to Mission employees and their dependents.

(f) *Economic and financial activities.* Other than work to be performed under this contract for which an employee is assigned by the contractor, no regular or short-term employee of the Contractor shall engage, directly or indirectly, either in his/or her own name or in the name or through the agency of another person, in any business, profession, or occupation in the Cooperating Country or other foreign countries to which he/she is assigned, nor shall he make loans or investments to or in any business, profession, or occupation in the Cooperating Country or other foreign countries to which he/she is assigned.

752.7028 Differential and Allowances.

The following clause is for use in all AID cost reimbursement contracts performed in whole or in part overseas.

Differentials and Allowances (Apr. 1984)

(This clause does not apply to TCN or CCN employees. TCN and CCN employees are not eligible for differentials and allowances, unless specifically authorized by the cognizant Assistant Administrator or Mission Director. A copy of any such authorization shall be provided to the Contracting Officer.)

(a) *Post differential.* Post differential is an additional compensation for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. In areas where post differential is paid to AID direct-hire employees, post differential not to exceed the percentage of salary as is provided such AID employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 500 (except the limitation contained in Section 552, "Ceiling on Payment") Tables-Chapter 900, as from time to time amended, will be reimbursable hereunder for employees in respect to amounts earned during the time such employees actually spend overseas on work under this contract. When such post differential is provided to Contractor employees, it shall be payable beginning on the date of arrival at the post of assignment and continue, including periods away from post on official business, until the close of business on the day of departure from post of assignment en route to the United States. Sick or vacation leave taken at or away from the post of assignment will not interrupt the continuity of the assignment or require a discontinuance of such post differential payments, provided such leave is not taken within the United States or the territories of the United States. Post differential will not be payable while the employee is away from his/her post of assignment for purposes of home leave. Short-term employees shall be entitled to post differential beginning with the forty-third (43rd) day at post.

(b) *Living quarters allowance.* Living quarters allownce is an allowance granted to reimburse an employee for substantially all of his/her cost for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to him/her at his/her post without charge. Such costs are those incurred for temporary lodging (temporary lodging allowance) or one unit of residence quarters (living quarters allowance) and include rent, plus any costs not included therein for heat, light, fuel, gas, electricity and water. The temporary lodging allowance and the living quarters allowance are never both payable to an employee for the same period of time. The Contractor will be reimbursed for payments made to employees for a living quarters allowance for rent and utilities if such facilities are not supplied. Such allowance shall not exceed the amount paid AID employees of equivalent rank in the Cooperating Country, in accordance with either the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 130, as from time to time amended, or other rates approved by the Mission Director. Subject to the written approval of the Mission Director, short-term employees may be paid per diem (in lieu of living quarters allownce) at rates prescribed by the Federal Travel Regulations, as from time to time amended, during the time such short-term employees spend at posts of duty in the Cooperating Country under this contract. In authorizing such per diem rates, the Mission Director shall consider the particular circumstances involved with respect to each such short-term employee including the extent to which meals and/or lodging may be made available without charge or at nominal cost by an agency of the United States Government or of the Cooperating Government, and similar factors.

(c) *Temporary lodging allowance.* Temporary lodging allowance is a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his family for a period not in excess of (i) three months after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier, and (ii) one (1) month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters. The Contractor will be reimbursed for payments made to employees and authorized dependents for temporary lodging allowance, in lieu of living quarters allowance, not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 120, as from time to time amended.

(d) *Post allowance.* Post allowance is a cost-of-living allowance granted to an employee officially stationed at a post where the cost of living, exclusive of quarters cost, is substantially higher than in Washington, D.C. The Contractor will be reimbursed for payments made to employees for post allowance not to exceed those paid AID employees in the Cooperating Country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 220, as from time to time amended.

(e) *Supplemental post allowance.* Supplemental post allownce is a form of post allowance granted to an employee at his/her post when it is determined that assistance is necessary to defray extraordinary subsistence costs. The Contractor will be reimbursed for payments made to employees for supplemental post allowance not to exceed the amount set forth in the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 230, as from time to time amended.

(f) Educational allowance. Educational allowance is an allowance to assist an employee in meeting the extraordinary and necessary expenses, not otherwise compensated for, incurred by reason of his/her service in a foreign area in providing adequate elementary and secondary education for his/her children. The Contractor will be reimbursed for payments made to regular employees for educational allowances for their dependent children in amounts not to exceed those set forth in the Standardized (Regulations Government

Civilians, Foreign Areas), Chapter 270, as from time to time amended.

(g) *Educational travel.* Educational travel is travel to and from a school in the United States for secondary education (in lieu of an educational allowance) and for college education. The Contractor will be reimbursed for payments made to regular employees for educational travel for their dependent children provided such payment does not exceed that which would be payable in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 260, as from time to time amended. Educational travel shall not be authorized for regular employees whose assignment is less than two years.

(h) *Separate maintenance allowance.* Separate maintenance allowance is an allowance to assist an employee who is compelled, by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his/her post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expense of maintaining his/her dependents elsewhere than at such post. The Contractor will be reimbursed for payments made to regular employees for a separate maintenance allowance not to exceed that made to Aid employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 260, as from time to time amended.

(i) *Payments during evacuation.* The Standardized Regulations (Government Civilians, Foreign Areas) provide the authority for efficient, orderly, and equitable procedure for the payment of compensation, post differential and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military or other reasons or because of imminent danger to their lives. If evacuation has been authorized by the Mission Director the Contractor will be reimbursed for payments made to employees and authorized dependents evacuated from their post of assignment in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 600, and the Federal Travel Regulations, as from time to time amended.

752.7029 Post Privileges.

For use in all AID contracts involving performance overseas.

Post Privileges (Apr. 1984)

(a) Health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees are generally available only for U.S. citizen contractor or subcontractor employees and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available; immunizations and preventive health measures; diagnostic examinations and advice; emergency treatment; and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries, and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and Cooperating Governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, AID Mission, U.S. Information Service, and the Military. Normally, the agreements do not permit these facilities to be made available to nonofficial Americans.

752.7030 Inspection Trips by Contractor's Officers and Executives.

For use in cost reimbursement contracts with an educational institution involving performance overseas.

Inspection Trips by Contractor's Officers and Executives (Apr. 1984)

Provided it is approved by the Mission Director, the Contractor may send the Campus Coordinator, a professional member of its staff as an alternate to the Campus Coordinator, or such of its senior officials (e.g., president, vice presidents, deans, or department heads) to the Cooperating Country as may be required to review the progress of the work under this contract. Except for the Campus Coordinator or his/her alternate, no direct salary charges will be paid hereunder with respect to any such officials.

752.7031 Leave and Holidays.

(a) *Alternate 70.* For use in AID cost reimbursement contracts performed in the U.S., except for contracts with an educational institution.

Leave and Holidays (Apr. 1984)

(a) Contractor employees shall be entitled to such leave and holidays while serving in the United States as are provided in accordance with the Contractor's established policy and practice, but in no event shall vacation leave be earned at a rate exceeding 26 working days per annum, or sick leave be earned at a rate exceeding 13 working days per annum.

(b) *Alternate 71.* For use in AID cost reimbursement contracts with educational institutions, to be performed in the U.S.

Leave and Holidays (Apr. 1984)

(a) *Vacation Leave.*

(1) The Contractor may grant to his employees working in the United States under this contract vacations of reasonable duration, but not to exceed the Contractor's on-campus policy and practice for its employees.

(2) Reimbursement to the Contractor for vacation leave is limited to the amount earned by the employees while serving under this contract.

(b) *Sick Leave.* The Contractor may grant to Contractor employees working in the United States, sick leave at a rate not exceeding its usual on-campus practice. However, reimbursement for sick leave taken under this Contract is limited to the amount earned by the employee while serving under this Contract.

(c) *Military Leave.* Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the Contractor's usual on-campus practice to each regular employee who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Mission Director or the Contracting Officer.

(d) *Leave Records.* The Contractor shall maintain current leave records for all Contractor employees and make them available, as requested by the Mission Director or the Contracting Officer.

(e) *Holidays.* While serving in the United States, contractor employees shall be entitled to holidays in accordance with the contractor's established on-campus policy and practice.

(c) *Alternate 72.* For use in AID cost reimbursement contracts (*except* contracts with educational institutions) performed in whole or in part overseas (use in addition to *Alternate 70*).

Leave and Holidays (Apr. 1984)

(b) *Vacation leave overseas.*

(1) The Contractor may grant to its employees working overseas under this contract, vacations of reasonable duration in accordance with the Contractor's practice for its employees, but in no event shall such vacation leave be earned at a rate exceeding twenty-six (26) work days per annum. Vacation leave is provided under this contract primarily for purposes of affording necessary rest and recreation to regular employees during their tour of duty in the Cooperating Country. The Contractor's Chief of Party, the employee and the Cooperating Country institution associated with this project shall develop vacation leave schedules early in the employee's tour of duty taking into consideration project requirements, employee preference and other factors.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this clause.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a) (1) and (2) of this clause will be forfeited, unless the requirements of the project precluded the employee from taking such leave and the Contracting Officer, with the endorsement of the Mission, approves one of the following as an alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under (a)(2) of this clause, or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

(c) *Sick Leave.* Sick leave is earned by regular and short-term employees in accordance with the Contractor's usual practice but not to exceed 13 work days per annum or 4 hours every 2 weeks. Additional sick leave after use of accrued vacation leave may be advanced in accordance with Contractor's usual practice, if in the judgment

of the Contractor's Chief of Party it is determined that such additional leave is in the best interest of the project. In no event shall such additional leave exceed 30 days. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the employee's assignment under this contract. Sick leave earned and unused at the end of a regular tour of duty may be carried over to an immediately succeeding tour of duty under this contract. The taking of authorized home leave shall not constitute a break in service for the purpose of sick leave carry-over. Contractor employees will not be compensated for unused sick leave at the completion of their duties under this Contract.

(d) *Home leave.*

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A regular employee who is a U.S. citizen or resident and has served at least 2 years overseas, as defined in paragraph (d)(4) of this clause, under this contract and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas: *Provided,* That such regular employees agree to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (d)(2), of this clause, that the Contractor's regular employee must have served 2 years overseas under this contract to be eligible for home leave, Contractor may grant advance home leave to such regular employee subject to all of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this contract;

(ii) The regular employee shall have served a minimum of 18 months in the Cooperating Country on his/her current tour of duty under this contract; and

(iii) The regular employee shall have agreed to return to the Cooperating Country to serve out the reminder of his/her current tour of duty and an additional 2 year appointment under this contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (d)(2), or paragraph (d)(3) of this clause, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the United States port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the United States port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for salary payments made during home leave, if in spite of the undertaking of the new appointment, the regular employee, except for reasons beyond his/her control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this contract.

(6) To the extent deemed necessary by the Contractor, regular employees in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation at home office or at AID/Washington before returning to their post of duty. Consultation at locations other than AID/Washington or home office, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for TCN or CCN employees.

(e) *Holidays.* Holidays for Contractor employees serving overseas should take into consideration local practices and shall be established in collaboration with the Mission Director.

(f) *Military leave.* Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the Contractor's usual practice to each regular employee whose appointment is not limited to 1 year or less and who is a reservist of the United States Armed Forces, provided that such military leave has been approved in advance by the cognizant Mission Director or Assistant Administrator. A copy of any such approval shall be provided to the Contracting Officer.

(d) *Alternate 73.* For use in AID cost reimbursement contracts with an educational institution, to be performed in whole or in part overseas (use in addition to *Alternate 71*).

Leave and Holidays (Apr. 1984)

(d) *Vacation leave overseas.*

(1) The Contractor may grant to its employees working overseas under this contract, vacations of reasonable duration in accordance with the Contractor's on-campus practice for its employees, but in no event shall such vacation leave be earned at a rate exceeding twenty-six (26) work days per annum. Vacation leave is provided under this contract primarily for purposes of affording necessary rest and recreation to regular employees during their tour of duty in the Cooperating Country. The Contractor's Chief of Party, the employee and the Cooperating Country institution associated with this project shall develop vacation leave schedules early in the employee's tour of duty taking into consideration project requirements, employee preference and other factors.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this clause.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a) (1) and (2) of this clause will be forfeited, unless the requirements of the project precluded the employee from taking such leave and the Contracting Officer, with the endorsement of the Mission, approves one of the following as an alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under (a)(2) of this clause or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

(e) *Sick leave.* Sick leave is earned by regular and short-term employees in accordance with the Contractor's usual on-campus practice but not to exceed 13 workdays per annum or 4 hours every 2 weeks. Additional sick leave after use of accrued vacation leave may be advanced in accordance with Contractor's usual practice, if in the judgment of the Contractor's Chief of Party it is determined that such additional leave is in the best interest of the project. In no event shall such additional leave exceed 30 days. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the employee's assignment under this contract. Sick leave earned and unused at the end of a regular tour of duty may be carried over to an immediately succeeding tour of duty under this contract. The taking of authorized home leave shall not constitute a break in service for the purpose of sick leave carry-over. Contractor employees will not be compensated for unused sick leave at the completion of their duties under this Contract.

(f) *Home leave.*

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A regular employee who is a U.S. citizen or resident and has served at least 2 years overseas, as defined in paragraph (c)(4) of this clause, under this contract, and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas: *Provided,* That such regular employees agree to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the contract as the Mission Director may approve in advance. Home leave must be taken in the United

States, the Commonwealth of Puerto Rico, or in the possessions of the United States and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2), of this clause, that the Contractor's regular employee must have served 2 years overseas under this contract to be eligible for home leave, Contractor may grant advance home leave to such regular employee subject to all of the following conditions.

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this contract;

(ii) The regular employee shall have served a minimum of 18 months in the Cooperating Country on his/her current tour of duty under this contract; and

(iii) The regular employee shall have agreed to return to the Cooperating Country to serve out the remainder of his/her current tour of duty and an additional 2 year appointment under this contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c)(2), or paragraph (c)(3) of this clause, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the United States port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the United States port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for salary payments made during home leave, if in spite of the undertaking of the new appointment, the regular employee, except for reasons beyond his/her control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this contract.

(6) To the extent deemed necessary by the Contractor, regular employees in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation on campus or at AID/Washington before returning to their post of duty. Consultation at locations other than AID/Washington or on campus, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for TCN or CCN employees.

(g) Holidays. Holidays for Contractor employees serving overseas should take into consideration local practices and shall be established in collaboration with the Mission Director.

Subpart 752.3-70—AID Clause Matrices—[Reserved]

PART 753—FORMS

Subpart 753.1—General

Secs.
753.107 Obtaining forms.

Subpart 753.270—Prescription of AID Forms

753.270-1 Negotiated Indirect Cost Rate Agreement.
753.270-2 Small/Minority Business Review Form.
753.270-3 Release and Assignment Forms.
753.270-4 Contractor Employee Biographical Data Sheet.

Subpart 753.370—Illustrations of AID Forms

753.370-1 Scope of Subpart.
753.370-2 Form AID 1420-47 (8-80), Negotiated Indirect Cost Rate Agreement.
753.370-3 Form AID 1410-14 (2-81), Small Business/Minority Business Enterprise Procurement Review Form.
753.370-4 Form AID 1420-40 (1-72), Contractor's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts.
753.370-5 Form AID 1420-44 (11-72), Assignees's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts.
753.370-6 Form AID 1420-17 (3-80), Contractor Employee Biographical Data Sheet.

Authority: Sec. 621, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 753.1—General

753.107 Obtaining forms.

Copies of the Forms prescribed and illustrated in this Part are available from SER/MO/PUM (Room B-926 New State), Department of State, AID, Washington, D.C. 20523.

Subpart 753.270—Prescription of AID Forms

753.270-1 Negotiated Indirect Cost Rate Agreement.

Form AID 1420-47, "Negotiated Indirect Cost Rate Agreement" is for use in establishing indirect cost rates for Agency contracts.

753.270-2 Small Business/Minority Business Enterprise Procurement Review Form.

Form AID 1410-14 (Small Business/Minority Business Enterprise Procurement Review Form) is prescribed for use in accordance with 719.271-6.

753.270-3 Release and Assignment Forms.

(a) The forms set forth below are required for use in complying with the Contractor's release and assignment responsibilities (if any) in accordance with the payment clause of the contract. The forms shall be completed in accordance with the instructions contained thereon and submitted to the contracting officer administering the contract.

(b) Contractor's release and/or assignment of refunds, rebates, credits, and other amounts. Form AID 1420-40 (Contractor's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts) is the form for the Contractor's release and assignment required by the clauses cited in paragraph (a), above.

(c) Assignee's release and/or assignment of refunds, rebates, credits, and other amounts. Form AID 1420-44 (Assignee's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts) is the form for the assignee's release and assignment, if required by the payment clause of the contract.

753.270-4 Contractor Employee Biographical Data Sheet.

(a) Form AID 1420-17, Contractor Employee Biographical Data Sheet, is the prescribed form for use in submitting the data required by 752.7001.

(b) The form shall be included in each solicitation document when it is intended that the "Biographical Data" clause will be utilized. As required by the terms of either the solicitation or the contract clause entitled "Biographical Data," the offeror, bidder, or contractor shall, upon the contracting officer making such form available, submit the completed Form AID 1420-17 for each employee, in triplicate, to the contracting officer or other AID office designated by the contracting officer.

(c) The contracting officer or other designated AID office evaluates the information submitted and utilizes it as the basis for determining the reasonableness of proposed salaries and/or country clearance. Any required notifications of approval or disapproval to the contractor shall be handled as expeditiously as possible by the cognizant AID office. One copy of each Form AID 1420-17 submitted by the contractor shall be retained in the official contract file.

Subpart 753.370—Illustrations of Forms

753.300 Scope of subpart.

This subpart contains illustrations of all forms prescribed in Subpart 753.270.

BILLING CODE 6116-01-M

753.370-1. Form AID 1420-47 (8-80), Negotiated Indirect Cost Rate Agreement

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

NEGOTIATED INDIRECT COST RATE AGREEMENT

Date _____

SUBJECT: Indirect Cost Rates for Use in Cost Reimbursement Type Agreements With the Agency for International Development (AID)

REFERENCE:

CONTRACTOR:
or
GRANTEE:

PART I - NEGOTIATED INDIRECT COST RATES (%)

Type	Effective Period From	Through

Base of Application

Acceptance of the rate(s) agreed to herein is predicated upon the conditions: (1) that no costs other than those incurred by the grantee/contractor were included in its indirect cost rate proposal and that such costs are legal obligations of the grantee/contractor; (2) that the same costs that have been treated as indirect costs have not been claimed as direct costs; (3) that similar types of costs have been accorded consistent treatment; and (4) that the information provided by the grantee/contractor which was used as the basis for acceptance of the rate(s) agreed to herein is not subsequently found to be materially incomplete or inaccurate.

AID 1420-47 (8-80) *(See Reverse)*

PART II - ITEMS NORMALLY TREATED AS DIRECT COSTS

PART III - SPECIAL TERMS AND CONDITIONS

Pursuant to § 7-3.705 of the Agency for International Development Procurement Regulations (AIDPR), the negotiated indirect cost rates set forth in Part I of this Agreement are incorporated into AID Agreements shown below. This Agreement shall not change any monetary ceiling, obligation, or specific cost allowance or disallowance provided for in the Contracts or Grants listed below or any other Agreement between the parties.

Contract/Grant Number	Amendment Number	Project Number

ACCEPTED:

BY _____

_____
Printed or Typed Name

_____
Title

_____
Date

_____
CONTRACTING OFFICER
Overhead and Special Costs Branch
Services Operations Division
Office of Contract Management
Agency for International Development

DISTRIBUTION:

CM/ROD	CM/COD	CM/SOD	OTHER
AFR	AN	PDC	AAG/W
NE	PE		CM/SD/SUP
LA	OTR		FM/PAD
ASIA			

AID 1420-47 (8-80) back

753.370-3 Form AID 1420-14 (2-81), Small Business/Minority Business Enterprise Procurement Review Form

SMALL BUSINESS/MINORITY BUSINESS ENTERPRISE PROCUREMENT REVIEW FORM

INSTRUCTIONS:
1. Prepare an original and three copies.
2. Forward original and two copies to Small Business Advisor.
3. Reasons for rejections or appeals involving Blocks 11, 12, 13, 14, and 15 are to be set forth in Block 16 and additional sheets of paper as needed.

1. CASE NO.	2.A. PIO NO.	B. PROJECT NO.	3. TOTAL EST. $ VALUE
4. DATE PIO RECD.	5. PROJECT TITLE (Attach one copy of PIO and source list.)		
6. SIC CODE	7. SMALL BUSINESS SIZE STANDARD NO. OF EMPLOYEES _____ $ _____		8. DATE RECD. BY SDB/SB

9. CONTRACTING OFFICER'S RECOMMENDATION (If not set-aside or Section 8(a), complete Block 10.)

YES NO
- ☐ ☐ "SECTION 8(a)" PROGRAM APPLICABILITY
- ☐ ☐ SMALL BUSINESS SET-ASIDE (FPR 1-1.706)
  _____ % $ _____
- ☐ ☐ SMALL BUSINESS SUBCONTRACTOR PROGRAMS (FPR 1-1.710 AND 1-1.1310)

NAME OF CONTRACTING OFFICER

SIGNATURE

DATE

10. SET-ASIDE/"8(a)" PROGRAM NOT INITIATED BECAUSE:

- ☐ SOLE SOURCE/PROPRIETARY
- ☐ COMPLEXITIES OF AND/OR COST TO MFR. PRECLUDE COMPETITION
- ☐ R&D PROCUREMENT WITH INSUFFICIENT SB COMPETITION TO PROVIDE REASONABLE ASSURANCE OF RECEIVING HIGHEST COMPETENT TECHNICAL PROPOSAL
- ☐ CONTINUING PROGRAM (CONTRACT AMENDMENT)
- ☐ NO REASONABLE EXPECTATION OF RECEIVING A SUFFICIENT NUMBER OF SIOS FROM SB SOURCES TO ASSURE AWARD AT REASONABLE PRICES
- ☐ NOT ECONOMICALLY SEVERABLE (PARTIAL SET-ASIDES)
- ☐ OPL ITEM WITH SUFFICIENT SOURCES (QUALIFIED PRODUCTS LIST)
- ☐ CONSTRUCTION – ANTICIPATED COST IN EXCESS OF $500,000
- ☐ NO KNOWN "8(a)" SOURCES
- ☐ PUBLIC EXIGENCY EXEMPTION (AIDPR 7-1.704-71(b))
- ☐ "ISC" EXEMPTION (AIDPR 7-1.704-71(c))
- ☐ OTHER (Explain)

11. THE SMALL BUSINESS ADVISOR ☐ ACCEPTS, ☐ REJECTS, THE CONTRACTING OFFICER'S RECOMMENDATION	SIGNATURE OF SMALL BUSINESS ADVISOR	DATE

12. SMALL BUSINESS ADVISOR'S COUNTER-RECOMMENDATIONS

YES NO
- ☐ ☐ "SECTION 8(a)" PROGRAM APPLICABILITY
- ☐ ☐ ADDITIONAL SOURCES ADDED
- ☐ ☐ SMALL BUSINESS SET-ASIDE (FPR 1-1.706)
  _____ % $ _____
- ☐ ☐ SMALL BUSINESS SUBCONTRACTOR PROGRAM (FPR 1-1.710 AND 1-1.1310)

SIGNATURE OF SMALL BUSINESS ADVISOR — DATE

13. THE CONTRACTING OFFICER ☐ ACCEPTS, ☐ REJECTS, THE SMALL BUSINESS ADVISOR'S COUNTER-RECOMMENDATION	SIGNATURE OF CONTRACTING OFFICER	DATE
14. THE SMALL BUSINESS ADVISOR ☐ ACCEPTS, ☐ APPEALS, THE CONTRACTING OFFICER'S REJECTION	SIGNATURE OF SMALL BUSINESS ADVISOR	DATE
15. THE HEAD OF THE PROCURING ACTIVITY ☐ ACCEPTS, ☐ REJECTS, THE SMALL BUSINESS ADVISOR'S APPEAL	SIGNATURE OF HEAD OF THE PROCURING ACTIVITY	DATE

NOTE: ANY CHANGE IN THE PROCUREMENT PLAN DESCRIBED HEREIN WILL REQUIRE RETURN FOR REEVALUATION BY THE SMALL BUSINESS ADVISOR.

16. ADDITIONAL DOCUMENTATION

AID 1410-14 (2-81)

753.370-4 Form AID 1420-40 (1-72), Contractor's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts

AGENCY FOR INTERNATIONAL DEVELOPMENT

CONTRACTOR'S RELEASE AND/OR ASSIGNMENT OF REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

I. IDENTIFICATION

1. CONTRACTOR'S NAME AND ADDRESS *(hereinafter referred to as the Contractor)*	2. CONTRACT NUMBER *(hereinafter referred to as the Contract)*
	3. AMOUNT OF RELEASE *(in dollars)*
	4. PURPOSE *(check appropriate box)* ☐ RELEASE ☐ ASSIGNMENT ☐ BOTH

II. CONTRACTOR'S RELEASE

Pursuant to the terms of the Contract and in consideration of the sum set forth in Section I., Block 3., above which has been or is to be paid under the said Contract to the Contractor or its assignees, if any, the Contractor, upon payment of the said sum by the UNITED STATES OF AMERICA (hereinafter called the Government), does remise, release, and discharge the Government, its officers, agents, and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said Contract except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statements by the Contractor, as set forth in the space provided on the reverse of this form (Section V.).
2. Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of said Contract; provided that such claims are not known to the Contractor on the date of execution of this release, and provided further that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of this release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier.
3. Claims for reimbursement of costs (other than expense of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said Contract relating to patents.

The Contractor agrees, in connection with patent matters and with claims which are not released as set forth in Section V., that he will comply with all of the provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

III. CONTRACTOR'S ASSIGNMENT OF REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

Pursuant to the terms of the Contract and in consideration of the reimbursement of costs and payment of fee, if any, as provided in the said Contract and any assignment thereunder, the Contractor does hereby:

1. Assign, transfer, set over and release to the UNITED STATES OF AMERICA (hereinafter called the Government), all right, title, and interest to all refunds, rebates, credits, and other amounts (including any interest thereon), arising out of the performance of the said Contract, together with all the rights of action accrued or which may hereafter accrue thereunder.
2. Agree to take whatever action may be necessary to effect prompt collection of all refunds, rebates, credits, and other amounts (including any interest thereon) due or which may become due, and to promptly forward to the A.I.D. Paying Office checks (made payable to the Treasurer of the United States) for any proceeds so collected. The reasonable costs of any such action to effect collection shall constitute allowable costs when approved by the Contracting Officer as stated in the said Contract and may be applied to reduce any amounts otherwise payable to the Government under the terms hereof.
3. Agree to cooperate fully with the Government as to any claim or suit in connection with refunds, rebates, credits, or other amounts due (including any interest thereon); to execute any protest, pleading, application, power of attorney, or other papers in connection therewith; and to permit the Government to represent him at any hearing, trial, or other proceeding, arising out of such claim or suit.

IV. CERTIFICATIONS

1. IN WITNESS WHEREOF, this release and/or assignment has (have) been executed this day.

*WITNESSES

(1) _____

(2) _____

*In the case of a corporation, the signatures of two witnesses are not required, but the certificate below must be completed.

CONTRACTOR

_____

BY

_____

TITLE _____ DATE _____

CORPORATE CERTIFICATE

2. I, _____ certify that I am the* _____ (official title) of the corporation named as Contractor in the foregoing release and/or assignment; that _____ who signed said release and/or assignment on behalf of the Contractor was the _____ (official title) of the said corporation; that said release and/or assignment was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

(CORPORATE SEAL) _____

AID 1420-40 (1-72)

V. Specified claims applicable to Section II.1. of the Contractor's Release are to be set forth in the space provided below.

INSTRUCTIONS TO CONTRACTOR

1. This form may be used for three purposes:

a. As a *Contractor's Release.*

b. As an *Assignment of Refunds, Rebates, Credits, and Other Amounts.*

c. As both a *Contractor's Release* and an *Assignment of Refunds, Rebates, Credits, and other Amounts.*

2. In completing Section I., the Contractor is to indicate the purpose (see 1. above) for which he is submitting the completed form as follows:

a. Contractor's Release	Check *only* the release box in Section I.4. and if a corporation complete the Certificate in Section IV.2.
b. Assignment of Refunds, Rebates, Credits, and Other Amounts	Check *only* the assignment box in Section I.4. and if a corporation complete the Certificate in Section IV.2.
c. As *both* a Contractor's Release *and* an Assignment of Refunds, Rebates, Credits, and Other Amounts	Check the *both* box in Section I.4. and if a corporation complete the Certificate in Section IV.2.

3. The form is to be completed in triplicate as follows:

a. ORIGINAL AND DUPLICATE	When completed, forward these to the cognizant A.I.D. Contracting Officer.
b. TRIPLICATE	Contractor's retain copy

4. The Contractor is responsible for filling in all the information requested on the form. Use the space provided in Section V. for listing outstanding claims as requested in Section II.1. of the form.

AID 1420-40 (11-72) BACK

753.370-5 Form AID 1420-44 (11-72), Assignee's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts

AGENCY FOR INTERNATIONAL DEVELOPMENT
ASSIGNEE'S RELEASE AND/OR ASSIGNMENT OF
REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

I. IDENTIFICATION

1. ASSIGNEE'S NAME AND ADDRESS *(hereinafter referred to as the Assignee)*

2. CONTRACT NUMBER *(hereinafter referred to as the Contract)*

3. AMOUNT OF RELEASE *(in dollars)*

4. PURPOSE *(check appropriate box)*
☐ RELEASE ☐ ASSIGNMENT ☐ BOTH

5. DOING BUSINESS AS *(check and complete appropriate box)*
☐ INDIVIDUAL ☐ PARTNERSHIP ☐ CORPORATION, INCORPORATED IN _____

II. ASSIGNEE'S RELEASE

Pursuant to the terms of the Contract and in consideration of the sum set forth in Section I., Block 3., above which has been or is to be paid under the said Contract by the UNITED STATES OF AMERICA (hereinafter called the Government) to the Contractor or his assignees, the assignee upon receipt of that part of the said sum due under his assignment does remise, release and discharge the Government, its officers, agents and employees, of and from all liabilities, obligations, claims, and demands whatsoever under or arising from the said contract and assignment, except:

1. Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statements by the Contractor, as set forth in the space provided on the reverse of this form (Section V.).

2. Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of said Contract; provided that such claims are not known to the Contractor or Assignee on the date of execution of this release; and provided further that the Contractor or Assignee gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of this release or the date of any notice to the Contractor or Assignee that the Government is prepared to make final payment, whichever is earlier.

3. Claims for reimbursement of costs (other than expense of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the said Contract relating to patents.

The Assignee agrees, in connection with claims which are not released as set forth in Section V., that final payment under the said contract does not modify the requirements and limitations imposed on the Contractor or Assignee by the contract or the assignment, including without limitation those provisions relating to notification to the Contracting Officer and relating to the defense or prosecution of litigation.

III. ASSIGNEE'S ASSIGNMENT OF REFUNDS, REBATES, CREDITS, AND OTHER AMOUNTS

Pursuant to the terms of the Contract and in consideration of the reimbursement of costs and payment of fees, as provided in the said contract and assignment thereunder, the Assignee does hereby assign, transfer, set over, and release to the UNITED STATES OF AMERICA, all right, title, and interest to all refunds, rebates, credits, and other amounts (including any interest thereon) arising out of the performance of the said contract, together with all the rights of action accrued or which may hereafter accrue thereunder.

IV. CERTIFICATIONS

1. IN WITNESS WHEREOF, this release and/or assignment has (have) been executed this day.

*WITNESSES

_____

_____

*In the case of a corporation, the signatures of two witnesses are not required, but the certificate below must be completed.

CONTRACTOR

_____

BY

_____

TITLE _____ DATE _____

CORPORATE CERTIFICATE

2. I, _____ certify that I am the _____ (official title) of the corporation named as Assignee in the foregoing release and/or assignment; that _____ who signed said release and/or assignment on behalf of the Assignee was the _____ (official title) of the said corporation; that said release and/or assignment was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

(CORPORATE SEAL) _____

AID 1420-44 (11-72)

V. Specified claims applicable to Section II, 1. of the Assignee's Release are to be set forth in the space provided below.

INSTRUCTIONS TO ASSIGNEE

1. This form may be used for three purposes:

a. As an *Assignee's Release*.

b. As an *Assignment of Refunds, Rebates, Credits, and Other Amounts*.

c. As both an *Assignee's Release* and an *Assignment of Refunds, Rebates, Credits, and other Amounts*.

2. In completing Section I., the Assignee is to indicate the purpose (see 1. above) for which he is submitting the completed form as follows:

a. Assignee's Release	Check *only* the release box in Section I.4. and if a corporation complete the Certificate in Section IV.2
b. Assignment of Refunds, Rebates, Credits, and Other Amounts	Check *only* the assignment box in Section I.4. and if a corporation complete the Certificate in Section IV.2.
c. *As both* an Assignee's Release *and* an Assignment of Refunds, Rebates, Credits, and Other Amounts	Check the *both* box in Section I.4. and if a corporation complete the Certificate in Section IV.2.

3. The form is to be completed in triplicate as follows:

a. ORIGINAL AND DUPLICATE	When completed, forward these to the cognizant A.I.D. Contracting Officer.
b. TRIPLICATE	Assignee's retain copy

4. The Assignee is responsible for filling in all the information requested on the form. Use the space provided in Section V. for listing outstanding claims as requested in Section II.1 of the form.

AID 1420-44 (11-72) BACK

753.370-6 Form AID 1420-17 (3-80), Contractor Employee

Biographical Data Sheet

Form Approved
OMB No. 24-R0064

CONTRACTOR EMPLOYEE BIOGRAPHICAL DATA SHEET

(SEE PRIVACY ACT STATEMENT ON REVERSE)

INSTRUCTIONS:
Submit in triplicate to contracting officer.
See reverse for Contractor Certification.

1. Name *(Last, First, Middle)* ☐ Mr. ☐ Mrs. ☐ Miss ☐ Ms.	2. Contractor's Name		
3. Address *(include ZIP Code)*	4. Contract No.	5. Position Under Contract	
	6. Proposed Salary	7. Country of Assignment	8. Duration of Assignment
9. Telephone Number *(include area code)*	10. Marital Status ☐ Married ☐ Single ☐ Other *(specify)*	11. Names and Ages of Dependents to Accompany Individual *(if applicable)*	
12. Date of Birth	13. Place of Birth		
14. Citizenship *(if non-U.S. citizen, give visa status)*			

15. EDUCATION *(include all secondary, business college or university training)*

NAME AND LOCATION OF INSTITUTION	MAJOR SUBJECTS	Credits Completed		Type of Degree	Date of Degree
		Semester Hours	Quarter Hours		

16. EMPLOYMENT HISTORY

1. Give last three (3) years. Continue on reverse to list all employment related to duties of proposed assignment.
2. Salary definition - basic periodic payment for services rendered.
Exclude bonuses, profit-sharing arrangements, commissions, consultant fees, extra or overtime work payments, overseas differential, or quarters, cost of living or dependent education allowances.

POSITION TITLE	EMPLOYER'S NAME AND ADDRESS	Dates of Employment (Mo., Yr.)		Salary	
		From	To	Dollars	Per.

17. SPECIFIC CONSULTANT SERVICES *(give last three (3) years)*

SERVICE PERFORMED	EMPLOYER'S NAME AND ADDRESS	Dates of Employment (Mo., Day, Yr.)		DAILY RATE
		From	To	

18. LANGUAGE PROFICIENCY

LANGUAGE	Speaking			Reading			Writing			Understanding		
	Fair	Good	Excl.	Fair	Good	Excl.	Fair	Good	Excl.	Fair	Good	Excl.

19. Special Qualifications *(honors, professional societies, special licenses, publications, research, special skills and relevant education not previously mentioned; use reverse side of form, if necessary)*

20. CERTIFICATION: To the best of my knowledge, the above facts as stated are true and correct.

Signature of Employee	Date

AID 1420-17 (3-80)

(Use this space for continuation of Blocks 16 and 19)

CONTRACTOR'S CERTIFICATION *(To be completed by responsible representative of Contractor)*

A. I hereby certify that *('X' appropriate box)*:

☐ The initial salary proposed herein meets the salary standards prescribed in the contract.

☐ The salary increase proposed herein conforms to the customary policy and practice for this organization for periodic salary increases.

B. Justification or Remarks

Signature	Title	Date

PRIVACY ACT STATEMENT

The following statement is required by the Privacy Act of 1974 (Public Law 93-579; 88 Statute 1896).

The information requested on this form is needed by AID to evaluate your suitability for the position for which you have been nominated as a contract employee. It is necessary that you provide the information for AID to consider your nomination. The Foreign Assistance Act of 1961, as amended, constitutes authority for its collection.

Employers and educational institutions you list may be contacted for verification of the information provided. Disclosure may otherwise be made in whole or in part to any (a) foreign government concerned if required by that government in connection with their review of your nomination and (b) pursuant to any other applicable routine use listed under AID's Civil Service Employee Office Personnel Record System, AID-2 in AID's Notice of Systems of Records for implementing the Privacy Act as published in the Federal Register, or (c) when disclosure without the employee's consent is authorized by the Privacy Act and provided for in AID Regulation 15. *(A copy of the Regulation and Notice of System of Records is available from AID Distribution on request.)*

AID 1420-17 (5-80) back

BILLING CODE 6116-01-C

Appendices to Chapter 7

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process.
Appendix B—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations.
Appendix C—Logistic Support Overseas to AID-Direct Contractors.
Appendix D—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad.
Appendix E—Contract Closeout Procedure.
Appendix F—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance.
Appendix G—Approval and Reporting Procedure for Contractor Salaries.
Appendix H—Response to Audit Recommendations.
Appendix I—AID's Academic Publication Policy.

Authority: Sec. 621, 75 Stat. 445, (22 U.S.C. 2381) as amended: E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

1. Basic Policy

Only a contracting officer, designated to enter into contracts and make the determinations and findings related thereto (or an authorized representative of the contracting officer acting within the limits of his/her authority), may bind the United States Government to a contract, or direct or authorize a contractor to proceed with work.

2. Planning, Competition, Negotiation, and Award

(a) Preaward technical discussions with potential contractors should be conducted in such a manner as to preclude the assumption by any potential contractor that a commitment has been made. AID employees are responsible for insuring that no unfair competitive advantage is afforded one contractor over any other contractor in competing for Agency contracts. In this connection, discussions with prospective contractors prior to the final selection of the contractor and commencement of negotiations by the contracting officer must be conducted with the greatest discretion. Under no circumstances should the specific amount of funds which the Agency has available to support a contract be made known to a prospective contractor. No AID employee is authorized to dilute the Agency's negotiation position prior to or during an "arm's length" negotiation conducted between AID and the contractors with whom it does business. The requirement for preservation of the Agency's negotiation position must be scrupulously observed whether the procurement is to be negotiated with a single, non-competitive source or whether it is to be negotiated on the basis of multiple competitive proposals. It is advisable to involve the contracting officer in the project planning cycle as early as possible, and to insure that he/she or his/her representative is either present at any meeting with prospective contractors, or is consulted prior to such a meeting.

(b) Contracting personnel act upon requirements which are formulated by the planning, technical, and research offices of the Agency. Contracting officers obtain the information they need on technical requirements by questions and discussions with the planning, technical, and research offices of the Agency. If a contract is to be tenable, the end result which is desired must be described with completeness and exactitude. The scope of the work must be explicitly stated; otherwise the contracting officer cannot assure terms in a contract by which the desired action can be enforced. If the requiring office cannot provide a point of departure in these terms and deliver to the contracting officer a clear-cut description of the purpose and outline the limits of the scope, results may be disappointing and the possibility of deferring the project until these elements can be given more concrete dimensions should be considered. Finally, the requiring office should insure that the scope of work and funding information are delivered to the contracting officer with sufficient lead time to allow for proper preparation and planning of the procurement.

(c) One of the paramount duties of the contracting officer is to secure competition to the maximum practical extent for any planned procurement. The procedures for formally advertised, or for publicized negotiated, or for limited source procurements differ; the contracting officer must determine the proper method of procurement and contract type, and must determine the extent of competition required. The technical office has a continuing responsibility to assist the contracting officer in this effort to obtain competition and negotiate a contract. Basically, this commences with adequate drafting of the statements of work and specifications. The technical office can frequently assist by identifying additional technically competent sources for the solicitation of proposals.

3. Contract Administration

Meetings to discuss contract matters with contractors should be preceded by sufficient advance notification to all parties, including the contracting officer, to permit advance arrangements for the attendance at such meetings. Technical personnel shall not hold discussions of contract problems with contractors or technical problems with contractual implications without arranging for attendance by contracting personnel. Once a meeting with a contractor has been agreed upon and the issues have been made known to all involved parties, an internal AID meeting should take place between technical and contracting personnel, with the Country Desk representative and such other personnel in attendance as may be necessary, to establish an AID position or line of inquiry to be followed in the meeting with the contractor. If differences of opinion arise among AID personnel in the meeting with the contractor, such differences should never be discussed in the meeting with the contractor. AID personnel shall adjourn to resolve privately any such differences of opinion, and resume discussions with the contractor only when the AID position is consolidated. The AID individual designated to chair meeting with a contractor should be selected prior to the meeting with the contractor. Depending upon the issues to be discussed, whether primarily technical or primarily contractual, the chairman should be designated from either the technical office or the contracting office.

Appendix B—Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standarized Government Regulations

1. General

This appendix establishes a procedure for providing new cost-reimbursement contractors with applicable Government travel and allowance regulations, and for notifying existing contractors, whose contracts require that they be so notified, of changes in such regulations.

2. Background

(a) AID cost-reimbursement type contracts generally provide (see paragraph 3) for the application of direct-hire AID personnel travel and allowance regulations to similarly situated contractor personnel. The procedures for notifying contractors of changes in such regulations are set out in paragraph 5 of this appendix.

(b) For the purpose of this appendix, the term "Chief of Party" refers to either the head of a field party or such other representative of the contractor in the field designated to communicate on contract matters with the AID Mission.

3. General Provisions for Cost-Reimbursement Contracts

Text of the clause "Notice of Changes in Travel Regulations" is set forth in 752.7014.

4. Notice to Contractor Field Personnel

Notice of changes in Government travel and allowance regulations is sent to the contractor at its address shown on the cover page of the contract. Notice to the contractor's Chief of Party is supplied by:

(a) The contractor, in accordance with its normal field communication procedures; or,

(b) The Mission Executive Officer, by use of his/her normal internal Mission information procedures. (See paragraph 5(d)(2) of this Appendix).

5. Duties and Responsibilities

(a) *Contracting officer.* (1) Upon signing each contract, forwards the contract together with three completed copies of form AID 1420–2, AID Cost-Reimbursement Contract Allowances—Applicability of Standardized Regulations, to the Office of Contract Management, Support Division (Attention: SER/CM/SD/SS, Statistical Section), indicating on the form whether the contractor needs to be supplied with Government travel and allowance regulations.

(2) If the Government travel and allowance regulations do apply, forwards copy No. 4 of Form AID 1420–2 to the appropriate Mission Executive Officer.

(3) Retains copy No. 5 of Form AID 1420–2 for his/her record.

(b) *Statistical section, SER/CM/SD/SS.* (1) Maintains a current file on all cost-reimbursement contractors to which the Government travel and allowance regulations apply, and annually supplies a revised list of such contractors to the Office of Management Operations, Distribution Branch (SER/MO/PUM).

(2) Notifies SER/MO/PUM of all changes to the list using Form AID 1420–2.

(c) Distribution Branch, SER/MO/PUM. (1) Prepares for mailing to each contractor, upon addition of its name to the SER/CM/SD/SS distribution list, a complete set of the Government travel and allowance regulations.

(2) Following any change in the Government travel or allowance regulations, mails to each contractor on the current SER/CM/SD/SS distribution list all revisions to such regulations.

(3) Keeps the distribution list, J–27, updated as instructed by SER/CM/SD/SS.

(d) *Mission Executive Officer.* (1) Maintains a current file of all contracts affected by changes in the Government travel or allowance regulations. (See paragraph 5(a) of this section.)

(2) Promptly notifies each appropriate contractor's Chief of Party in writing of all relevant changes in the Government travel or allowance regulations and their effective date.

Appendix C—Logistic Support Overseas to AID-Direct Contractors

1. General

(a) *Purpose.* In furtherance of AID's objectives to: (1) Increase the utilization of contractors in accordance with section 621 of the Foreign Assistance Act of 1961, as amended, (FAA), (2) reduce the administration burden on the AID establishment in Cooperating Countries, and (3) ensure, in accordance with section 636(h) of the FAA, that to the maximum extent possible local costs are met from Cooperating Country funds or United States (U.S.) Government-owned local currency rather than from U.S. dollars, the following policies govern the financing and provision in kind of logistic support overseas to AID-direct contractors.

(b) *Scope.* "Logistic support overseas" means the financing of or furnishing to a contractor, its employees, and their dependents (in accordance with the provisions of the contract) items such as transportation of personnel, personal goods and commodities; quarters, furnishings, equipment, utilities, and supplies for residence and office; and maintenance and other supporting services, including medical facilities.

2. Policy

(a) *Financing of logistic support.* (1) Local Currency Financing. Consistent with the requirements of AID Handbook 19, Financial Management, local currencies are to be used wherever feasible in lieu of dollars to defray the costs of contractor logistic support, whether such support is arranged for by the contractor, the Cooperating Country, or AID. Such local currencies will be contributed from the following sources in descending order of preference:

(i) The Cooperating Country's own budgetary or private resources;

(ii) Cooperating Country-owned local currency generated through AID or Pub. L. 480 programs; and

(iii) U.S. Government-owned country-use local currency generated through AID or Pub. L. 480 programs.

(2) *Dollar financing.* AID dollars are used to finance logistic support overseas only when no reasonable alternative exists by which such support can be financed with local currency provided in kind.

(b) *Arrangements for logistics support.* Each mission should assess the local logistical support situation and determine which method is best suited for its program or individual projects. While the following three options are listed in descending order of preference, the Mission is encouraged to use the option which is in the best interest of the project:

(1) Arrangements by the contractor itself where feasible and reasonably economical. (It is assumed that this test will be met in the case of virtually all construction contracts and in most of the larger engineering and technical assistance contracts.)

(2) Arrangements by the Cooperating Country where these would be timely, adequate, and feasible in terms of the country's economic and administrative resources.

(3) Arrangements by the Mission alone or jointly with either or both of the other parties, in those cases where the Mission Director determines that adequate and timely logistic support at reasonable cost cannot be assured through the other options. In such cases, and when direct-hire resources are inadequate, the Mission is encouraged wherever feasible, to contract for assistance in providing logistic support. Guidance on logistic support contracts should be obtained from SER/CM and GC.

(c) *Medical facilities.* AID and the Department of State have an agreement whereby the latter furnishes certain medical services, *on an availability basis,* to all eligible U.S. citizen contract personnel performing economic assistance functions abroad under the Foreign Assistance Act, and to their authorized dependents overseas with funding via Shared Administrative Support (SAS) Budgets. These services are provided at post to such personnel to the same extent as for AID direct-hire personnel. They are provided at no cost to the contractor or to the personnel. The medical services to be provided exclude: (1) Evacuation or hospitalization, and (2) entrance, in-service, fitness for duty, and separation medical examinations.

(1) *Eligible personnel.* (i) Eligible contractor personnel are those U.S. citizens serving abroad, and their authorized dependents, who are engaged under a contract between a contractor and AID or who are engaged under a subcontract thereto.

(ii) Employees of other U.S. Government agencies serving under Participating Agency Service Agreement (PASA) with AID are also eligible pursuant to the terms of General Agreements between AID and their parent agencies.

(iii) U.S. citizens serving under Cooperating Country contracts financed from AID loan or grant funds are not "AID contractor employees" and thus not eligible, except with approval of the Ambassador. Third country national employees of AID contractors are not U.S. citizens and thus are not eligible, except with approval of the Ambassador. Americans serving under operational expert (OPEX) type contracts to which AID is not a signatory are also not "AID contractor employees." Most OPEX employees are provided a lump-sum amount to finance their participation in a group health program in lieu of receiving any U.S. Government health services.

(iv) AID or other direct-hire U.S. Government employees working under formal detail to multilateral or other non-U.S. agencies obtain health services on the same basis as their non-U.S. co-workers unless the provisions governing detail of the U.S. employees specifically provide for their access to available U.S. Government facilities.

(v) It is recognized that emergency situations will arise involving OPEX or other Americans who are not "AID contractor personnel" as defined above. Such cases are to be handled by the Medical Officer or other post officials pursuant to their procedures for handling an emergency health problem of any non-official American requesting assistance.

(2) *Services to be provided.* Embassy physician, nurse, and health room services are provided, in countries where and when these are available, including:

(i) Immunizations and preventive health measures;

(ii) Diagnostic examinations and advice;

(iii) Emergency treatment;

(iv) Home visits as medically indicated.

(d) *Other post privileges.* Privileges such as the use of APO, PX's, commissaries, and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and Cooperating Governments. Normally, these facilities *are not* available to contractor employees. However, in those cases where the facilities are open to contractor personnel, they may be used.

(e) *Uniformity.* Every effort should be made by each Mission to foster the development of country-wide standards for comparable classes of contractors. In all instances, logistic support is to be provided at the minimum level necessary to assure efficient, economical, and effective contractor performance.

(f) *Exceptions.* Exceptions from these policies, except as permitted by paragraph 2(b)(3) above, are made in writing by the responsible Assistant Administrator or his/her designee for such purposes.

3. Contract Implementation

Each PIO/T shall indicate on page 3 each type of logistic support which is to be made available, either in cash or in kind, by the Cooperating Country, the Mission, and the contractor itself. The contracting officer shall ensure that the contract reflects the information contained in the PIO/T.

4. Additional Instructions for Medical Support

(a) *Notifications.* (1) The AID contracting officer shall notify the contractor of any

potentially available medical benefits prior to the execution of the contract.

(2) The Mission Executive Officer notifies the contractor's Chief of Party at the post of the locally available medical benefits.

(b) *Identification of eligible persons.* The Mission Executive Officer provides each eligible contractor employee and dependent with appropriate identification for use at Embassy medical facilities.

(c) *Records and insurance.* (1) The Embassy medical unit maintains an appropriate register of visits to the unit. The information recorded includes the name of the contractor employee or dependent treated, the contractor's name and contract number, date of visit, and a brief description of the reason for the visit (e.g., medical consultation, injury, medical briefing, immunization). Periodically a copy of this register is forwarded to the Mission Executive Officer.

(2) If medical service provided to a contractor employee or his/her authorized dependents by the Embassy medical unit is eligible for recovery from an insurance company, the contractor employee shall file an appropriate claim with the insurance company and so notify the Mission Executive Officer in writing. The contractor employee pursues the claim for reimbursement. Amounts recovered are forwarded to the Mission Executive Officer for the account of the medical unit in accordance with AID regulations.

Appendix D—Direct AID Contracts With U.S. Citizens or U.S. Residents for Personal Services Abroad

1. General

(a) *Purpose.* This appendix and attachments set forth the authority, policy, and provisions under which AID may contract with individual U.S. citizens or U.S. residents to provide personal services abroad.

(b) *Definitions.* For the purposes of this appendix:

(1) A personal services contract is one which establishes an employer-employee relationship.

(2) A nonpersonal services contract is one which establishes an independent contractor relationship.

2. Legal Basis

(a) Section 635(b) of the Foreign Assistance Act of 1961, as amended (FAA), provides specific contracting authority for AID.

(b) Section 636(a)(3) of the FAA authorizes the Agency to enter into contracts with individuals for personal services abroad and provides further that such individuals "* * * shall not be regarded as employees of the U.S. Government for the purpose of any law administered by the Civil Service Commission."

3. Applicability

(a) This appendix applies to AID contracts with U.S. citizens or U.S. residents to provide assistance abroad to Cooperating Countries and regional organizations under contracts which establish an employer-employee relationship. Attachment A is designed to establish that relationship.

(b) This appendix does not apply to:

(1) Contracts with U.S. citizens or U.S. residents which establish independent contractor relationships, which are covered under *AID Handbook 14—Procurement Regulations.*

(2) Contracts with consultants and experts, which are covered under *AID Handbook 25—Employment and Promotion.*

(3) Contracts with individual cooperating country or third-country nationals, which are covered under *AID Handbook 31—Foreign National Personnel.*

4. Policy

(a) *General.* AID may finance the cost of providing personal services to a Cooperating Country or a regional organization as part of the Agency's program of assistance to such country or organization by entering into a direct contract with an individual U.S. citizen or U.S. resident for personal services.

(b) *Limitations on personal services contracts.* A personal services contract with an individual may be used when adequate supervision is available and for nearly any type of work except:

(1) Negotiating on behalf of the United States with AID recipient countries, organizations or entities.

(2) Making planning, budgeting, programming and policy decisions which determine the allocation of resources available to AID, or establish AID policy.

(3) Supervising the execution of functions performed by U.S. Government personnel of AID or other Government agencies.

(4) Performance of internal functions such as personnel selection and administration, agency management, and congressional presentation.

(5) Contracts entered into pursuant to this authority may not exceed 5 years.

5. Executing a Personal Services Contract

Contracting activities, whether AID/W or Mission, may execute personal services contracts, provided that the amount of the contract does not exceed the amount of contracting authority which has been redelegated pursuant to Delegation of Authority No. 99—To the Assistant Administrator for Program and Management Services, et al., Concerning Contracting and Related Functions (38 FR 12834). In executing a contract, the contracting activity insures that:

(a) The following approvals for the proposed contractor have been obtained:

(1) Security clearance, to the extent required by *AID Handbook 6—Security.*

(2) Mission and country clearance, as appropriate.

(3) Medical clearance based on certification by a licensed physician. Medical clearance requirements apply to the contractor and to each dependent who is authorized to travel to the overseas post.

(b) Compensation for personal services provided under each contractor complies with the principles and approvals set forth in AIDAR 731.205–6, entitled "Compensation for Personal Services", in effect at the time the contract is executed (see Appendix I).

(c) The contract is modified by deleting from the general provisions the inapplicable portion of the clauses entitled "Allowances, Travel and Transportation Expenses," and the medical clearance of dependents residing with the contractor at post, when the contractor is a resident of the Cooperating Country.

(d) The block entitled, "Project No.," on the cover page of the contract format is completed by inserting the four-segment project number as prescribed in *AID Handbook 18—Information Services.*

(e) Necessary deviations from the prescribed contract format are properly documented and approved by the head of the contracting activity (see Subpart 701.4). A record of the nature of each such deviation, the justification for it, and the approval are included in the contract file and a copy is forwarded to the Office of Contract Management, Support Division (SER/CM/SD), AID/W, which is responsible for maintaining a central record of all approved deviations.

(f) Funds for the contract are properly obligated to preclude violation of the Anti-Deficiency Act, 31 U.S.C. 665. The contracting officer assures that the contract has been properly recorded by the appropriate accounting office prior to its release for the signature of the selected contractor.

(g) The contractor receives and understands Chapter 3, Employee Responsibilities and Conduct, of *AID Handbook 24—General Personnel Policy*, and a copy is attached to each contract, as provided for in paragraph 2(c) of the General Provisions (Attachment B).

(h) Agency conflict of interest requirements are met by the contractor prior to his/her reporting for duty.

6. Post Audit

The Inspector General, or his/her designee, audits the personal services contracts of all contracting activities for the purpose of insuring conformance to approved policy and standards.

7. Contract Provisions

The prescribed Cover Page, Schedule, and General Provisions for a direct AID contract with a U.S. citizen or U.S. resident for personal services abroad are attached as follows:

Attachment 1 to Appendix D— Form AID 1420–36, "Cover Page" and "Schedule";
Attachment 2 to Appendix D— Form AID 1420–37, "General Provisions"; and
Attachment 3 to Appendix D— Form AID 1420–38, "Additional General Provisions".

BILLING CODE 6116-01-M

Attachment 1 to Appendix D— Form AID 1420–36, "Cover Page" and "Schedule".

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON, D.C. 20523

CONTRACT WITH A U.S. CITIZEN OR U.S. RESIDENT FOR PERSONAL SERVICES ABROAD

Negotiated Pursuant to the Foreign Assistance Act of 1961, as Amended, and Executive Order 11223	Contract Number
Country of Performance	Amount Obligated $
	Total Estimated Contract Cost $
Contract For	Project Number
Contracting Office *(name and address)*	Contractor *(name, street, city, state, zip code)*
Administered By *(if other than Contracting Office)*	Effective Date / Estimated Completion Date
Cognizant Scientific/Technical Office *(name, office symbol, address)*	Accounting and Appropriation Data PIO/T Number Appropriation Number Budget Plan Code
This is a Consulting Services Contract *(AIDPR 7-4.804-50)* ☐ YES ☐ NO This is a Contract for Studies and/or Reports *(AIDPR 7-4.804-50)* ☐ YES ☐ NO	Social Security Number
Payment Will Be Made By	Type of Advance *("X" appropriate box)* ☐ INITIAL ☐ NONE AUTHORIZED

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

(Fill in appropriate spaces)

This Contract consists of this Cover Page, the Schedule of _____ pages, including the Table of Contents, the General Provisions (form AID 1420-37, dated _____), the Additional General Provisions (form AID 1420-38, dated _____), and the Alterations in Contract Attachments, dated _____.

	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
Signature of Contractor	By *(signature of Contracting Officer)*
Typed or Printed Name	Typed or Printed Name
Date	Date

AID 1420-36 (10-81)

BILLING CODE 6116-01-C

Privacy Act Statement

This information is provided pursuant to Public Law 93-579 (Privacy Act of 1974), December 31, 1974, for individuals who complete this form.

The Executive Office of the President, Office of Management and Budget has required that all departments and agencies comply with the reporting requirements of Section 6041 of the Internal Revenue Code. Section 6041 states that all departments and agencies making payments totalling $600.00 or more in one year to a recipient for services provided must be reported to the Internal Revenue Service (IRS). The SSN and all financial numbers will be disclosed to Agency for International Development (AID) payroll office personnel and personnel in the Department of the Treasury, Division of Disbursements. AID will use this SSN to complete Form 1099 of the Code on non-employee compensation and other forms of income. Disclosure by the contractor of the SSN is necessary to obtain the services, benefits or processes provided by this contract. Disclosure of the SSN may be made outside AID (a) pursuant to any applicable routine use listed in AID's Notice for implementing the Privacy Act as published in the **Federal Register**, or (b) when disclosure by virture of a contract being a public document after signatures are authorized under the Freedom of Information Act.

Contract No. ————————

AID 1420-36 (10-81)

TABLE OF CONTENTS

Schedule

The Schedule on pages 2 through 5 consists of this Table of Contents and the following Articles:

Article I—Statement of Duties
Article II—Period of Service Overseas
Article III—Contractor's Compensation and Reimbursement in U.S. Dollars
Article IV—Costs Reimbursable and Logistic Support
Article V—Precontract Expenses
Article VI—Additional Clauses

General Provisions

The following provisions, numbered as shown below, omitting number(s) ————————, are the General Provisions (GP) of this Contract:

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Conversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports

For a tour of duty of 1 year or more, "Additional General Provisions (AGP)" will be attached and be applicable to this contract. References to individual clauses should specify, for example, "GP 9" (insurance), or "AGP 9" (termination).

Schedule

[**Note.**—Use of the following Schedule articles are not mandatory. They are intended to serve as guidelines for contracting offices in drafting contract schedules. Article language may be changed to suit the needs of the particular contract.]

Article I—Statement of Duties

[The statement of duties shall include:

A. General statement of the purpose of the contract.

B. Statement of duties to be performed.

C. Any AID consultation or orientation.]

Article II—Period of Service Overseas

Within————days after written notice from the Contracting Officer that all clearances, including the doctor's certificate required under General Provisions Clause 3, have been received or unless another date is specified by the Contracting Officer in writing, the contractor shall proceed to ————where he/she shall promptly commence performance of the duties specified above. The contractor's period of service overseas shall be approximately————in————. (Specify time of duties in each location as well as authorized stopovers with purpose of each.)

Article III—Contractor's Compensation and Reimbursement in U.S. Dollars

A. Except to the extent reimbursement therefore is payable in the currency of the cooperating country pursuant to Article IV, AID shall pay the contractor compensation after it has accrued and reimburse him/her in U.S. dollars for necessary and reasonable costs actually incurred by him/her in the performance of this contract within the categories listed in paragraph C, below, and subject to the conditions and limitations applicable thereto as set out herein and in the attached General Provisions (GP).

B. The amount budgeted and available as personal compensation to the contractor is calculated to cover a calendar period of approximately————(days) (weeks) (months) (years) (which is to include (1) vacation, sick, and home leave which may be earned during the contractor's tour of duty (GP Clause No. 5, AGP Clause No. 4), (2)————days for authorized travel (GP Clause 10(b)], and (3)————days for orientation and consultation in the United States.

C. ALLOWABLE COSTS

1. Compensation at the rate of $————per (year) (month) (week) (day). Adjustments in compensation for periods when the contractor is not in compensable pay status shall be calculated as follows: Rate of $———— per (day) (hour)	$————
2. Overtime (Unless specifically authorized in the Schedule of this contract, no overtime hours shall be allowed hereunder)	
3. Overseas Differential (Ref. GP Clause No. 6.) Rate	
4. Allowances in Cooperative Country (Ref. GP Clause 6 and AGP Clause 5.)*	
5. Travel and Transportation (Ref. GP Clause 10 and AGP Clause 6.) (Includes the value of GTRs furnished by the Government, not payable to Contractor).*	
a. United States	
b. International	
c. Cooperating and Third Country	
Subtotal Item 5	
6. Subsistence or Per Diem (Ref. GP Clause 10 and AGP Clause 6.)*	
a. United States	
b. International	
c. Cooperating and Third Country	
Subtotal Item 6	
7. Other direct costs	
a. Health and Life Insurance (Ref. GP Clause 9-b)	
b. Precontract Costs, passport, visa, inoculations, etc. (Ref. GP Clause 8)	
c. Physical Examination (Ref. GP Clause 3 and AGP Clause 3.)	
d. Communications, miscellaneous	
Subtotal Item 7	
8. F.I.C.A.—U.S.G. contribution (not payable to contractor)	
Total estimated costs (lines 1 thru 8)	

*Do not include the value of any costs to be paid or reimbursed in local currency.

D. Maximum U.S.-Dollar Obligation

In no event shall the maximum U.S.-dollar obligation under this contract, exceed $————. Contractor shall keep a close account of all obligations he/she incurs and accrues hereunder and promptly notify the Contracting Officer whenever in his/her opinion the said maximum is not sufficient to cover all compensation and costs reimbursable in U.S. dollars which he/she anticipates under the contract.

Article IV—Costs Reimbursable and Logistic Support

A. General

The contractor shall be provided with or reimbursed in local currency (————) for the following:

[Complete]

B. Method of Payment of Local Currency Costs

Those contract costs which are specified as local currency costs in paragraph A. above, if

not furnished in kind by the cooperating government or the Mission, shall be paid to the contractor in a manner adapted to the local situation, based on vouchers submitted in accordance with General Provisions Clause 11. The documentation for such costs shall be on such forms and in such manner as the Mission Director shall prescribe.

C. Cooperating or U.S. Government-Furnished Equipment and Facilities

List any logistical support, equipment, and facilities to be provided by the cooperating government or the U.S. Government at no cost to this contract; e.g., office space, supplies, equipment, secretarial support, etc., and the conditions, if any, for use of such equipment.

Article V—Precontract Expenses

No expense incurred before execution of this contract will be reimbursed unless such expense was incurred after receipt and acceptance of a precontract expense letter issued to the contractor by the Contracting Officer, and then only in accordance with the provisions and limitations contained in such letter. The rights and obligations created by such letter shall be considered as merged into this contract.

Article VI—Additional Clauses

[Additional Schedule clauses may be added, such as the implementation of General Provisions or Additional General Provisions clauses.]

Attachment 2 to Appendix D—Form AID 1420-37, "General Provisions"

GENERAL PROVISIONS

Contract With a U.S. Citizen or U.S. Resident for Personal Services Abroad

To be used on tours of duty of less than 1 year. For tours of duty of 1 year or more these "General Provisions" will be supplemented by "Additional General Provisions."

Index of Clauses

1. Definitions
2. Laws and Regulations Applicable Abroad
3. Physical Fitness
4. Workweek
5. Leave and Holidays
6. Differential and Allowances
7. Social Security and Federal Income Tax
8. Advance of Dollar Funds
9. Insurance
10. Travel and Transportation Expenses
11. Payment
12. Coversion of U.S. Dollars to Local Currency
13. Post of Assignment Privileges
14. Security Requirements
15. Contractor-Mission Relationships
16. Termination
17. Disputes
18. Release of Information
19. Officials Not to Benefit
20. Covenant Against Contingent Fees
21. Notices
22. Reports
23. Use of Pouch Facilities

1. Definitions

(a) "Administrator" means the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" means the Agency for International Development.

(c) "Contracting Officer" means the person executing this Contract on behalf of the U.S. Government, or his successor who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this Contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(d) "Contractor" means the individual engaged to serve in the cooperating country under this Contract.

(e) "Cooperating country" means the foreign country in or for which services are to be rendered hereunder.

(f) "Cooperating government" means the government of the cooperating country.

(g) "Economy class" air travel (also known as jeteconomy, air coach, tourist-class, etc.) means a class of air travel which is less than first class.

(h) "Government" means the United States Government.

(i) "Local currency" means the currency of the cooperating country.

(j) "Mission" means the United States AID Mission to, or principal AID office in, the cooperating country.

(k) "Mission Director" means the principal officer in the Mission in the cooperating country, or his designated representative.

(l) "Tour of duty" means the Contractor's period of service under this Contract and shall include orientation in the United States (less language training), authorized leave, and international travel.

(m) "Traveler" means the Contractor in authorized travel status.

(n) "Project Officer" means the AID official to whom the Contractor reports, and who is responsible for monitoring the Contractor's performance.

(o) "U.S. Resident", as used in this contract, means an alien immigrant, legally resident in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and having a valid "Alien Registration and Receipt Card" (Immigration and Naturalization Service forms I-151 or I-551).

2. Laws and Regulations Applicable Abroad

(a) *Conformity to Laws and Regulations of the Cooperating Country*

Contractor agrees that, while in the cooperating country, he shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase of Sale of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import or export of personal property or automobiles in the cooperating country by the Contractor shall be subject to the same limitations and prohibitions which apply to Mission U.S.-citizen direct-hire employees.

(c) *Code of Conduct*

The Contractor shall, during his tour of duty under this Contract, be considered an "employee" (or if his tour of duty is for less than 130 days, a "special Government employee") for the purposes of, and shall be subject to, the provisions of AID Handbook 24, Chapter 3. The Contractor acknowledges receipt of a copy of said provisions by his acceptance of this Contract.

3. Physical Fitness

The Contractor shall be required to be examined by a licensed doctor of medicine and the Contractor shall obtain from the doctor a certificate that, in the doctor's opinion, the Contractor is physically qualified to engage in the type of activity for which he is to be employed under the Contract and is physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the Contractor's departure for the cooperating country or if this Contract is entered into in the cooperating country, the Contractor shall provide the certificate before he starts work under the Contract. The Contractor shall be reimbursed not to exceed $85 for the cost of the physical examination, plus reimbursement of charges for immunizations.

4. Workweek

The Contractor's workweek shall not be less than 40 hours, unless otherwise provided in the Schedule, and shall coincide with the workweek for those employees of the Mission on the cooperating country agency most closely associated with the work of this Contract. If the Contract is for less than full time (40 hours weekly), the leave earned shall be prorated.

5. Leave and Holidays

(a) *Vacation Leave*

(1) The Contractor shall earn vacation leave at the rate of 13 workdays per annum or 4 hours every 2 weeks. However, no vacation shall be earned if the tour of duty is less than 90 days.

(2) It is understood that vacation leave is provided under this Contract primarily for the purposes of affording necessary rest and recreation during the tour of duty in the cooperating country. All vacation leave earned by the Contractor will be used during the Contractor's tour of duty. Unless approved by the Contracting Officer or Mission Director, the maximum amount of vacation leave which the Contractor may take following the completion of his services overseas shll be limited to vacation leave earned by the Contractor during a 6-month period.

(b) *Sick Leave*

Sick leave is earned at a rate not to exceed 13 workdays per annum or 4 hours every 2 weeks. Unused sick leave may be carried over under an extension of this Contract but the Contractor will not be compensated for unused sick leave at the completion of this Contract.

(c) *Leave Without Pay*

Leave without pay may be granted only with the written approval of the Contracting Officer or Mission Director.

(d) *Holidays*

The Contractor, while serving abroad, shall be entitled to all holidays granted to U.S.-

citizen direct-hire employees by the Mission who are on comparable assignments.

6. Differential and Allowances

The following differential and allowances will be granted to the Contractor to the same extent and on the same basis as they are granted to U.S.-citizen direct-hire employees at the Mission by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended, except as noted to the contrary below:

	Applicable reference to standardized regulations
(a) Post differential	Chapter 500 and Tables in Chapter 900.
(b) Living quarters allowance	Section 130.
(c) Temporary lodging allowance	Section 120.
(d) Post allowance	Section 220.
(e) Supplemental post allowance	Section 230.
(f) Payments during evacuation	Section 600.

The allowances provided in paragraph (b) through (e) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission, or the Mission Director may direct that the Contractor be paid a per diem in lieu thereof as prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

7. Social Security and Federal Income Tax

F.I.C.A. contributions and U.S. Federal Income Tax withholding shall be deducted in accordance with regulations and rulings of the Social Security Administration and the U.S. Internal Revenue Service, respectively.

8. Advance of Dollar Funds

If requested by the Contractor and authorized in writing by the Contracting Officer, AID will arrange for an advance of funds to defray the initial cost of travel, travel allowances, authorized precontract expenses, and shipment of personal property. The advance shall be granted on the same basis as to an AID U.S.-citizen direct-hire employee in accordance with AID Handbook 22, Chapter 4.

9. Insurance

(a) *Workmen's Compensation Benefits*

The Contractor shall be provided workmen's compensation benefits in accordance with the Federal Employees Compensation Act.

(b) *Health and Life Insurance*

The Contractor shall be reimbursed for the cost of personal health and life insurance premiums not to exceed $175 per annum.

(c) *Insurance on Private Automobiles*

If the Contractor or his dependents transport, or cause to be transported, privately owned automobile(s) to the cooperating country, or any of them purchase an automobile within the cooperating country, the Contractor agrees to insure that all such automobile(s) during such ownership within the cooperating country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director, payable in U.S. dollars or its equivalent in the currency of the cooperating country: injury to persons, $10,000/$20,000; property damage, $5,000. The Contractor further agrees to deliver, or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobile(s) is operated within the cooperating country. The premium costs for such insurance shall not be a reimbursable cost under this Contract.

(d) *Claims for Private Personal Property Losses*

The Contractor shall be reimbursed for private personal property losses in accordance with AID Handbook 23, "Overseas Support", Chapter 10.

10. Travel and Transportation Expenses

(a) *General*

AID/Washington Office of Management Operations, or such other office as may be designated by that office, may furnish Transportation Requests (TR's) to the Contractor for transportation originating in the United States authorized by this Contract, and the executive or administrative officer at the Mission may furnish TR's for such authorized transportation which is payable in local currency or is to originate overseas. When transportation is not provided by Government-issued TR, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(b) *Travel and Transportation*

(1) *U.S. Travel and Transportation*

The Contractor shall be reimbursed for actual transportation costs and travel allowances in the United States as authorized in the Schedule or approved in advance by the Contracting Officer or the Mission Director. Transportation costs and travel allowances shall not be reimbursed in any amount greater than the cost of, and time required for, economy-class commercial-scheduled air travel by the most expeditious route except as otherwise provided in paragraph (6) below, unless economy air travel is not available and the Contractor certifies to this in his voucher or other documents submitted for reimbursement.

(2) *International Travel*

(i) The Contractor shall be reimbursed for actual transportation costs and travel allowances from place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the place of residence), to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such travel does not exceed the cost of travel from the post of duty to the place of residence) upon completion of his duties. Such transportation costs shall not be reimbursed in an amount greater than economy-class commercial-scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (b)(6) below and unless economy air travel is not available and the Contractor certifies to the facts in the voucher or other documents he submits for reimbursement. When travel to or from the cooperating country is by economy-class accommodations, the Contractor will be reimbursed for the costs of transporting up to 22 pounds gross weight of accompanied personal baggage in addition to that regularly allowed with the economy ticket, provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. Travel allowances shall be at the rate of $6 per day for not more than the travel time required by scheduled economy-class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended. One stopover en route for a period not to exceed 24 hours is allowable when the Contractor uses economy-class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route for the convenience of the Contractor. Per diem during authorized stopover shall be paid in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *Unaccompanied Baggage*

Except as provided in the Schedule or approved by the Contracting Officer, the Contractor who is on a tour of duty of 90 days or more under the Contract shall be reimbursed for the cost of unaccompanied personal effects not to exceed 250 pounds gross weight via airfreight from place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the place of residence) to post of duty in the cooperating country and return to place of residence in the United States (or other location, provided that the cost of such shipment does not exceed the cost of shipment from the post of duty to the place of residence) upon completion of his duties.

(iii) *Local Travel*

The Contractor shall be reimbursed at the rates established by the Mission Director for authorized travel in the cooperating country in connection with duties directly referable to work under this Contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of authorized travel in the cooperating country if not provided by the cooperating government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(iv) *Special International Travel and Third-Country Travel*

For special travel which (*1*) advances the purpose of the Contract, (*2*) is not otherwise provided by the cooperating government, and (*3*) has the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (i) the costs of international transportation other than between the United States and the cooperating country and for local transportation within other countries, and (ii) travel allowances while in official travel status and while performing services under the Contract in such other countries at rates prescribed by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended.

(v) *Indirect Travel for Personal Convenience*

(1) When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route between the authorized points of departure and destination.

(2) If such costs include fares for air or ocean transportation by foreign-flag carriers, approval for indirect travel by such foreign-flag carrier pursuant to paragraph (ix)(1) below must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(vi) *Delays En Route*

The Contractor may be granted reasonable delays en route while in travel status, not circuitous in nature, which are caused by events beyond the control of the Contractor. It is understood that if the delay is caused by physical incapacitation, the Contractor shall be eligible for such sick leave as is provided under GP Clause No. 5(b) of this Contract.

(vii) *Privately Owned Automobiles (POV)*

(1) If travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem, if the automobile is being driven in connection with (A) authorized orientation, (B) authorized duties under this Contract, or (C) en route to or from the cooperating country provided that the total cost of the mileage and the per diem to the Contractor shall not exceed the total constructive cost of fare and normal per diem by (1) surface common carrier or (2) less than first-class air, whichever is the lesser

(2) Cost of the shipment of automobiles for Contract tours of duty of less than 1 year are not reimbursable under this Contract.

(viii) *Emergency and Irregular Travel and Transportation*

Actual transportation costs and travel allowances while en route, as provided in this section, shall be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor when, because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor.

(2) It is agreed that paragraph (viii)(1) above includes, but is not necessarily limited to, the following:

1. Need for medical care beyond that available within the areas to which the Contractor is assigned.

2. Serious effect on physical or mental health if residence is continued at assigned post of duty.

3. Serious illness, injury, or death of a member of the Contractor's immediate family. Travel shall be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

4. Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Allowances at safe haven when authorized by the Mission Director shall be payable in accordance with established Government Regulations.

5. Preparation and return of the remains of a deceased Contractor.

(ix) *Preference for U.S. Flag Air Carriers (Jan. 1977)*

(1) Pub. L. 93–623 requires that all Federal agencies and Government contractors and subcontractors will use U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available. It further provides that the Comptroller General of the United States shall disallow any expenditure from appropriated funds for international air transportation on other than a U.S. flag air carrier in the absence of satisfactory proof of the necessity therefor.

(2) The contractor agrees to utilize U.S. flag air carriers for international air transportation of personnel (and their personal effects) or property to the extent service by such carriers is available.

(3) In the event that the contractor selects a carrier other than a U.S. flag air carrier for international air transportation, he will include a certification on vouchers involving such transportation which is essentially as follows:

Certification of Unavailability of U.S. Flag Air Carriers

I hereby certify that transportation service for personnel (and their personal effects) or property by certificated air carrier was unavailable for the following reasons: (state reasons) *

*Note.—FPR 1–1.323–3, requires that expenditures for service furnished by a noncertificated air carrier generally will be allowed only when service by a certificated air carrier or carriers is "unavailable" as indicated by the June 17, 1975, Comptroller General's memorandum (B–138942) entitled "Guidelines for Implementation of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974"; as amended on October 1980. The criteria contained in the amended memorandum are reproduced below:

(a) Passenger or freight service by a certificated air carrier is considered "available" even though:

(1) Service by a noncertificated air carrier can be paid for in excess foreign currency, or

(2) Service by a noncertificated air carrier is preferred by the agency or traveler needing air transportation, or

(3) Service by a noncertificated air carrier is more convenient for the agency or traveler needing air transportation.

(b) Passenger service by a certificated air carrier will be considered to be "unavailable".

(1) When certificated air carriers offer only first class service, and less than first class service is available from noncertificated air carriers, or

(2) When the traveler, while en route has to wait 6 hours or more to transfer to a certificated air carrier to proceed to the intended destination, or

(3) When any flight by a certificated air carrier is interrupted by a stop anticipated to be 6 hours or more for refueling, reloading, repairs, etc., and no other flight by a certificated air carrier is available during the 6 hour period, or

(4) When by itself or in combination with other certificated or noncertificated air carriers (if certificated air carriers are "unavailable") it takes 12 or more hours longer from the original airport to the destination airport to accomplish the agency's mission then would service by a noncertificated air carrier or carriers.

(5) When the elapsed traveltime on a schedule flight from origin to destination airports by noncertificated air carrier(s) is 3 hours or less and service by certificated air carrier(s) would involve twice such scheduled traveltime.

(4) The terms used in this clause have the following meanings:

(A) "International air transportation" means transportation of persons (and their personal effects) or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States.

(B) "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing operations between the United States and/or its territories and one or more foreign countries.

(C) The term "United States" includes the fifty states, Commonwealth of Puerto Rico, possessions of the United States, and the District of Columbia.

(x) The contractor shall include the substance of this clause, including this paragraph (x), in each subcontract or purchase hereunder which may involve international air transportation.

11. Payment

(a) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office form SF 1034 Public Voucher for Purchases and Services Other Than Personal (original) and SF 1034–A (three copies), each voucher identified by the AID contract number, properly executed in the amount of dollars claimed during the period covered. The voucher forms shall be supported by:

(1) The Contractor's detailed invoice, in original and two copies indicating for each amount claimed, the paragraph of the Contract under which payment is to be made, supported when applicable as follows:

(i) *For compensation*—a statement showing period covered, days worked, and days when Contractor was in authorized travel, leave, or stopover status for which compensation is claimed. All claims for compensation will be accompanied by, or will incorporate, a certification signed by the Project Officer covering days or hours worked, or authorized travel or leave time for which compensation is claimed.

(ii) *For travel and transportation*—a statement of itinerary with attached carrier's receipt and/or passenger's coupons, as appropriate.

(iii) *For reimbursable expenses*—an itemized statement supported by original receipts.

(2) The first voucher submitted shall include a fully executed Form W–4,

Employees Withholding Exemption Certificate, to permit required withholding by AID, such as Federal Income Tax, F.I.C.A. deductions, and, when applicable, state income tax. The first voucher shall also account for, and liquidate the unexpended balance of, any funds theretofore advanced to the Contractor.

(b) A final voucher shall be submitted by the Contractor promptly following completion of the duties under this Contract but in no event later than 120 days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. The Contractor's claim, which includes his final settlement of compensation, shall not be paid until after the performance of the duties required under the terms of this Contract has been approved by AID. On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on form SF 1034 (original) and SF 1034–A (three copies), together with a refund check for the balance remaining on hand of any funds which may have been advanced to the Contractor, the Government shall pay any amounts due and owing the Contractor.

12. Conversion of U.S. Dollars to Local Currency

Upon arrival in the cooperating country, and from time to time as appropriate, the Contractor shall consult with the Mission Director or his authorized representative who shall provide, in writing, the policy the Contractor shall follow in the conversion of U.S. dollars to local currency. This may include, but not be limited to, the conversion of said currency through the cognizant U.S. Disbursing Officer, or Mission Controller, as appropriate.

13. Post of Assignment Privileges

(a) Health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees are generally available for U.S. citizen contractor or subcontractor employees and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, AID Mission, U.S. Information Service and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

14. Security Requirements

(a) The provisions of the following paragraphs of this clause shall apply to the extent that this Contract involves access to classified information ("Confidential," "Secret," or "Top Secret") or access to administratively controlled information ("Limited Official Use"). Contractors that are not U.S. citizens shall not have access to classified or administratively controlled information.

(b) The Contractor (1) shall be responsible for safeguarding all classified or administratively controlled information in accordance with appropriate instructions furnished by the AID Office of Security, as referenced in paragraph (d) below and shall not supply, disclose, or otherwise permit access to classified information or administratively controlled information to any unauthorized person; (2) shall not make or permit to be made any reproductions of classified information or administratively controlled information except with the prior written authorization of the Contracting Officer or Mission Director; (3) shall submit to the Contracting Officer, at such times as the Contracting Officer may direct, an accounting of all reproductions of classified or administratively controlled information; and (4) shall not incorporate in any other project any matter which will disclose classified and/or administratively controlled information except with the prior written authorization of the Contracting Officer.

(c) The Contractor shall not permit any alien access to classified or administratively controlled information. The Contractor shall not permit any individual to have access to classified information or administratively controlled information without the prior written authorization of the Contracting Officer or Mission Director.

(d) The Contractor shall follow the procedures for classifying, marking, handling, transmitting, disseminating, storing, and destroying official material in accordance with the regulations in the Uniform Security Regulations (Foreign Affairs Manual, Chapter 5), a copy of which will be furnished by the Contracting Officer or Mission Director.

(e) The Contractor agrees to submit immediately to the Mission Director or Contracting Officer a complete detailed report, appropriately classified, of any information which the Contractor may have concerning existing or threatened espionage, sabotage, or subversive activity.

(f) The Government agrees that when necessary it shall indicate by security classification or administratively controlled designation, the degree of importance to the national defense of information to be furnished by the Contractor to the Government or by the Government to the Contractor and the Government shall give written notice of such security classification or administratively controlled designation to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing a security classification or administratively controlled designation of information.

(g) The Contractor agrees to certify after completion of his assignment under this Contract that he has surrendered or disposed of all classified and/or administratively controlled information in his custody in accordance with applicable security instructions.

15. Contractor-Mission Relationships

(a) The Contractor acknowledges that this Contract is an important part of the U.S. Foreign Assistance Program and agrees that his duties will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) While in the cooperating country, the Contractor is expected to show respect for the conventions, customs, and institutions of the cooperating country and not interfere in its political affairs.

(c) If the Contractor's conduct is not in accordance with paragraph (b), the Contract may be terminated pursuant to the General Provision of this contract, entitled "Termination." The Contractor recognizes the right of the U.S. Ambassador to direct his/her immediate removal from any country when, in the discretion of the Ambassador, the interests of the United States so require.

(d) The Mission Director is the chief representative of AID in the cooperating country. In this capacity, he is responsible for the total AID Program in the cooperating country including certain administrative responsibilities set forth in this Contract and for advising AID regarding the performance of the work under the Contract and its effect on the U.S. Foreign Assistance Program. The Contractor will be responsible for performing his duties in accordance with the statement of duties called for by the Contract. However, he shall be under the general policy guidance of the Mission Director and shall keep the Mission Director or his designated representative currently informed of the progress of the work under the Contract.

16. Termination

This Contract may be terminated by the Contracting Officer:

(a) For cause, by giving not less than 10 calendar days advance written notice and a statement of reasons to the Contractor in the event (1) he commits a breach or violation of any of his obligations herein contained, (2) a fraud was committed in obtaining this contract, or (3) he is guilty (as determined by AID) of misconduct in the cooperating country. Upon such a termination, the Contractor's right to compensation shall cease when the period specified in such notice expires or the last day on which he performs services hereunder, whichever is earlier. No costs of any kind incurred by the Contractor after the date such notice is delivered to him shall be rembursed hereunder except cost of return transportation (not including travel allowances), if approved by the Contracting Officer. If any costs relating to the period subsequent to such date have been prepaid by AID, the Contractor shall promptly refund to AID any such prepayment as directed by the Contracting Officer.

(b) For the convenience of AID, by giving not less than 30 calendar days advance written notice to the Contractor. Upon such a termination, Contractor's right to compensation shall cease when the period specified in such notice expires except that the Contractor shall be entitled to return transportation costs and travel allowances and transportation of unaccompanied

baggage costs at the rates specified in the Contract and subject to the limitations which apply to authorized travel status.

(c) For the convenience of AID, when the Contractor is unable to complete performance of his services under the Contract by reason of sickness or physical or emotional incapacity based upon a certification of such circumstances by a duly qualified doctor of medicine approved by the Mission. The Contract shall be deemed terminated upon delivery to the Contractor of a termination notice. Upon such a termination, the Contractor shall not be entitled to compensation except to the extent of any unused vacation or sick leave but shall be entitled to return transportation, travel allowances, and unaccompanied baggage costs at rates specified in the Contract and subject to the limitations which apply to authorized travel status.

17. Disputes (FPR Temp. Reg. 55) (May 1980)

(a) This Contract is subject to the Contract Disputes Act of 1978 (Pub. L. 95–563).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved in accordance with this clause.

(c)(1) As used herein, "claim" means a written demand or assertion by one of the parties seeking, as a legal right, the payment of money, adjustment or interpretation of contract terms, or other relief, arising under or relating to this contract.

(2) A voucher, invoice, or request for payment that is not in dispute when submitted is not a claim for the purposes of the Act. However, where such submission is subsequently not acted upon in a reasonable time, or disputed either as to liability or amount, it may be converted to a claim pursuant to the Act.

(3) A claim by the Contractor shall be made in writing and submitted to the Contracting Officer for decision. A claim by the Government against the Contractor shall be subject to a decision by the Contracting Officer.

(d) For Contractor claims of more than $50,000, the Contractor shall submit with the claim a certification that the claim is made in good faith; the supporting data are accurate and complete to the best of the contractor's knowledge and belief, and the amount requested accurately reflects the Contract adjustment for which the Contractor believes the Government is liable. The certification shall be executed by the Contractor if an individual. When the Contractor is not an individual, the certification shall be executed by a senior company official in charge at the Contractor's plant or location involved, or by an officer or general partner of the Contractor having overall responsibility for the conduct of the Contractor's affairs.

(e) For Contractor claims of $50,000 or less, the Contracting Officer must render a decision within 60 days. For Contractor claims in excess of $50,000, the Contracting Officer must decide the claim within 60 days or notify the Contractor of the date when the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) The authority of the Contracting Officer under the Act does not extend to claims or disputes which by statute or regulation other agencies are expressly authorized to decide.

(h) Interest on the amount found due on a Contractor claim shall be paid from the date the claim is received by the Contracting Officer until the date of payment.

(i) Except as the parties may otherwise agree, pending final resolution of a claim by the Contractor arising under the Contract, the Contractor shall proceed diligently with the performance of the Contract in accordance with the Contracting Officer's decision.

18. Release of Information

All rights in data and reports shall become the property of the U.S. Government. All information gathered under the Contract by the Contractor and all reports and recommendations hereunder shall be treated as confidential by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party, or government, other than AID, except as otherwise expressly provided in this Contract.

19. Officials Not To Benefit

No member of or delegate to the Congress or resident commissioner shall be admitted to any share or part of this Contract or to any benefit that may arise therefrom.

20. Covenant Against Contingent Fees

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, AID shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

21. Notices

Any notice, given by any of the parties hereunder, shall be sufficient only if in writing and delivered in person or sent by telegraph, telegram, registered, or regular mail as follows:

To AID:

Administrator
Agency for International Development
Washington, D.C. 20523
Attention: Contracting Office
(name of the cognizant Contracting Officer with a copy to the appropriate Mission Director)

To Contractor: At his post of duty while in the cooperating country and at the Contractor's address shown on the Cover Page of this Contract or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective in accordance with this clause or on the effective date of the notice, whichever is later.

22. Reports

(a) The Contractor shall submit two copies of each written technical report prepared under the terms of this Contract (e.g., progress reports, final report, ect.) to the AID Reference Center, Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to the AID Reference Center shall include the contract number, the project number and the project title which are set forth on the Cover Page of this Contract.

(b) When preparing reports, the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper/binding, unless it is specifically authorized in the Schedule of this Contract. Wherever possible, pages should be printed on both sides using single spaced type.

23. Use of Pouch Facilities (Dec. 1980)

(a) Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for AID Contractors as a general policy, as detailed in items (1) through (6) below. However, the final decision regarding use of pouch facilities rests with the Embassy or AID Mission. In consideration of the use of pouch facilities as hereinafter stated, the Contractor agrees to indemnify and hold harmless the Department of State and AID for loss or damage occuring in pouch transmission.

(1) Contractors are authorized use of the pouch for transmission and receipt of up to a maximum of 2 pounds per shipment of correspondence and documents needed in the administration of assistance programs.

(2) U.S. citizen Contractors are authorized use of the pouch for personal mail up to a maximum of one pound per shipment (but see (a)(3) below). Non U.S. citizen Contractors are not permitted use of the pouch for personal mail except and to the extent that such use may be authorized by the Chief of Mission.

(3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this clause, and are not authorized to be sent or received by pouch.

(4) Official and personal mail pursuant to (a) (1) and (2) above, sent by pouch, should be addressed as follows:

Name of individual (followed by letter symbol "C")
Name of post (USAID/)
Agency for International Development
Washington, D.C. 20523

(5) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission.

(6) AID contractors are *not* authorized use of military postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. Posts having access to APO/FPO facilities and using such for diplomatic pouch dispatch may, however, accept official and personal mail for the pouch provided, of course, adequate postage is affixed when onward transmission (mail to other than

AID/W) through U.S. postal channels is required.

(b) The Contractor shall be responsible for compliance with these guidelines and limitations on use of pouch facilities.

(c) Specific additional guidance on use of pouch facilities in accordance with this clause is available from the Post Communication Center at the Embassy or AID Mission.

Attachment 3 to Appendix D—Form AID 1420–38, "Additional General Provisions"

ADDITIONAL GENERAL PROVISIONS

Contract with a U.S. Citizen or U.S. Resident for Personal Services Abroad

(To be used along with the General Provisions for a tour of duty of 1 year or more.)

Table of Contents

1. Definitions (long tour)
2. Laws and Regulations Applicable Abroad (dependents)
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7. Orientation and Language Training (long tour)
8. Post of Assignment Privileges (dependents)
9. Termination (long tour)

1. Definitions (Long Tour)

(a) "Dependents" means:

(1) *Spouse.*

(2) *Children* (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support.

(3) *Parents* (including step and legally adoptive parents) of the employee or of the spouse, when such parents are at least 51 percent dependent on the Contractor for support.

(4) *Sisters and brothers* (including step or adoptive sisters or brothers) of the Contractor, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the Contractor for support, unmarried and under 21 years of age, or regardless of age, are incapable of self-support.

(b) "Traveler" also means dependents of the Contractor who are in authorized travel status.

2. Laws and Regulations Applicable Abroad

(a) *Conformity to Laws and Regulations of the Cooperating Country*

While in the cooperating country, the Contractor agrees he will make every effort to assure that his authorized dependents shall abide by all applicable laws and regulations of the cooperating country and political subdivisions thereof.

(b) *Purchase, Sale, Import, or Export of Personal Property or Automobiles*

To the extent permitted by the cooperating country, the purchase, sale, import, or export of personal property or automobiles by the Contractor's authorized dependents in the cooperating country shall also be subject to the same limitations and prohibitions which apply to U.S.-citizen direct-hire employee dependents.

3. Physical Fitness (Long Tour)

(a) *Predeparture*

The Contractor's authorized dependents shall also be required to be examined by a licensed doctor of medicine. The Contractor shall require the doctor to certify that, in the doctor's opinion, the Contractor's authorized dependents are physically qualified to reside in the cooperating country. A copy of the certificate shall be provided to the Contracting Officer prior to the dependent's departure for the cooperating country.

(b) *End of Tour*

The Contractor and his authorized dependents are authorized physical examinations within 60 days after completion of the Contractor's tour of duty.

(c) *Reimbursement*

The Contractor shall be reimbursed for the physical examinations mentioned in paragraphs (a) and (b) above as follows: (1) not to exceed $85 per examination for the Contractor's dependents of 12 years of age and over and (2) $25 per examination for Contractor's dependents under 12 years of age. The Contractor shall also be reimbursed for the cost of immunizations.

4. Leave and Holidays (Long Tour)

(a) *Vacation Leave*

With the approval of the Mission Director, and if the circumstances warrant, a Contractor may be granted advance vacation leave in excess of that earned but in no case shall a Contractor be granted advance vacation leave in excess of that which he will earn over the life of the Contract. The Contractor agrees to reimburse AID for leave used in excess of the amount earned during the Contractor's assignment under the Contract.

(b) *Military Leave*

Military leave of not more than 15 calendar days in any calendar year may be granted to a Contractor who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Contracting Officer or the Mission Director.

(c) *Home Leave*

(1) Home leave is leave earned for service abroad for use only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A Contractor who is a U.S. citizen or U.S. resident and has served at least 2 years overseas, as defined in paragraph (c)(4) below, under this Contract, and has not taken more than 30 workdays leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas; provided, that the Contractor agrees to return overseas upon completion of home leave under an additional 2 year appointment, or for such shorter period of not less than 1 year of overseas service under the Contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States, and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2) above, that the Contractor must have served 2 years overseas under this Contract to be eligible for home leave, Contractor may be granted advance home leave subject to *all* of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this Contract;

(ii) The Contractor shall have served a minimum of 18 months in the cooperating country on his current tour of duty under this Contract; and

(iii) The Contractor shall have agreed to return to the cooperating country to serve out the remainder of his current tour of duty and an additional 2 year appointment under this Contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c)(2), or paragraph (c)(3) above, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the U.S. port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the U.S. port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing AID for payments made during home leave if, in spite of the undertaking of the new appointment, the Contractor, except for reasons beyond his control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this Contract.

(6) To the extent deemed necessary by the Contracting Officer, a Contractor in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation on-campus or at AID/Washington before returning to post of duty. Consultation at locations other than AID/Washington or on-campus, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the Schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for third-country nationals.

5. Allowances (Long Tour)

The following allowances shall also be granted to the Contractor and his authorized dependents to the same extent, and on the

same basis as, they are granted to AID employees and their dependents by the Standardized Regulations (Government Civilians, Foreign Areas), as from time to time amended:

	Applicable reference to standardized regulations
(a) Educational allowance	Chapter 270.
(b) Educational travel	Chapter 280.
(c) Separate maintenance allowances.	Chapter 260.

The allowances provided in paragraphs (a) through (c) above shall be paid to the Contractor in dollars or in the currency of the cooperating country in accordance with the practice prevailing at the Mission.

6. Travel and Transportation Expenses (Long Tour)

(a) *General*

Pursuant to paragraph (a) of Clause 10 of the General Provisions, when transportation is not provided by Government-issued TR for the items listed below, the Contractor shall procure his own transportation, the costs of which will be reimbursed in accordance with the following:

(1) *International Travel*

(i) International travel costs and allowances and stopovers for authorized dependents shall be reimbursed on the same basis as for the Contractor under General Provision Clause No. 10(b)(2)(i) of this Contract except that travel allowances for such dependents shall be at the rate of $6 per day for persons 11 years of age or over and $3 per day for persons under 11 years of age payable for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Federal Travel Regulations, as from time to time amended.

(ii) *1.* All international ocean transportation of things which is to be reimbursed in U.S. dollars as authorized under this Contract shall be by U.S.-flag vessels to the extent they are available. When U.S.-flag vessels are not available, or their use would result in a significant delay, the Contractor may request a release from this requirement from the SER/COM, Transportation Support Division, Agency for International Development, Washington, D.C. 20523, giving the basis for the request.

2. All international air transportation of dependents shall be in accordance with paragraph (b)(9) of Clause 10 of the General Provisions, entitled "Preference for U.S. Flag Air Carriers."

(b) *Limitation on Travel by Dependents*

Travel costs and allowances will be allowed for authorized dependents of the Contractor and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the cooperating country and return, only if the dependent remains in the cooperating country for at least 9 months or one-half of the required tour of duty of the Contractor, whichever is greater, except as otherwise authorized hereunder for education, medical, or emergency visitation travel.

(c) *Delays En Route*

Dependents may be granted reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such dependents.

(d) *Travel by Privately Owned Automobile (POV)*

Notwithstanding the provisions of paragraph (b)(7) of Clause 10 of the General Provisions, if travel by POV is authorized in the Schedule or approved by the Contracting Officer, the Contractor shall be reimbursed for the cost of travel in his privately owned automobile at the rate per mile equal to the rate authorized a U.S. Government employee in equivalent circumstances, plus authorized per diem for the Contractor and for each of the authorized dependents traveling in the automobile if the automobile is being driven in connection with (1) authorized orientation, (2) authorized duties under this Contract, or (3) en route to or from the cooperating country as authorized in the Schedule; provided that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (i) surface common carrier or (ii) less-than-first-class air, whichever is the lesser.

(e) *Emergency and Irregular Travel and Transportation*

Notwithstanding the provisions of paragraph (b)(8) of Clause 10 of the General Provisions, actual transportation costs and travel allowances while en route, as provided in this section, will also be reimbursed under the following conditions:

(1) Subject to the prior written approval of the Mission Director, the costs of going from post of duty in the cooperating country to the United States or other approved location for the Contractor and authorized dependents, when because of reasons or conditions beyond his control, the Contractor has not completed his required service in the cooperating country or the dependent must leave the cooperating country. The Mission Director may also authorize the return to the cooperating country of such Contractor and/or his authorized dependents.

(2) It is agreed that paragraph (e)(1) above, includes but is not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which Contractor is assigned.

(ii) Serious effect on physical or mental health if residence is continued at assigned post of duty.

(iii) Serious illness, injury, or death of a member of a Contractor's immediate family or the immediate family of a dependent. Travel may be authorized in accordance with emergency visitation travel granted to U.S.-citizen direct-hire employees and their dependents under Chapter 699 of the Standardized Regulations (Government Civilians, Foreign Areas).

(iv) Emergency evacuation, when ordered by the principal U.S. Diplomatic Officer in the cooperating country. Transportation and travel allowances at safe haven and the transportation of household effects and automobile or storage thereof when authorized by the Mission Director shall be payable in accordance with established Government regulations.

(v) Preparation and return of the remains of a deceased Contractor of his dependents.

(f) *Transportation of Motor Vehicles, Personal Effects, and Household Goods*

(1) *General*

Transportation, including packing and crating costs, will be paid for shipment from Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost from the Contractor's residence) to post of duty in the cooperating country and return to the Contractor's residence in the United States or other location (provided that the cost of transportation does not exceed the cost to the Contractor's residence), (i) of one privately owned motor vehicle for the Contractor subject to the restrictions contained in paragraph (h) below, (ii) of personal effects of the Contractor, and (iii) of household goods of Contractor not to exceed the following limitations:

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Contractor with dependents in cooperating country	7,500	2,500
Contractor without dependents in cooperating country	4,500	1,500

Note.—For the purpose of this Clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of Section 162.1 of the Uniform State/AID/USICA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating, and transportation by surface common carrier. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the cooperating country, the cost of boxing or crating is not reimbursable. The transportation of a privately owned motor vehicle for a Contractor may be authorized as a replacement of the last such motor vehicle shipped under this Contract for such Contractor when the Mission Director determines, in advance, and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the Contractor. The determination shall be made under the same rules and regulations that apply to authorized Mission U.S.-citizen direct-hire employees.

(2) *Unaccompanied Baggage*

The Contractor will be reimbursed for costs of shipment of unaccompanied baggage (in addition to the weight allowance above for household effects) not to exceed the following:

	Gross weight
Employee	250 lbs.
First dependent traveling	200 lbs.
Second dependent traveling	150 lbs.
Each additional dependent traveling	100 lbs.

This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination.

(3) *Reduced Rates on U.S.-Flag Carriers*

Reduced rates on U.S.-flag carriers are in effect for shipments of household goods and personal effects of AID Contractors between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the Bill of Lading documentary evidence that the shipment is for the account of AID. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

(g) *Storage of Household Effects*

The cost of storage charges (including packing, crating, and drayage costs) in the United States of household goods of Contractor will be permitted, in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (f) above, provided that (1) the total amount of household goods shipped to the cooperating country and stored in the United States shall not exceed 4,500 pounds net for each Contractor without dependents in the cooperating country and 7,500 pounds net for each Contractor with dependents in the cooperating country, and (2) at least 200 pounds net of household effects will be stored; quantities of less than 200 pounds net stored will not be reimbursed.

(h) *Transportation of Foreign-Made Motor Vehicles*

Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USICA Foreign Service Travel Regulations, as from time to time amended, on the same basis as a U.S. Government employee.

(i) *Home Leave Travel*

The Contractor shall be reimbursed for the cost of travel performed by Contractor and dependents for purposes of home leave, provided that such reimbursement does not exceed that authorized by the Uniform State/AID/USICA Foreign Service Travel Regulations.

(j) *Rest and Recuperation Travel*

If approved in writing by the Mission Director, the Contractor and his dependents shall be allowed rest and recuperation travel on the same basis as authorized U.S.-citizen direct-hire Mission employees and their dependents.

7. Orientation and Language Training

(a) Except as set forth in paragraph (b)(4) below, the Contractor shall receive a maximum of 2 weeks AID orientation before travel overseas. The dates of orientation shall be selected by the Contractor and approved by the Contracting Officer from the orientation schedule provided by AID.

(b) As either set forth in the Contracting Schedule, or provided in writing by the Contracting Officer, the following may be authorized taking into consideration specific job requirements, Contractor's prior overseas experience, or unusual circumstances, in connection with orientation of individual Contractors:

(1) Modified orientation,

(2) Language training,

(3) Orientation for Contractor's dependents at Contract expense,

(4) Waiver of orientation for individual Contractor.

(c) Transportation costs and travel allowances not to exceed one round trip from the Contractor's residence to place of orientation and return will be reimbursed, pursuant to Clause 10 of the General Provisions, entitled "Travel and Transportation Expenses," if the orientation is more than 50 miles from the Contractor's residence. Allowable salary costs during the period of orientation are also reimbursable.

8. Post of Assignment Privileges (Dependents)

(a) Health room services of the same type that are normally provided to AID direct-hire U.S. citizen employees are generally available for U.S. citizen contractor or subcontractor employees and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available, immunizations and preventive health measures, diagnostic examinations and advice, emergency treatment, and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and host governments. These facilities are intended for and usually are limited to members of the official U.S. establishment including the Embassy, AID Mission, USICA, and the Military. Normally, the agreements do not permit these facilities to be made available to non-official Americans.

9. Termination

If the Contract is terminated for the convenience of the Government pursuant to Clause 16 of the General Provisions, the Contractor shall also be entitled to return transportation costs and travel allowances for authorized dependents, transportation of motor vehicle, personal effects, and household goods, if any or all of the above are authorized in this Contract, subject to the limitations which apply to such costs.

Appendix E—Contract Closeout Procedures

1. Purpose

This appendix establishes procedures for the orderly and expeditious closeout of completed AID/W and Mission direct contracts.

2. Closeout Procedures

(a) For the purpose of this appendix, the "closeout phase" is defined as the period of time extending from the date the work has been completed by the contractor (including submission of all reports required under the contract) until all remaining administrative actions have been satisfactorily accomplished and the contract file is retired. The closeout procedures are administered by the Support Services Branch, Office of Contract Management (CM/SD/SS).

(b) AID organizational elements accomplish their respective responsibilities during the closeout phase as follows:

(1) *Fixed-price contracts.* Within 4 months after the contractor has completed the work.

(2) *Cost-reimbursement contracts.* Within 21 months after the contractor has completed the work.

(c) Contract records are not officially retired by the contracting office until the closeout phase is completed.

3. Responsibility

(a) *Contracting office.* The contracting officer is responsible for:

(1) Identifying outstanding closeout actions.

(2) Contacting other offices within AID having responsibilites during the closeout phase for status information.

(3) Assuring that all closeout actions have been accomplished as evidenced by the information provided by responsible offices on the checklist form.

(4) Initiation of follow-up measures, as necessary, on administrative actions which have not been completed within a reasonable time.

(5) Submitting any contract file to the Office of the General Counsel for review when he/she feels that: (i) Litigation may be involved, or (ii) there is a legal problem which GC should comment on before the contract is closed out.

(b) *Other AID offices.* Other AID offices (e.g., the technical office, Inspector General, AID/W or Mission Security, AID/W paying office or Mission Controller, and the Mission) are responsible for:

(1) Accomplishing administrative actions on a work-completed contract as expeditiously as possible.

(2) Providing completed checklist forms or other status information as requested by the contracting officer in accordance with the procedures in this appendix.

4. Procedures

(a) As soon as feasible, but not more than 90 days after completion of the work under a contract (including receipt of all reports required thereunder), the contracting officer, or his/her designated representative, reviews the contract records to identify the outstanding closeout actions which must be accomplished prior to retiring the contract.

(b) The contracting officer or his/her designated representative (CM/SD/SS for AID/W) prepares and sends two copies of Form AID 1420–15, Contract Closeout Checklist, to each of the indicated AID action offices as follows:

Part I—AID/W Technical Office (Form AID 1420–15A).

Part II—AID/W Security or Mission Security Office (Form AID 1420–15B).

Part III—AID/W IG Audit (Form AID 1420–15C).

Part IV—AID/W Paying Office or Mission Controller (Form AID 1420–15D).

Part V—Mission (Form AID 1420–15E).

(c) The above checklists are sent concurrently to the action offices indicated. Each action office returns one copy of the completed part of the checklist to the contracting officer by the date indicated on the form. Additional remarks or comments by the action office may be attached to their reply. In closing out a mission contract, it may be necessary to obtain certain information from AID/W offices before completing the checklist. If an office indicates on the checklist that one or more items are still pending, they forward the second and final signed copy of the checklist when all of their outstanding actions have been completed.

(d) The contracting officer, or his/her designated representative, follows up periodically on outstanding administrative actions that have not been accomplished within a reasonable period of time.

(e) The contracting officer shall certify to the security office when the contractor has given notification that all classified information in the contractor's possession has been properly disposed of or retained (see Part VI, item 8 of Form AID 1420–15F).

(f) When the contracting officer has received the completed, certified checklists from the other action offices, he/she completes Part VI, the Contracting Office Checklist (Form AID 1420–15F), assembles all checklist parts in order, signs the certification in paragraph B of Part VI, and places the document in the contract file. The signed checklist and support data then constitute the necessary authority to officially retire the contract file.

5. Availability of Contract Closeout Checklist

The six part contract closeout checklist, Form AID 1420–15, is stocked by the AID Distribution Branch (MO/PUM) and by the Support Division, Office of Contract Management. Mission contracting offices should order their supply through the AID Distribution Branch (MO/PUM); AID/W contracting offices, through the Support Division, Office of Contract Management.

Appendix F—Use of Collaborative Assistance Method for AID Direct Contracts for Technical Assistance

1. Introduction

(a) AID direct contracts for technical assistance are now classified in one of three categories depending on the source selected to perform the services. They are:

(1) Architect/engineer services provided with a technical assistance project;

(2) Services to be performed by an educational/nonprofit institution; and

(3) Services to be performed by commercial contractors, or others, as a result of competitive negotiation.

(b) Procurement policies and procedures for architect/engineer services are contained in the AID Acquisition Regulations (Subpart 736.6). Services to be performed by commercial contractors, or others, as a result of competitive negotiation will now be procured under policies and procedures contained in FAR 15.4.

(c) For the procurement of services to be performed by educational institutions, international research centers, or cooperative development organizations, there are two Subparts to the AIDAR. The first of these, 715.613–70, Educational Institution and International Research Center Selection Procedure will be used whenever it has been determined that required services or relationships necessary for the successful performance of the project are available only from an educational institution or international research center (except contracts negotiated under 715.613–71, Collaborative Assistance Selection Procedure).

(d) The second of these, 715.613–71, Collaborative Assistance, introduces an additional approach for obtaining services from educational institutions, international research centers, or cooperative development organizations, and is the major concern of this appendix.

2. Purpose

This appendix describes an alternative contractual relationship known as the collaborative assistance approach for the following purposes:

(a) Increasing the joint implementation authority and responsibility of the contractor and the LDC;

(b) Encouraging more effective collaboration between all participating parties (AID, host country, and contractor) at important stages, including the design stage, of a technical assistance project.

3. Policy

The collaborative assistance approach represents an alternative method for long-term technical assistance which involves professional collaboration with educational institution, international research center, or cooperative development organization contractors and LDC counterparts for a problem-solving type activity to develop new institutional forms and capabilities, to devise operating systems and policies, and to conduct joint research and development—including training. In such an activity, the difficulty in defining, in advance, precise and objectively verifiable contractor inputs and long-term project content as a basis for payment usually requires a flexible approach to project design, contracting, and project implementation. Such flexibility is also essential to the collaborative style which is responsive to LDC desires in problem areas of great complexity and varying uncertainty. Other types of technical assistance, which are usually shorter in term are amenable to more precise definition in advance, or involve closely defined and relatively standardized services, or are otherwise more analogous to commodity resource transfers, may be suitable for other contracting methods, e.g., certain forms of institution building, on-the-job training, resource surveys, etc. The collaborative assistance method is an approved method for providing technical assistance when used in accordance with the circumstances outlined above, and with the guidelines set forth in paragraph 4, below.

4. Implementation Procedures

(a) *Introduction.* This paragraph 4, provides background information, guidelines and procedures to effect the implementation of the policy set forth in paragraph 3 of this appendix.

(b) *Conditions and practices.* In order for this policy to work effectively even when the proposed activity fits the criteria described under Policy, there must also be:

(1) Acceptance of the notion that the host country, in consultation with the contractor, is in the best position to make tactical, day-to-day decisions on project inputs within agreed-upon limitations and output expectations;

(2) Sufficient trust and respect between the Agency and the contractor to allow this flexible implementation authority;

(3) A direct-hire project monitor with appropriate background to be knowledgeable of progress and to assist in an advisory and facilitative capacity, both during and between periodic reviews. In addition, the following important conditions must be met:

(i) Adequate preproject communication between, and identification of assistance required by, the host government and USAID;

(ii) Full joint planning and improved project design ("Joint" as used herein refers to the primary parties, i.e., the collaborating institutions, as well as the host government and USAID. In some instances, it can also include other donors.);

(iii) Careful contractor selection, i.e., matching of the contractor's technical and managerial capabilities to the anticipated requirements of the overseas activity;

(iv) Establishment of relationships between host country, AID and contractor staff to include host country leadership, flexible implementation authority, and effective management by the contractor;

(v) Improved joint project evaluation, feedback, and replanning; and

(vi) Simplified administrative procedures and greater reliance on in-country logistical support.

(c) *Project Stages and Contractor Involvement.* In the long-term technical assistance projects as described above, there are four discrete but sometimes overlapping decision stages which take place—with the principal contractor usually involved in the last three.

(1) *Problem analysis and project identification.* After the host government has indicated a desire for U.S. collaboration on a particular problem and the AID field mission has determined that the proposed activity is consistent with its program goals and priorities, considerable effort is usually necessary to refine further the project purpose and type of assistance required and provide a basis for contractor selection. This is a crucial step and is focused on results sought—on what the prospective contractor is expected to produce in relation to resources to be used and to project purpose. It should result in a clear understanding of what the LDC wants, and an overall plan which includes agreement on specific objectives or outputs, acceptable types of activities and inputs and an initial budget—resulting in project documentation. At this step, AID makes decisions it cannot delegate on what it will support and at what cost. If needed to supplement its direct-hire expertise, AID can use outside consultants

for analysis and advice but retains the ultimate decision for itself in collaboration with, but independent of, the requesting host government. (Normally, the proposed contractor for project definition and subsequent implementation should not have been involved in the problem analysis and project identification stage as a consultant to either the host country government, host institution, or USAID. If a potential contractor has been so involved, particular care must be taken to prevent actual or apparent organizational conflicts of interest in the procurement that follows. This could require at a minimum, a careful assessment and complete documentation of reasons for selection.)

Normally, there will need to be some mutual interaction between the overall planning stage outlined here and the detailed planning and design work which follows in the next phase. There will usually be some overlap, with preliminary decisions in this stage providing a basis for selection of implementing agents for stage (2) which in turn proceeds through some preliminary planning to guide completion of stage (1) as a basis for long-term contracting.

(2) *Project definition.* At this stage, having selected the implementing agent, the U.S. and LDC organizations which will be collaborating in carrying out the project are encouraged to work out, to their mutual satisfaction, the particulars of what to do and how to do it (i.e., detailed project design) within the context of LDC leadership and responsibility and the general agreements and budget reached in stage (1). The emphasis here is on the technical approach to be utilized and the scheduling and management of project inputs. This may involve a short-term reconnaissance and/or an extensive period of detailed joint planning and feeling out of what is feasible during a preliminary operating phase of the project, possibly lasting as much as a year or more. This stage recognizes the importance, for the problem-solving or ground breaking types of technical assistance, of involving the U.S. and LDC implementing organizations together as soon as the detailed design work begins. AID's role here is to facilitate, not direct, the joint planning, assure consistency with prior agreements or concur in changes, affirm that the implementing parties have agreed on a reasonable project design, and prepare or cause to be prepared the documentation required for stage (3), including any amendments that might be required to the project documentation. If and when a decision is made by the host government and AID to proceed into the operating phase with the same contractor, the U.S. intermediary should be treated as a cooperating partner in the negotiation of the subsequent long-term operating agreement(s) with the host government, host institution and AID.

(3) *Implementation.* The results of the approach outlined in the stage above should include, in addition to a better understanding and more meaningful commitment by all parties, the following specific products:

(i) A jointly developed life-of-project design which reflects the commitment of all parties and includes clear statements of purpose, principal outputs, eligible types of activity and expenditure limits, critical assumptions, and major progress indicators;

(ii) A workplan and input schedule for the first two years or at least as long as the expenditure period for the next obligation of project funds;

(iii) Provisions for any administrative support, special services or other inputs by the host country, contractor, and/or AID; and

(iv) A plan for periodic joint evaluation and review or progress and subsequent workplans, normally annually, with the participation of all parties.

Appropriate elements of these agreements and understandings are now embodied in a contract for project implementation, as described in paragraph (d)(3)(i) of the section on Contracting Implications. This contract allows the U.S. intermediary to apply its judgment, reflecting close collaboration with its LDC colleagues, in adjusting the flow of AID-financed inputs and in making other operational decisions with a minimum of requirements for prior AID approvals or contract amendments as long as the contractor stays within the bounds of the approved overall plan and budget. In this phase, AID will give technical assistance contractors the authority and responsibility for using their specialized expertise to the fullest extent in the scheduling and managing of project inputs.

(4) *Monitoring, joint evaluation and replanning.* With increased flexibility and responsibility for implementation placed with the technical assistance contractor, the host government, and/or institutional collaborator, improved and timely progress reporting and periodic, joint, and structured reviews of results and evolving plans are imperative as a basis for monitoring and evaluating contractor performance, revalidating or adjusting project design, and for determining future funding levels and commitments.

Both the contractor's annual report and the joint review should be structured within the framework of purpose, outputs, performance indicators, etc., originally established in the project indentification phase—as modified by detailed project design—and reflected in the Project Agreement and other pertinent documentation. The field review will normally serve as the occasion for discussing changes in or additions to previously agreed-to workplans as well as proposing changes in purpose, types of activities authorized and budgets which require contract amendment. Obviously, the appropriate host government, host institution, and senior contractor officials should be thorougly involved in the process, which will have to be adapted to the conditions within specific projects and countries. An important USAID responsibility is to assure that there is appropriate host country participation in developing and improving project plans prior to new obligations of funds. The special requirements and responsibilities of the various parties shall also be reflected in the project agreement and contract terms and in guidelines on the content of annual reports, evaluation procedures, etc.

Standard checking on services actually delivered as a basis for reimbursement will be continued including appropriate audit of expenditures.

(d) *Contracting implications.* The principal elements of change in present contracting practices, as detailed below, are earlier selection and involvement of the prime contractor, contracting by major stages of project design and operations, minimizing the need for precontract negotiations and contract amendments and AID approvals, and providing technical assistance contractors with the authority and responsibility needed to manage implementation within the approved program bounds.

(1) *Selection.* The early involvement of the contractor in the definition stage of a long-term technical assistance project, after AID decides what it wants to undertake in stage (1), does not alter the Agency's responsibility to select its contractors carefully and in full compliance with appropriate contracting regulations and selection procedures. What is required here is that contractor selection be carried out at an earlier stage than has sometimes been the Agency practice in the past or with other types of contracts and in anticipation that the contractor, assuming adequate performance, will participate in all subsequent phases until final completion.

(2) *Contracting stages.* In contracting, the initial design stage should be separated from the longer term implementation stage without any AID commitment to undertake the second until it has exercised its independent judgment based on the product of the first plus any outside expert appraisal it and the host country want to use.

The long-term implementation stage itself may be further subdivided into contract periods which permit time between predetermined events for analysis, determination of new project requirements, and evaluation of performance prior to initiating the next phase by contract amendment/extension. If, for any reason, such an examination does not appear to warrant project continuation, then termination of the project and/or contract would be the next step.

(3) *Flexible implementation authority.* While good project design will eliminate or diminish many operational problems, the very nature of long-term technical assistance requires flexible implementation within agreed purposes, ultimate outputs, types of activity and available financing. With these key variables for AID management control established, contracts should be written so as to minimize the need for amendments and AID approval of changes in input particulars. This can be facilitated, both for the USAID, host country, institution, and the contractor by:

(i) *Retention of operational plan in contract and removal of workplan.* The contract narrative will contain the life-of-the-project Operational Plan, consistent with the project design as developed in stage (2) and reflected in the project documentation (and subsequent amendments thereto). The Operational Plan includes a statement of the purpose to be achieved, the outputs to be produced by the contractor and the types of activities to be undertaken, the more significant indicators of progress, a general description of the type of inputs that are authorized and intended to be

provided during the life of the project, and the overall budget.

In order to allow adjustments at the implementation level without going through the contract amendment process, the detailed but short-term workplan containing specific descriptions and scheduling of all inputs such as numbers and types of staff, participants, commodities, etc., and specific activities, will not be a part of the contract. It is a working document to be modified in the field when the situation demands. The latest version will be available as a supporting document to justify proposed new obligation levels. Normally, the workplan and derived budget will cover a rolling two year period, i.e., each year another yearly increment is added after review and approval.

(ii) *Budget flexibility.* To support this implementation flexibility, contract budget or fiscal controls will be shifted from fixed line items for each input category to program categories, permitting the technical assistance contractor to adjust amounts and timing to achieve previously approved types of activity. This same type of flexibility should apply to any local currency supplied for project operations and/or contractor staff support. While an essential corollary to eliminating the workplan from the contract, this is not a unique procedure under cost reimbursement type contracts when the contractor has demonstrated adequate management capability.

(iii) *Negotiation of advance understandings.* To permit university and international research center contractors to manage their activities in accordance with their own policies and procedures and thereby sharpen their management responsibility while achieving substantial savings in time and reduced documentation, AID may negotiate advance understandings with its technical assistance contractors on dollar costs and administrative procedures that would be included by reference in its subsequent contracts. Upon receipt of a request from the contractor that their policies be reviewed and approved for usage in their contract in lieu of the standard terms and conditions, CM/SOD/OSC, AID/W will initiate negotiations of such policies in an expeditious manner. The approved policies will be used in all relevant relations involving the Agency and respective contractors in lieu of traditional contract standard provisions, whenever this may be appropriate. This does not apply to local currency costs and host government procedures which must be negotiated in each case.

The purpose of the practices listed above is not only to give a qualified contractor the authority to adjust the composition and timing of inputs but to assign to it clear responsibility for managing such resources, as the evolving circumstances require, to achieve the agreed-upon outputs on a cost efficient basis. It should also reduce the delay and paperwork involved in frequent but minor contract amendments, and approvals. For the agency as a whole, both in the Mission and in AID/W, these have involved a large workload and cost.

(e) *Role of AID.* Nothing in this appendix is intended to delegate, diminish or otherwise modify AID's final responsibility for the prudent management of public funds and its own programs. Rather in withdrawing from the day-to-day involvement in and responsibility for the management of adjustment of the flow of inputs during the implementation, the best use of limited agency staff and time can be devoted to protecting the public interest in gaining maximum results from the funds appropriated for technical assistance by:

(1) Seeking optimum identification in terms of LDC priorities and U.S. capabilities;

(2) Mobilizing and selecting the best U.S. professional talent to design and carry out the project;

(3) Monitoring what is happening to assure adequacy of processes, get a feel of results, assure actual delivery of inputs being financed;

(4) Assuring that the attention of AID's implementation agents and LDC colleagues stay well focused on project purpose and results to be achieved (outputs) and the relation to these of what is being done and actual results;

(5) Providing intermediaries adequate authority and responsibility to adjust inputs promptly and sensitively to the evolving project situations.

Attention to these considerations, and to achievements of the preimplementation conditions prescribed above, should greatly increase the chances for successful project completion and impact on a cost effective basis, which is the final measurement of prudent management.

Appendix F—Guidelines for Requests for Expressions of Interest (REI) Under the Collaborative Assistance Method

A. Length and Level of Detail

A request for xpression of Interest (REI) should include more than just a short letter expressing interest, but should not be in the detail of a technical proposal (RFTP). The REI is not the only source of information that can or should be used for selection, but at least a minimum level of information should be contained in each document. A ten page paper that responds to the selection criteria included in every REI should be sufficient for evaluation purposes. The selection criteria should specify the technical inputs required for successful execution of the project and normally require a response in three general areas:

1. A description of the institution's capability to address the problem described in the REI.

2. Any related experience, whether in the country or region or in the problem area.

3. A demonstrable commitment of the institution to support the project.

The responses should address the capability, experience, and commitment to the particular project.

B. Specific Personnel Information

The response should specify within the areas set out in the selection criteria the following planning and personnel factors.

1. The design team plan and the scope of work for each member.

2. A list of candidates for the design team and their credentials.

3. A list of possible candidates for long-term assignment to the project. (Since there has been no project design, the specific technical assistance slots and technical responsibilities are vague. But it is expected that at least half of the personnel needs can be estimated early in the project. The institution should make its best guess for the team and present to the Agency the persons or types of persons with whom they are likely to contract.)

C. Multiple Institution Submissions

Joint effort on the part of several institutions is encouraged when appropriate. A single institution may submit an expression of interest for part of the project without knowledge of other collaborators or it may submit information in response to A and B of this Appendix as part of a suggested collection of institutions. In either case, a proposed plan for cooperation is necessary.

However, such joint efforts must specify the division of responsibilities for the planning and personnel factors indicated in B of this Appendix. Often AID will identify the need for cooperation and suggest such an effort in the REI. Even if AID does not suggest collaboration, joint efforts with a description of the cooperation would be an appropriate way to respond to an REI.

Appendix G—Approval and Reporting Procedures for Contractor Salaries

1. Purpose

This appendix does the following:

(a) Provides guidelines for the use of prudent judgment when considering salaries, especially salaries exceeding the FS–1 maximum salary limitation (5 U.S.C. 5308 and Pub. L. 95–66);

(b) Establishes procedures for justification of salary approvals;

(c) Prescribes procedures for control numbers and submission of copies of salary approvals to SER/CM/SD/SS;

(d) Establishes a seminannual report of salary approvals for the Deputy Administrator.

2. Procedures

(a) *Salary approvals.* In accordance with 731.205–6, 731.311–6, and 731.703, contracting officer approvals of salaries exceeding the FS–1 rate are to be based upon a memorandum from the technical office approved by the Assistant Administrator or Mission Director having program responsibility for the contract. The reasonableness of proposed salaries exceeding the FS–1 level must be evaluated by the appropriate technical office in terms of the technical competence required, scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the individual's customary salary level for similar work. Even thorough approval of salary levels above the FS–1 rate are justified primarily by the Assistant Administrator or Mission Director having program responsibility, it is the contracting officer's responsibility to scrutinize increases as a matter of business acumen whenever AID negotiations deal with any salaries payable under contracts. Increases in the FS–1 statutory salary limitation are not, and shall not be by themselves, a basis for upward

salary revisions of contractor employees. Proposals for such revisions should be considered normally when contracts are renewed, and must be carefully reviewed and negotiated to ensure that increases are not automatically granted without corresponding increases in the quality or quantity of services rendered. Salaries below the FS–1 maximum level should also be fully justified, even though formal approval procedures may not be involved. Personnel compensation negotiated and payable under AID contracts should be at the mimimum levels necessary to attract needed technical services in a competitive market. Rates should be determined by the "market place" where the types of services are obtained. Using such criteria, very few salaries can be expected to approach or exceed the FS–1 level.

Actual discussions with contractors concerning salaries should be held only by persons authorized to negotiate and execute contracts. (See AIDPR Appendix A.)

(b) *Justification of Approvals.* There will be cases where the services required are so unique and highly specialized that few persons are available to perform them. In such instances, if justifications for exceptional salaries are needed, particularly where the salary would exceed the FS–1 level, the project officer will be consulted. If no alternative can be found, the project officer will prepare a salary justification to support the negotiator's action. It is the negotiator's responsibility to see to it that such cases are fully justified and that a complete record of the rationale is included in his memorandum for the contract file.

3. Approval Control Numbering and Submission to SER/CM

Copies of all approvals of salaries that exceed that FS–1 level are required to be sent to SER/CM/SD/SS. To assist SER/CM in determining that they are receiving all copies from each approving office, approving officials will have a consecutive control number starting each fiscal year assigned to each approval by their office, the record of which will be maintained separately from other approval documents.

4. Semiannual Report to the Deputy Administrator

Commencing with March 31, 1978, a semiannual report listing all salary approvals that exceed the FS–1 maximum level will be sent to the Deputy Administrator of AID by the Office of Contract Management.

Appendix H—Response to Audit Recommendations

1. Purpose

This appendix establishes consolidated procedures for responding to post-award audit reports. The procedures in this appendix are not applicable to pre-contract audit surveys.[1]

2. Applicability

The procedures set forth in this appendix apply to all audit recommendations concerning costs questioned under AID-direct contracts whether the recommendation is assigned to SER/CM, or to a Mission or Area Contracting Officer.

3. The Role of the Inspector General

(a) *Legislative and procedural requirements.* Public Law 96–304, July 8, 1980 (Section 305) requires that audits involving questioned costs be resolved within six months. Further, OMB Circular A–73, Audit of Federal Operations and Programs, requires that each agency establish policies and procedures for prompt and proper resolution of audit recommendations, and establish standards for such policies and procedures. The Administrator has approved procedures for audit follow-up and resolution, as recommended by the Inspector General (IG).

(b) *IG responsibilities.* (1) The IG and Regional Inspectors General (RIG) are responsible for tracking and following up on audit recommendations to insure prompt and proper resolutions, and for reporting on monetary recoveries resulting from audit reports. Following receipt of the contracting officer's disposition of the substance of an audit recommendation, the IG and RIG are responsible for determining whether or not to officially close the recommendations.

(2) If the cognizant RIG has not received satisfactory evidence of resolution of an audit recommendation within four months of issuance, the RIG will request a status report from the office assigned action responsibility (see also paragraph 5b(3) of this appendix). If no evidence of satisfactory resolution is received by six month, the IG follows up directly with the cognizant Assistant Administrator. The IG may request the Deputy Administrator to take action on any recommendation open for more than six months.

(3) If the cognizant RIG does not agree to an action office's disposition of an audit recommendation, the RIG will first attempt to resolve the issue with the action office. If this is unsuccessful, the issue will be referred to the IG, who will attempt resolution with the cognizant office head or Assistant Administrator. If the issue cannot be resolved at this level, it can then be referred by IG to the Deputy Administrator for decision. (See also paragraph 4.b., concerning the role of the contracting officer.)

(4) If the cognizant RIG questions a contracting officer's decision not to seek recovery of audit questioned cost, the RIG may submit the issue to the cognizant Regional Legal Advisor, or to the General Counsel's Office. (See also paragraph 4.b., concerning the role of the contracting officer.)

4. The Role of the Contracting Officer

(a) Pursuant to the Contract Disputes Act of 1978 (41 U.S.C. 601–613), as implemented in FAR Part 33, and as provided in FAR 1.6 and Subpart 701.6 of the AIDAR, contracting officers have the authority to negotiate and enter into settlements with contractors of costs questioned under audit reports. With this authority goes the responsibility for insuring that such settlements are properly justified and documented, and promptly executed.

(b) A negotiated settlement of questioned costs, executed by the contractor and the contracting officer; or a contracting officer's final decision pursuant to the disputes clause (in the event questioned costs are not settled by negotiated agreement), are final, subject only to a contractor's appeal, either under the provisions of the Disputes Act, or to the Courts. Regardless of internal controls, such as IG or RIG's right to maintain a recommendation as open (see paragraph 3.b(3) of this Appendix, or to question a contracting officer's decision regarding questioned costs (see paragraph 3.b(4) of this Appendix), the contracting officer's decision as between the Government and the contractor is final, subject to established methods of contractor appeal. Authority to negotiate settlements, or make final decisions on questioned costs rests with duly delegated contracting officers alone.

5. Procedures

In order to insure that resolutions of audit recommendations are properly justified and documented, the following procedures are established:

(a) *General.* (1) Copies of all correspondence concerning resolution of an audit recommendation must be promptly sent to the cognizant RIG. All correspondence provided to the cognizant RIG should include the contractor's name, the contract number(s), and the audit report and recommendation number(s).

(2) In transmitting post-award audit reports to action offices, the RIG's attached memoranda shall identify each contract by its number and request an initial written response within 30 days. Under the Agency's audit recommendation follow-up system, the RIG's are following up to insure that action offices provide the 30-day responses. The IG is required to provide a copy of the initial response to several Congressional Committees. It is recognized that the initial response to audit reports questioning contract costs takes the form of a notification to the contractor by the contracting officer. The cognizant RIG will accept copies of the contracting officer's notification as the initial response to the audit report if:

—The notification clearly indicates the title and/or number of the audit report.

—The notification covers all the cost issues raised in the audit report. If it does not, the cognizant RIG requires a separate memorandum explaining the contracting officer's position on the remaining cost issues.

(3) Action offices have six months from receipt of an audit recommendation to resolve that recommendation; however, every effort will be made to resolve the recommendation within 120 days of its receipt. The contracting officer is responsible for keeping the cognizant RIG informed regarding the status of open audit recommendations in accordance with the

[1] Contracting officers often request audit advice and assistance in evaluating contractor's proposals prior to award. FAR 15808(b) requires the contracting officer to provide a copy of the memorandum of negotiation to the auditor (the cognizant RIG) when a pre-award survey has been performed, to inform the auditor of the disposition and usefulness of the pre-award survey. Provision of a copy of the memorandum of negotiation to the cognizant RIG, pursuant to FAR 15.808(b), constitutes response to a pre-award audit survey.

procedures established in this Appendix. If for any reason a recommendation cannot be resolved within the 120 day period, the contracting officer must so advise the cognizant RIG in writing, giving the reasons. This notification is to be provided as soon as possible, but in any event at least two weeks before expiration of the 120 day period. The contracting officer is also responsible for insuring that RIG's four-month follow-up (see paragraph 3.b(2) of this Appendix is promptly answered. For details on RIG's four and six month follow-up procedures, see paragraph 3.b(2), above.

(4) Responses to audit recommendations must be in writing, properly documented to clearly explain the action taken. When the contracting officer is satisfied that action on a recommendation has been completed, and the file properly documented, he or she should specifically request that the cognizant RIG consider the audit recommendation closed (see paragraph 6 of this Appendix). The cognizant RIG should be requested to notify the contracting officer promptly, in writing, if for any reason they are not prepared to officially close the recommendation, providing the reasons. Such notice should identify the contract number and refer to the contracting officer's last correspondence.

(b) *Audit recommendations questioning costs under AID direct contracts.* (These procedures are mandatory for audit recommendations assigned to SER/CM. It is recommended that they be applied, suitably adapted, to audit recommendations assigned to Missions which have been delegated contracting authority or to an area contracting officer).

(1) *Documentation and control.* (a) All correspondence to and from the cognizant RIG shall specify the contract number, contractor's name, audit report number, and recommendation number, plus the amount of the questioned costs allowed or sustained as disallowed by the contracting officer.

(b) All incoming audits containing recommendations for action by SER/CM are to be immediately submitted to CM/SD/SS. CM/SD/SS will log in the audit report, recording the recommendation numbers and established due dates for all recommendations assigned to SER/CM. CM/SD/SS will then transmit the audit, through the cognizant division chief, to the contracting officer with action responsibility.

(c) CM/SD/SS will establish a tickler file of recommendations assigned to SER/CM, and will provide internal reminders and follow-ups.

(d) The contracting officer will keep CM/SD/SS advised on the current status of open recommendations by providing CM/SD/SS with a copy of official audit-related correspondance between the contracting officer and the RIG. Any necessary follow up by CM/SD/SS to update data for preparation of reports shall be made through the cognizant division chief.

(2) *Notification, negotiation, and settlement.* (a) Within two weeks after receipt of the audit report, the contracting officer shall formally notify the contractor by letter of the costs questioned. This notification shall require the contractor to respond to the contracting officer within 30 calendar days of receiving the letter. If warranted in the circumstances, invite the contractor to participate in negotiations to arrive at a mutually acceptable resolution of such costs. If no response has been received within 30 calendar days following the initial notification to the contractor of the questioned costs, issue a follow-up letter to the contractor requesting a response within 20 calendar days. In this follow-up the contractor should be advised that failure to respond within the specified period will result in the issuance of a final decision, pursuant to the disputes clause of the contract. If no response is received 20 calendar days after the follow-up letter, the contracting officer makes a final decision in accordance with FAR 33.011 regarding the questioned costs and issues, in writing, the appropriate contracting officer's decision as authorized in the Disputes clause of the contract. A copy of each letter, and any decision, shall be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SS).

(b) If the contractor responds to the contracting officer's letter identifying questioned costs, but an acceptable settlement is not achieved with a reasonable period of time (normally, 3 months from the date of initial notification), the contracting officer shall consider negotiations to have reached an impasse. The contracting officer shall then issue the appropriate decision as authorized in the disputes clause of the contract. A copy of this decision must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SS). See also paragraph 5b(4) of this Appendix regarding notification of the Controller.

(c) Normally, the contractor will respond to notification of questioned costs, and a mutually acceptable settlement can be negotiated. Such negotiated settlements must be documented for the contract file by the contracting officer. The written record must include:

(i) The initial audit findings, in detail, including all questioned costs, item by item.

(ii) The contracting officer's position, as reflected in the notification to the contractor, on each of the audit findings, and questioned costs. If there are any differences between the contracting officer's position and that of the audit, these must be explained, showing exactly what the differences are, why, and how they were arrived at (including discussions, comments, and advise or clearances by other offices).

(iii) A final summary analysis showing the audit finding; the contracting officer's initial position; the contractor's response; subsequent positions of both parties, and final resolution. This must be in sufficient detail to permit any reasonable person to understand what the issues were, how much was involved, what items were adjusted (plus how much and why), what the final resolution was, and why.

A copy of this written record, clearly marked to indicate the audit report and recommendation number(s) must be sent to the cognizant RIG (and, when the audit recommendation is assigned to SER/CM, to CM/SD/SS). See also paragraph 5b(4) of this Appendix, regarding notification of the Controller.

(3) *Collection.* The preferred method of collection is through the issuance of a Bill for Collection, in accordance with Agency policy on cash management. Use of any other collection method must be coordinated in advance with FM/PAD. Bills for Collection are issued by the Controller in accordance with the procedures set forth in paragraph 5b(4) of this Appendix.

(4) *Notification of the controller.* (a) When a settlement has been negotiated, or a final decision has been issued pursuant to the disputes clause, it remains to collect the amount determined due to AID (substained disallowances). The contracting officer is responsible for notifying the Controller to issue a Bill for Collection. A copy of this notification must be sent to the cognizant RIG, and to IG/PPP (and to CM/SD/SS, for audits assigned to SER/CM).

(b) The notification to the Controller must contain the following information:

(i) Identification of the contract/task order/work order, providing the contract number, and the contractor's name and address;

(ii) The most recent accounting and appropriation data (PIO/T number and allotment number, etc.);

(iii) The amount due to AID;

(iv) The applicable audit and recommendation number(s); and

(v) A copy of the contracting officer's negotiated settlement or final decision pursuant to the disputes clause (see paragraph 5b(2) of this Appendix).

(c) The notification must request that a copy of the Bill for Collection be sent to the cognizant RIG, IG/PPP, and the contracting officer. The contracting officer is responsible for following up to insure that the Bill for Collection has been issued, and that a copy is in fact provided to the cognizant RIG and to IG/PPP, and is placed in the contract file.

(d) If the Contractor appeals the final decision pursuant to the disputes clause, the contracting officer must promptly notify the Controller to suspend collection pending resolution of the appeal. Suspension action by the Controller shall be taken in consultation with the Office of the General Counsel, pursuant to Delegation of Authority No. 80. The contracting officer is responsible for notifying the Controller regarding resolution of any appeal.

6. Closing Audit Recommendations

When the contracting officer has completed all action required by an audit recommendation in accordance with the procedures established in this appendix, he/she shall request that the recommendation be considered officially closed. The memorandum to the cognizant RIG shall specifically identify the audit report and recommendation number(s), summarize the actions taken, and explain why the recommendation(s) should be considered closed, providing sufficient evidence to permit the cognizant RIG to make a reasonable decision. For audit recommendations involving questioned costs which result in sustained disallowances, RIG

and IG/PPP will accept a copy of the issued Bill for Collection as evidence to close a recommendation. A copy of the request to close a recommendation shall be sent to IG/PPP (and, for audits assigned to SER/CM, to CM/SD/SS).

7. Clearances

(a) *General.* All proposed post-award audit responses, whether to internal audits prepared by the IG, or to GAO audits, prepared by SER/CM are to be cleared in accordance with M/AAA/SER requirements in effect at the time the response is prepared. Responses prepared by Mission or Area contracting officers will be cleared in accordance with applicable Mission and Bureau procedures.

(b) *Final decisions pursuant to the disputes clause.* If settlement of an audit requires a final decision by the contracting officer in accordance with FAR 33.011, pursuant to the disputes clause, such decisions must be cleared by GC or the cognizant Mission or Regional Legal Advisor.

Appendix I—AID's Academic Publication Policy

1. Statement of Policy

This is a statement of AID policy on publication, or release to parties other than those specifically authorized, of unclassified materials gathered or developed under contracts with academic institutions.

2. Underlying Principles

AID favors and encourages the publication of scholarly research as well as the maximum availability, distribution, and use of knowledge developed in its program.

This policy statement does not deal with material that is classified for security reasons. It does deal with considerations of national interest, not of sufficient gravity to warrant security classification, but serious enough to affect adversely the conduct of U.S. assistance programs. Consequently, in addition to the requirements of courtesy, propriety, and confidence which normally guide scholars in their work, there should also be consideration of the potential repercussions of publication on the successful execution of development and other cooperative programs in which the United States and foreign countries are involved.

3. Operational Definitions

The Agency draws a distinction between two kinds of manuscripts which a scholar may wish to publish:

(a) A report which is prepared and delivered to the Agency under the terms of the contract (a "contract manuscript"); and

(b) An article or book based upon experience and information gained under an AID contract but not prepared or delivered under the contract (a "non-contract manuscript").

There are two kinds of actions, to be specified in the contract, which the Agency can take upon notification of a contractor's desire to publish:

(a) Comment only, under which AID and the foreign government involved may review the manuscript, and have their comments considered seriously by the contractor prior to publication; and

(b) Authorization for release, which AID may withhold if reconciliation between the national interest and the author's interest is impossible.

4. Policy Statements

(a) AID, as a general rule, will not require an academic institution to obtain permission to publish the written work produced under a contract. It will ask for the opportunity to review the manuscript for comment only, prior to publication.

In the case of a contract manuscript, AID reserves the right to disclaim endorsement of the opinions expressed; if it is a noncontract manuscript, AID reserves the right to disassociate itself from sponsorship or publication.

(b) On the other hand, AID may reserve the right of authorization for release in those exceptional cases where conditions exist making it reasonably foreseeable, in light of the contract's scope of work and the manner and place of performance, that the written work to be prepared and delivered under the contract may have adverse repercussions on the relations and programs of the United States. Where this right is reserved, it must be so specified in the contract. In determining where to reserve such right, AID will consider all relevant factors, including:

(1) The extent to which prompt and full performance of the contract will require access, facilitated by reason of the contract, to information not generally available to scholars;

(2) The extent to which the work involves matters of political concern to foreign countries, particularly where any substantial part of the work is to be performed therein;

(3) The extent to which, by reason of AID's close involvement and cooperation in the performance of the contract, the work product may be so identified with AID itself as to prevent effective disclaimer of AID endorsement thereof;

(4) The extent to which the objective of the contract is to provide advice to AID or to a foreign government of immediate operational significance in the conduct of the AID program or the implementation of governmental programs in the host country;

(5) The desires of the host country.

5. Implementation

The successful implementation of this policy on publication rests on a thorough understanding and acceptance of these principles by AID and the prospective contractor. The actual publications provision for a particular contract, then, would be so worded as to reflect the agreement reached in the contract negotations.

AID's concern with noncontract manuscripts is related to the identification of a manuscript with the U.S. Government. This concern will be modified by the passage of time following termination of the contract.

In the normal case of prepublication review for AID comment, the institution will submit a copy of the manuscript not later than the date of submission to the publisher. This gives the Agency time to comment if it is deemed appropriate. However, in the case of review for authorization, timely notification of AID's response will be given, consistent with the size of the manuscript and the number and location of the parties involved.

The Agency will make every effort to expedite this review procedure in accordance with the underlying principle described at the beginning of this policy statement.

[FR Doc. 84-8760 Filed 3-29-84; 9:50 am]

BILLING CODE 6116-01-M

federal register

Tuesday
April 3, 1984

Part III

Department of Energy

Federal Energy Regulatory Commission

NGPA Notices of Determination by Jurisdictional Agencies; Notices

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1090]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note. By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 FR 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not by published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, D.C. 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 (1,000 ft rule)
- 102-4: New onshore reservior
- 102-5: New res. on old OCS lease

Section 103: New onshore production well

Section 107-DP: 15,000 ft or deeper
- 107-GB: Geopressured brine
- 107-DV: Devonian shale
- 107-CS: Coal seam gas
- 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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1090
ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** OHIO DEPARTMENT OF NATURAL RESOURCES **********									
-AKRON OIL CORP				RECEIVED: 02/29/84		JA: OH			
8422993		3408924400		103		VOGELMEIER #1A	HANOVER	5.0	
-ARAPAHO VENTURES OF NEW YORK INC				RECEIVED: 02/29/84		JA: OH			
8422994		3412123041		103	107-TF	REED-CARREL #1	WILDCAT	100.0	EAST OHIO GAS CO
-ATLAS ENERGY GROUP INC				RECEIVED: 02/29/84		JA: OH			
8422995		3408520448		103	107-TF	BATES UNIT #1	PERRY	0.0	OHIO STEEL TUBE
-BELDEN & BLAKE & CO #1				RECEIVED: 02/29/84		JA: OH			
8422996		3410323530		103	107-TF	MEADOWS ENTERPRISES #2-341346	GRANGER	36.5	
-BIG INJUN OIL & GAS CO INC				RECEIVED: 02/29/84		JA: OH			
8422997		3408924838		103		JOHN HOOVER #1	HOOVER	2.5	NATIONAL GAS & OI
-C & S ENERGY CORP				RECEIVED: 02/29/84		JA: OH			
8422998		3416923663		103		BLACK DIAMOND #2	CHIPPEWA	11.0	
-CA D' ORA INC				RECEIVED: 02/29/84		JA: OH			
8422999		3416727478		103		NORBERT SCHILLING #1	WATERTOWN	7.0	
-CAMERON BROS				RECEIVED: 02/29/84		JA: OH			
8423000		3411926883		107-TF		MARILYN PATTON #1	PERRY	10.0	
-CITY OF CUYAHOGA FALLS				RECEIVED: 02/29/84		JA: OH			
8423002		3415321492		103	107-TF	KENNEDY PARK #1	STOW	32.0	EAST OHIO GAS CO
8423001		3415321491		103	107-TF	KENNEDY PARK #2	TALLMADGE	37.0	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED: 02/29/84		JA: OH			
8423123		3413323179		107-TF		BIRD TOM UNIT #2-827	ROOTSTOWN	10.0	
8423120		3405520675		107-TF		C THRASHER #1-854	HUNTSBURG	10.0	
8423124		3415522356		107-TF		J BOLEK #2-671	BRISTOL	10.0	
8423122		3411926790		107-TF		J H & J BALLANTINE #1-788	HIGHLAND	10.0	
8423125		3415723811		107-TF		MARY CRIM #1-754	MILL	10.0	
8423121		3405520698		107-TF		T RAY UNIT #1-853	HUNTSBURG	10.0	
8423126		3415723889		107-TF		WILLIAM SCOTT #1-748	MILL	10.0	
-CNG DEVELOPMENT CO				RECEIVED: 02/29/84		JA: OH			
8423004		3405520625		103	107-TF	M & T TURKOC #1 CNGD #613	BURTON	5.0	
8423003		3405520616		103	107-TF	M HEIL #1 CNGD #334	MONTVILLE	4.0	
8423005		3408520492		103	107-TF	M WOODWORTH #1 CNGD #363	MADISON	5.0	
-CONCORD ENERGY INC				RECEIVED: 02/29/84		JA: OH			
8423008		3411926929		107-TF		J SHERRICK #3	OTSEGO	45.0	EAST OHIO GAS CO
8423006		3411926927		107-TF		SHERRICK #1	OTSEGO	60.0	EAST OHIO GAS CO
8423007		3411926928		107-TF		SHERRICK #2	OTSEGO	43.0	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED: 02/29/84		JA: OH			
8423010		3416923717		103	107-TF	RICHARD GRAHAM ETAL #1	WAYNE	12.0	RSC ENERGY CORP
8423009		3412726039		103	107-TF	ROBERT MOORHEAD #4	JACKSON	12.0	FORAKER GAS CO IN
-DOME ENERGY 83-2				RECEIVED: 02/29/84		JA: OH			
8423014		3409321242		107-TF		FALOON-STETZ #1	COLUMBIA	15.0	
8423012		3405520649		107-TF		KAY DEVELOPMENT #3	BAINBRIDGE	22.0	POI ENERGY INC
8423011		3405520646		107-TF		KAY DEVELOPMENT #4	BAINBRIDGE	20.0	POI ENERGY INC
-DOME OIL & GAS 83				RECEIVED: 02/29/84		JA: OH			
8423013		3405520695		107-TF		WASHINGTON-POST DEVELOPMENT WPD #1	BAINBRIDGE	30.0	
-DORSET CO INC				RECEIVED: 02/29/84		JA: OH			
8423026		3400721132		108		ADAMS #1		23.0	EAST OHIO GAS CO

BILLING CODE 6717-01-M

VOLUME 1090

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423027		3400721161		108		ASH SHAHEED #1		20.0	JONES & LAUGHLIN
8423028		3400721171		108		CKC UNIT #1		13.0	EAST OHIO GAS CO
8423021		3400720990		108		HAINES #2		30.0	JONES & LAUGHLIN
8423022		3400721044		108		KING ADAMS #1		20.0	EAST OHIO AS CO
8423024		3400721129		108		MCCONNELL #4		15.0	DANA CORP
8423025		3400721130		108		MCCONNELL #5		50.0	DANA CORP
8423029		3400721188		108		RIPKA DENMARK #4		37.0	JONES & LAUGHLIN
8423015		3400720662		108		RIPKA WRUDERKER #1		40.0	EAST OHIO GAS CO
8423016		3400720665		108		RIPKA WRUDERKER #2		20.0	EAST OHIO GAS CO
8423017		3400720901		108		RUFFING #1		20.0	EAST OHIO GAS CO
8423023		3400721125		108		RUZGA #1		30.0	JONES & LAUGHLIN
8423019		3400720979		108		RYSKA DENMARK #3		42.0	JONES & LAUGHLIN
8423018		3400720902		108		SCHWAU #1		15.0	EAST OHIO GAS CO
8423020		3400720984		108		WHITE #1		15.0	JONES & LAUGHLIN
-EDCO DRILLING & PRODUCING INC				RECEIVED: 02/29/84 JA: OH					
8423030		3400720588		107-RT		KOLASINSKI 1A	SHEFFIELD	18.0	
8423031		3400722390		107-TF		KRIEG CB-1A	COLEBROOK	18.0	
8423032		3400722392		107-TF		PRINCE/GULITZ UNIT CB-1A	COLEBROOK	18.0	
-ENERGY DEVELOPMENT CORP				RECEIVED: 02/29/84 JA: OH					
8423033		3400722444		103	107-TF	LA CAVERA WELL #1	LENOX	18.0	
8423035		3415520309		107-RT		MILLER WELL #23	MESOPOTAMIA	14.0	COLUMBIA GAS TRAN
8423034		3405520163		107-TF		PECUZOK WELL #2	PARKMAN	15.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED: 02/29/84 JA: OH					
8423037		3400922871		103	107-TF	PEABODY COAL #19D	DOVER	18.2	
8423036		3400922864		103	107-TF	PEABODY COAL #2D	DOVER	27.3	
-EVERFLOW EASTERN INC				RECEIVED: 02/29/84 JA: OH					
8423040		3409921650		103	107-TF	GIRL SCOUTS-SALLAZ #1	ELLSWORTH	0.0	
8423039		3400722509		103	107-TF	KINGS LAKE INC #1	KINGSVILLE	0.0	
8423038		3400722424		103	107-TF	NELSON #1	KINGSVILLE	0.0	
-EXPLORATION MANAGEMENT INC				RECEIVED: 02/29/84 JA: OH					
8423041		3400722339		103	107-TF	COLTMAN #1		85.0	POI ENERGY INC
8423042		3400722340		103	107-TF	COLTMAN #2	WAYNE	50.0	POI ENERGY INC
8423043		3413322800		103	107-TF	CRANE #2	WAYNE	4.0	YANKEE RESOURCES
-GASEARCH INC				RECEIVED: 02/29/84 JA: OH					
8423044		3409921616		103	107-TF	MALONE #2	AUSTINTOWN	20.0	
-GREENLAND PARTNERSHIP	34-4			RECEIVED: 02/29/84 JA: OH					
8422992		3412726114		103		MASTERSON #8	PIKE	15.0	FORAKER GAS CO IN
-HLH DRILLING INC				RECEIVED: 02/29/84 JA: OH					
8423046		3400722456		107-TF		BOGGS #1	ANDOVER	24.0	POI ENERGY INC
8423045		3400722433		107-TF		LAHTI #1	WILLIAMSFIELD	24.0	POI ENERGY INC
-JADOIL INC				RECEIVED: 02/29/84 JA: OH					
8423048		3412725874		103		CRANE-WILSON-BUSSE UNIT #1	HOPEWELL	6.0	NATIONAL GAS & OI
8423047		3408323284		103		WILLIAM J & MARY E COAKLEY #3	JACKSON	5.0	COLUMBIA GAS TRAN
-JAMES R BERNHARDT				RECEIVED: 02/29/84 JA: OH					
8423049		3410323468		103	107-TF	JELEN WELL #3	GRANGER	15.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS				RECEIVED: 02/29/84 JA: OH					
8423050		3410323480		107-TF		DELTA LAND INVESTMENT CO #3	MONTVILLE	18.0	COLUMBIA GAS TRAN
8423051		3410323481		107-TF		DELTA LAND INVESTMENT CO #4	MONTVILLE	20.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 83-3				RECEIVED: 02/29/84 JA: OH					
8423052		3410323515		107-TF		GEORGE SIEDEL #1	MONTVILLE	30.0	COLUMBIA GAS TRAN
8423053		3410323516		107-TF		GEORGE SIEDEL #2	MONTVILLE	25.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 83-4				RECEIVED: 02/29/84 JA: OH					
8423054		3410323556		107-TF		GEORGE SIEDEL #3	MONTVILLE	30.0	COLUMBIA GAS TRAN
8423055		3410323557		107-TF		GEORGE SIEDEL #4	MONTVILLE	35.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED: 02/29/84 JA: OH					
8423056		3403125219		103	107-TF	JOHN & MAYNARD CONKLE #4	MILL CREEK	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 02/29/84 JA: OH					
8423059		3405520571		103	107-TF	H MCNISH #1	HUNTSBURG	24.0	
8423057		3405520366		107-TF		J PAPESCH #1	AUBURN	30.0	
8423058		3405520568		103	107-TF	T RAY UNIT #1	HUNTSBURG	24.0	
-MCCLAIN OIL CO				RECEIVED: 02/29/84 JA: OH					
8423060		3408924833		103		GRAFT #4	HOPEWELL	1.0	NATIONAL GAS & OI
-MILLER WILLIAM P JR				RECEIVED: 02/29/84 JA: OH					
8423134		3411926829		103	107-TF	JOHN F MILLER #1	HOPEWELL	10.0	NATIONAL GAS & OI
-NATIONAL ENERGY EXPLORATIONS INC				RECEIVED: 02/29/84 JA: OH					
8423062		3408924858		103		SMITH-JONES #1 #31-1076927	HANOVER	3.0	NATIONAL GAS & OI
-NOBLE OIL CORP				RECEIVED: 02/29/84 JA: OH					
8423063		3413323163		107-TF		KOTLAR #1	FREEDOM	20.0	PARK OHIO INDUSTR
-NORTH AMERICAN PRODUCTION CO				RECEIVED: 02/29/84 JA: OH					
8423064		3413323102		107-TF		FEJEDELEM #1	MANTUA	20.0	
8423067		3413323109		107-TF		HARPER #1	SHALERSVILLE	16.0	
8423066		3413323105		107-TF		MERK-NOWAK UNIT #1	MANTUA	18.0	
8423065		3413323104		107-TF		MERK-NOWAK UNIT #3	MANTUA	19.0	
-NORTH EASTERN OHIO OIL & GAS EXPLOR				RECEIVED: 02/29/84 JA: OH					
8423068		3400722323		103	107-TF	THOMPSON #2	NEW LYME	20.0	
-ONEAL PETROLEUM INC				RECEIVED: 02/29/84 JA: OH					
8423069		3405922400		108		F MOSS #1		4.7	COLUMBIA GAS TRAN
-ORION ENERGY CORP				RECEIVED: 02/29/84 JA: OH					
8423070		3416923682		107-TF		WIANDT #4	CHESTER	15.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 02/29/84 JA: OH					
8423127		3412726192		103		HARRY WALSER #8	THORN	10.0	
8423128		3411926743		107-TF		RANDY HUMPHREY #1	SPRINGFIELD	10.0	
-P/T DRILLING JOINT VENTURE				RECEIVED: 02/29/84 JA: OH					
8423073		3400722511		107-TF		DOMENIC M MAZZA #1	MORGAN	40.0	
8423071		3400721795		107-TF		GILL UNIT #1	NEW LYME	40.0	
8423072		3400722406		107-TF		SCHROCK #2	MORGAN	40.0	
-PENN-OHIO ENERGY CORP				RECEIVED: 02/29/84 JA: OH					
8423074		3405520545		103		JOAN DETTELBACH #1	CLARIDON TWP	0.0	EAST OHIO GAS CO
-PETRO EVALUATION SERVICES INC				RECEIVED: 02/29/84 JA: OH					
8423076		3408520471		103	107-TF	ANDERSON-BRAINARD #1	PERRY	31.0	
8423077		3408520477		103	107-TF	H A HAWGOOD UNIT #1	MADISON	35.0	
8423075		3408520396		103	107-TF	WM H SAGER #1	PERRY	32.0	
-POI ENERGY INC				RECEIVED: 02/29/84 JA: OH					
8423081		3400722508		103	107-TF	BURKETT #RP-1	RICHMOND	30.0	
8423082		3405520590		103	107-TF	CERVENKA #RM-1	HAMDEN	36.0	
8423078		3400722080		103	107-TF	CLAY #RM-1	WAYNE	33.0	
8423080		3400722478		103	107-TF	MARUSZAK #ZRM-1	NEW LYME	25.0	
8423079		3400722447		103	107-TF	MEEK #ZRM-2	NEW LYME	32.0	
-REDMAN OIL CO INC				RECEIVED: 02/29/84 JA: OH					
8423084		3411523294		107-TF		JOHN ST HARPER #1	MANCHESTER	91.0	COSHOCTON PIPE CO
8423085		3411523295		107-TF		PAUL HOPKINS #1	MANCHESTER	130.0	COSHOCTON PIPE CO
8423083		3411523292		107-TF		W D BROCK #1	BRISTOL	18.0	COSHOCTON PIPE CO
-RSC ENERGY CORP				RECEIVED: 02/29/84 JA: OH					
8423088		3411926793		103	107-TF	CONSOLIDATION COAL - CR #70	ADAMS	12.7	REPUBLIC STEEL CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423089		3411926794		103	107-TF	CONSOLIDATION COAL CO - CR #71	ADAMS	12.7	REPUBLIC STEEL CO
8423087		3411926792		103	107-TF	CONSOLIDATION COAL CO - CR #76	MADISON	11.6	REPUBLIC STEEL CO
8423086		3411926360		103	107-TF	CONSOLIDATION COAL-CR #49	ADAMS	10.9	REPUBLIC STEEL CO
-SHONGUM OIL & GAS INC				RECEIVED:	02/29/84	JA: OH			
8423094		3410323609		107-TF		HAROLD STUART UNIT #1	MONTVILLE	0.0	
8423091		3410323497		107-TF		NOWAK UNIT #2	MONTVILLE	0.0	
8423093		3410323592		107-TF		PHILLIPE BURKHARDT #1	SUGAR CREEK	0.0	
8423090		3410323197		107-TF		VERN REAM ETAL #1	SHARON	0.0	
8423092		3410323509		107-TF		WILLIAM PENROSE #1	MONTVILLE	0.0	
-SMITH FARM OIL & GAS CO				RECEIVED:	02/29/84	JA: OH			
8423095		3411120495		108		H E SMITH #1	WASHINGTON	1.3	RIVER GAS CO
-STARK OILFIELD SERVICES INC				RECEIVED:	02/29/84	JA: OH			
8423096		3400722353		103	107-TF	W FERGUSON #3	MORGAN	30.0	
-STRATA CORP				RECEIVED:	02/29/84	JA: OH			
8423097		3412724632		103		FRIEL #4	PIKE	6.0	TEXAS EASTERN TRA
8423098		3412726153		107-TF		ROGERS-BLOOMFIELD #1	PLEASANT	25.0	TEXAS EASTERN TRA
-THE BENATTY CORPORATION				RECEIVED:	02/29/84	JA: OH			
8423116		3411926021		103	107-TF	A RAYNER #1	MEIGS	40.0	CLINTON AMERICAN
8423100		3411521771		107-TF		C MOORE #1	BLOOM	10.0	TENNESSEE GAS PIP
8423102		3411521980		107-TF		C MOORE #3	BLOOM	10.0	
8423109		3411925019		107-TF		C SILER #1	BLUE ROCK	15.0	TENNESSEE GAS PIP
8423115		3411925459		107-TF		C SILER #4	BLUE ROCK	25.0	TENNESSEE GAS PIP
8423119		3412123109		103	107-TF	CENTRAL OHIO COAL #11-74	JACKSON	35.0	
8423118		3412123062		103	107-TF	D MORRIS #2-104	JACKSON	0.0	
8423101		3411521884		107-TF		D SHUSTER #1	BLOOM	5.0	
8423113		3411925358		103	107-TF	E WILSON #1	BLUE ROCK	25.0	
8423104		3411522247		103	107-TF	F J EARL #3	BLOOM	10.0	
8423117		3412122716		103	107-TF	H BELL #1	JACKSON	15.0	EAST OHIO GAS CO
8423099		3411521765		107-TF		K ROBINSON #1	BLOOM	30.0	TENNESSEE GAS PIP
8423111		3411925111		103	107-TF	M FLEMING #1	BLUE ROCK	20.0	
8423112		3411925113		103	107-TF	M FLEMING #2	BLUE ROCK	0.0	
8423107		3411924280		107-TF		R HUNTER #1	BLUE ROCK	20.0	
8423110		3411925090		103	107-TF	R HUNTER #2	BLUE ROCK	20.0	TENNESSEE GAS PIP
8423114		3411925457		103	107-TF	R HUNTER #5	BLUE ROCK	25.0	
8423105		3411523182		103	107-TF	R PARMITER #1	BLOOM	40.0	
8423108		3411925018		107-TF		S COX #1	BLUE ROCK	20.0	
8423106		3411523189		103	107-TF	SPENCER #1	BLOOM	40.0	
8423103		3411522030		107-TF		W MCDANIEL #1	BLOOM	10.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	02/29/84	JA: OH			
8423061		3415723964		103	107-TF	CRUM #5	UNION	0.0	EAST OHIO GAS CO
-UNIVERSAL EXPLORATION				RECEIVED:	02/29/84	JA: OH			
8423129		3415321603		107-TF		HANZEL #2	FRANKLIN	0.0	EAST OHIO GAS CO
-VICTOR MCKENZIE				RECEIVED:	02/29/84	JA: OH			
8423131		3412726180		103		MONT COOPERRIDER #2	THORN	20.0	NATIONAL GAS & OI
8423130		3412726150		103		NANCY MILLER #1	THORN	60.0	COLUMBIA GAS TRAN
-VICTOR MCKENZIE DRILLING CO INC				RECEIVED:	02/29/84	JA: OH			
8423132A		3411926806		103		SEYBOLD UNIT #1	SALT CREEK	25.0	COLUMBIA GAS TRAN
8423132B		3411926806	D	107-TF		SEYBOLD UNIT #1	SALT CREEK	25.0	COLUMBIA GAS TRAN
-WENNER PETROLEUM CORPORATION				RECEIVED:	02/29/84	JA: OH			
8423133		3416923692		107-TF		R GASSER #6	MILTON-WAYNE POOL	11.0	COLUMBIA GAS TRAN
-YANKEE EXPLORATION INC				RECEIVED:	02/29/84	JA: OH			
8423135		3405520584		103	107-TF	B A STEVENSON #1	HAMBDEN	0.0	YANKEE RESOURCES
8423145		3415123718		103	107-TF	BUEHLER UNIT #1	WASHINGTON	0.0	YANKEE RESOURCES
8423141		3412123083		103	107-TF	CHAPMAN UNIT #1	NOBLE	0.0	YANKEE RESOURCES
8423146		3415123908		103	107-TF	DONALD ROHR #7	WASHINGTON	0.0	YANKEE RESOURCES
8423147		3415522293		103	107-TF	HALL-FENSTERMAKER #1	BRISTOL	0.0	YANKEE RESOURCES
8423140		3405923546		103	107-TF	JOHN MORTON #3	ADAMS	0.0	YANKEE RESOURCES
8423139		3405923542		103	107-TF	MARTHA PALMER #1	CAMBRIDGE	0.0	YANKEE RESOURCES
8423138		3405923541		103	107-TF	MARTHA PALMER #2	CAMBRIDGE	0.0	YANKEE RESOURCES
8423142		3412123086		103	107-TF	MURL PICKENPAUGH #3	SHARON	0.0	YANKEE RESOURCES
8423143		3412123087		103	107-TF	MURL PICKENPAUGH #4	SHARON	0.0	YANKEE RESOURCES
8423144		3412123088		103	107-TF	MURL PICKENPAUGH #5	SHARON	0.0	YANKEE RESOURCES
8423136		3405520671		103	107-TF	PARKER UNIT #1	MONTVILLE	0.0	YANKEE RESOURCES
8423149		3415522415		103	107-TF	PETRELLA-AMATO UNIT #X3	BRISTOL	0.0	YANKEE RESOURCES
8423150		3415522416		103	107-TF	PETRELLA-AMATO UNIT #4	BRISTOL	0.0	YANKEE RESOURCES
8423148		3415522302		103	107-TF	SUTTON UNIT #3	BRISTOL	0.0	YANKEE RESOURCES
8423137		3405923537		103	107-TF	T & W TIPPLE #1	CAMBRIDGE	0.0	YANKEE RESOURCES
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	02/27/84	JA: WV			
8422944		4701100753		107-DV		A LUCAS #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422941		4701100756		107-DV		BOWEN/HARLESS #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422945		4701100762		107-DV		BRINIGER/MCCOY #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422947		4701100758		107-DV		E WALKER #3	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422946		4701100759		107-DV		HOGSETT/HYSELL #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422942		4701100755		107-DV		J L BOWEN #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422939		4701100754		107-DV		J L BOWEN #2	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422948		4701100757		107-DV		KELLWOOD FARMS #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422940		4701100750		107-DV		L SARGENT #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
8422943		4701100752		107-DV		R C JOHNSON #1	BARBOURSVILLE DISTRIC	36.0	COLUMBIA GAS TRAN
-BASE PETROLEUM				RECEIVED:	02/27/84	JA: WV			
8422952		4704700558		108		NORFOLK & WESTERN RAIL #420+2839.5	(SANDY RIVER DISTRICT	5.0	COLUMBIA GAS TRAN
8422953		4704700559		108		NORFOLK & WESTERN RAIL #420+4789.5	(SANDY RIVER DISTRICT	5.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:	02/27/84	JA: WV			
8422911		4700121860		103		FRI #1	VALLEY DISTRICT	28.7	BROOKLYN UNION GA
8422906		4709300065		103		R BEALL #1	DRY FORK	30.0	BROOKLYN UNION GA
8422910		4700121964		103		T GIBSON #1	VALLEY DISTRICT	16.0	BROOKLYN UNION GA
8422920		4700121964		107-DV		T GIBSON #1	VALLEY DISTRICT	16.0	BROOKLYN UNION GA
-CHESTERFIELD ENERGY CORP				RECEIVED:	02/27/84	JA: WV			
8422961		4700101916		107-DV		CORLEY #1	BELINGTON	10.0	TENNECO OIL CO
8422964		4701703231		107-DV		GIBSON #1	ZINNIA	5.0	COLUMBIA GAS TRAN
8422960		4700101917		107-DV		HILLYARD #1	BELINGTON	10.0	TENNECO OIL CO
8422962		4700101851		107-DV		MCQUAID #1	BELINGTON	10.0	TENNECO OIL CO
8422966		4704103324		107-DV		OSBORN #1	GLENVILLE NORTH	10.0	CARNEGIE NATURAL
8422967		4703302851		103		RILEY WELL #1	CLAY	0.0	PENNZOIL PRODUCIN
8422963		4700101687		107-DV		SHOMO #1	BELINGTON	10.0	TENNECO OIL CO
8422965		4702104021		107-DV		WADE #1	REVEL	10.0	EQUITABLE GAS CO
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/27/84	JA: WV			
8422959		4709702566		103		D L M COAL CO 12824	WASHINGTON	81.0	GENERAL SYSTEM PU
-CONTINENTAL PETROLEUM CO				RECEIVED:	02/27/84	JA: WV			
8422970		4702104093		107-DV		SANDY #2	GLENVILLE NORTH	28.0	COLUMBIA GAS TRAN
-DELTA DRILLING CO				RECEIVED:	02/27/84	JA: WV			
8422919		4703501783		107-DV		V M BOGGESS #1	RAVENSWOOD	0.0	KAISER EXPLORATIO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8422951		4703501783		103		V M BOGGESS #1	RAVENSWOOD	0.0	KAISER EXPLORATIO
-J & J ENTERPRISES INC				RECEIVED:	02/27/84	JA: WV			
8422916		4709702541		103		J-752	UNION	0.0	EASTERN AMERICAN
8422915		4709702542		103		J-753	UNION	0.0	EASTERN AMERICAN
8422918		4700101920		103		J-777	VALLEY	0.0	EASTERN AMERICAN
8422917		4700101905		103		J-798	VALLEY	0.0	EASTERN AMERICAN
-JAMES F SCOTT				RECEIVED:	02/27/84	JA: WV			
8422949		4704706903		107-TF		S-482 DAVID STEELE	SANDY RIVER	42.0	COLUMBIA GAS TRAN
-KAISER ENERGY INC				RECEIVED:	02/27/84	JA: WV			
8422907		4710701267		103		ROBERT K TEBAY JR KEM-360	NEW ENGLAND	36.5	BORG-WARNER CHEMI
8422908		4710701258		103		WILBERT G & CLARA L HOFFMAN KEM-355	NEW ENGLAND	32.8	BORG-WARNER CHEMI
8422909		4710701254		103		WILBUR TENNANT KEM #369	NEW ENGLAND	29.0	BORG-WARNER CHEMI
-KAISER EXPLORATION & MINING CO				RECEIVED:	02/27/84	JA: WV			
8422927		4703501649		107-DV		DEWEY LUCAS KEM #151	ELK/POCA	30.0	KAISER ALUMINUM &
8422922		4710701209		107-DV		GERALDINE SAME KEM #148	MURRAYSVILLE	24.5	KAISER ALUMINUM &
8422926		4703501787		107-DV		GRANT DONOHEW KEM #291	ELK/POCA	18.3	KAISER ALUMINUM &
8422925		4703501788		107-DV		GRANT DONOHEW KEM #292	ELK/POCA	18.3	KAISER ALUMINUM &
8422924		4703501789		107-DV		GRANT DONOHEW KEM #293	ELK/POCA	18.3	KAISER ALUMINUM &
8422923		4703501791		107-DV		GRANT DONOHEW KEM #294	ELK/POCA	18.3	KAISER ALUMINUM &
8422928		4703501622		107-DV		KENNETH SHAW KEM #126	MURRAYSVILLE	30.0	KAISER ALUMINUM &
8422921		4710701213		107-DV		THOMAS LOUGH KEM #221	MURRAYSVILLE	24.5	KAISER ALUMINUM &
-KEPCO INC				RECEIVED:	02/27/84	JA: WV			
8422930		4703302891		103		B L COFFINDAFFER #3 (WK-250)	UNION DISTRICT	17.5	TEXAS EASTERN TRA
8422929		4701703210		103		J M HINKLE #2 (WK-243)	GREENBRIER DISTRICT	14.5	TEXAS EASTERN TRA
8422931		4701703211		103		J M HINKLE #3 (WK-244)	GREENBRIER DISTRICT	40.0	TEXAS EASTERN TRA
8422932		4701703205		103		W H MCCLAIN #2 (WK-242)	GREENBRIER DISTRICT	15.0	TEXAS EASTERN TRA
8422933		4701703204		103		W MCCLAIN #3 (WK-241)	GREENBRIER DISTRICT	45.0	TEXAS EASTERN TRA
-L & M PETROLEUM INC				RECEIVED:	02/27/84	JA: WV			
8422975		4707301689		103		DELBERT JANES #1	JEFFERSON	10.0	CONSOLIDATED GAS
-MURVIN OIL CORP				RECEIVED:	02/27/84	JA: WV			
8422950		4708506544		103		R ALLEN #6	GRASS RUN	50.0	CONSOLIDATED GAS
-OHIO L & M CO INC				RECEIVED:	02/27/84	JA: WV			
8422974		4702104086		103		ARBUCKLE #2	CENTER	10.0	CONSOLIDATED GAS
8422973		4708506693		103		STARR #8	FRANT	10.0	CONSOLIDATED GAS
-RARE EARTH ENERGY INC				RECEIVED:	02/27/84	JA: WV			
8422972		4707301539		103		OLDS #1	JEFFERSON DISTRICT	0.0	CONSOLIDATED GAS
8422971		4707301705		103		TAYLOR #2	JEFFERSON DISTRICT	0.0	CONSOLIDATED GAS
-SWIFT ENERGY CO				RECEIVED:	02/27/84	JA: WV			
8422936		4709100343		107-DV		A MATTHEW #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422935		4709100353		107-DV		A MCGUINNESS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422956		4709100339		102-2		A NEWCOME #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422938		4709100334		107-DV		L NEWCOME #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422958		4709100334		102-2		L NEWCOME #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422955		4709100348		102-2		L THORN #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422934		4709100352		107-DV		R BRYAN #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422954		4709100352		102-2		R BRYAN #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422937		4709100335		107-DV		W WOOD #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8422957		4709100335		102-2		W WOOD #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
-TIARA INC				RECEIVED:	02/27/84	JA: WV			
8422969		4708506432		103		SETH COX 1-A	UNION	0.0	CARNEGIE NATURAL
8422968		4708506405		103		SETH COX 2-A	UNION DISTRICT	0.0	CARNEGIE NATURAL
-WACO OIL AND GAS CO INC				RECEIVED:	02/27/84	JA: WV			
8422912		4702104009		103		MINNICH #1A	TANNER CREEK	48.0	CONSOLIDATED GAS
8422905		4702104010		103		MINNICH #2A	TANNER CREEK	45.0	CONSOLIDATED GAS
8422914		4702104104		103		POST #1	ROCK CAMP RUN	31.0	CONSOLIDATED GAS
8422913		4702104105		103		POST #2	ROCK CAMP RUN	33.0	CONSOLIDATED GAS
**********									
** DEPT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA									
**********									
-EXXON CORPORATION				RECEIVED:	02/28/84	JA: LA W			
8422984	G3-3918	1772240090		102-5		OCS-G 1619 #A-16	SOUTH PASS	174.0	COLUMBIA GAS TRAN
8422981	G3-3749	1772240088		102-5		OCS-G 1619 #A-8-D	SOUTH PASS	43.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	02/28/84	JA: LA W			
8422978	G3-3929	1772140273		102-5		OCS-G 2177 A-15 S/P BLK 49 FW	SOUTH PASS	465.0	TEXAS EASTERN TRA
-KERR-MCGEE CORPORATION				RECEIVED:	02/28/84	JA: LA W			
8422982	G3-4040	1771140698		102-5		OCS 0832 #C-11 (ST 1)	SHIP SHOAL	0.0	TRANSCONTINENTAL
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED:	02/28/84	JA: LA W			
8422976	G3-3932	1770840564		102-5		OCS-G 2887 #A-10	SOUTH MARSH ISLAND	11.0	
8422979	G3-3604	1770840568		102-5		OCS-G 2887 #A-11	SOUTH MARSH ISLAND	149.0	
8422986	G3-3586	1770840555		102-5		OCS-G 2887 #A-3	SOUTH MARSH ISLAND	77.0	
8422987	G3-3577	1770840565		102-5		OCS-G 2888 #A-8	SOUTH MARSH ISLAND	3212.0	
8422989	G3-3616	1770840576		102-5		OCS-G 2889 #A-15	SOUTH MARSH ISLAND	11.0	
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	02/28/84	JA: LA W			
8422985	G3-3549	1772540232		102-5		MAIN PASS 72/74 #C-9A	MAIN PASS	700.0	UNITED GAS PIPE L
-ODECO OIL & GAS CO				RECEIVED:	02/28/84	JA: LA W			
8422988	G3-4079	1770940057		102-5		OCS-0228 #12A	EUGENE ISLAND 89	91.0	UNITED GAS PIPE L
-SUPERIOR OIL CO				RECEIVED:	02/28/84	JA: LA W			
8422983	G2-3296	1770040443		102-5		OCS 0245 #F-2	WEST CAMERON	2000.0	TEXAS EASTERN TRA
8422977	G2-3302	1770040473		102-5		OCS 0245 H-2	WEST CAMERON	2000.0	TEXAS EASTERN TRA
-TEXACO INC				RECEIVED:	02/28/84	JA: LA W			
8422990	G3-4081	1770740442		102-5		OCS-G-0310 S MARSH ISL 236 #A-10	SOUTH MARSH ISLAND	1800.0	NATURAL GAS PIPEL
8422991	G3-3934	1770740727		102-5		SOUTH MARSH ISLAND 236 #A-6	SOUTH MARSH ISLAND	260.0	NATURAL GAS PIPEL
-TEXOMA PRODUCTION CO				RECEIVED:	02/28/84	JA: LA W			
8422980	G3-3927	1772540330		102-5		MAIN PASS 148 #A-7	MAIN PASS	182.0	NATURAL GAS PIPEL

[FR Doc. 84-8635 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1091]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note:—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capital St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease
Section 103: New onshore production well
Section. 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1091
ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-AME OIL & GAS CO				RECEIVED:	02/29/84	JA: OK			
8423218	19498	3505300000		108		HOXSEY #1	DEER CREEK	11.0	EL GRANDE PIPELIN
-AMOCO PRODUCTION CO				RECEIVED:	02/29/84	JA: OK			
8423229	26202	3509322653		103		HARMON UNIT #2	WEST CAMPBELL - HUNTO	15.0	
-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/29/84	JA: OK			
8423223	24606	3500722395		102-4		GRIBI TRUST "A" #1	E LORENA	6.0	PANHANDLE EASTERN
-APOLLO PRODUCTION LTD				RECEIVED:	02/29/84	JA: OK			
8423249	24677	3507323816		103		HOEHNER #31-5	SOONER TREND	0.0	PHILLIPS PETROLEU
-B J BROWN				RECEIVED:	02/29/84	JA: OK			
8423247	26725	3510121419		103		ALLEN #1	BALD HILL	73.0	PHILLIPS PETROLEU
8423246	26726	3510121420		103		ALLEN #2	BALD HILL	80.0	PHILLIPS PETROLEU
-CALLAN R C JR				RECEIVED:	02/29/84	JA: OK			
8423256	22411	3502520548		103		PURDY #2-19	KEYES GAS AREA	130.0	PANHANDLE EASTERN
-COLLINS PETROLEUM INC				RECEIVED:	02/29/84	JA: OK			
8423194	24857	3514700000		102-2		GLENN #1	COTTON VALLEY	10.0	COTTON VALLEY GAS
-COMPADRE DRLG & EXPLORATION CORP				RECEIVED:	02/29/84	JA: OK			
8423252	24643	3513723367		102-4	103	BARDSHER #2		152.6	LONE STAR GAS CO
-CONOCO INC				RECEIVED:	02/29/84	JA: OK			
8423163	24591	3514920095		102-2		DUNCAN #1	SENTINEL	925.0	PRODUCERS GAS CO
-CORE OIL & GAS CORP				RECEIVED:	02/29/84	JA: OK			
8423248	24694	3513322298		102-4		SHEPERD #1	S E KEOKUK	0.0	SOUTHWEST PETROGA
-CRYSTAL OIL & LAND CO				RECEIVED:	02/29/84	JA: OK			
8423217	26729	3504721799		108		DALKE #1		12.0	CHAMPLIN PETROLEU
8423216	26728	3500320754		108		HAWKINS #1-25A		7.0	AMINOIL USA INC
8423215	26727	3501721139		108		KUNNEMAN #1		8.5	PHILLIPS PETROLEU
-CUR-RIC PETROLEUM GAS CORP				RECEIVED:	02/29/84	JA: OK			
8423230	26355	3510120524		108		CARTER 1-19	S HASKELL	9.0	PHILLIPS PETROLEU
8423196	26449	3511100000		108		HOWELL #3	TIGER FLATS	13.0	PHILLIPS PETROLEU
8423231	26448	3511100000		108		MARTIN #1	TIGER FLATS	10.0	PHILLIPS PETROLEU
8423198	26451	3511100000		108		MORROW #1	BALD HILL	3.5	PHILLIPS PETROLEU
8423197	26450	3510165785		108		ODOM 2-14	S HASKELL	14.0	PHILLIPS PETROLEU
-DAVIS OIL COMPANY				RECEIVED:	02/29/84	JA: OK			
8423272	26811	3501722581		103		REIMERS #1	COTTAGE GROVE	0.0	PHILLIPS PETROLEU
-DELPHI DEVELOPMENT INC				RECEIVED:	02/29/84	JA: OK			
8423188	26525	3507122625		103		EVA CHRISTENSEN #1	DILWORTH	14.4	CHASE EXPLORATION
8423187	26526	3507122626		103		EVA CHRISTENSEN #2	DILWORTH	14.4	CHASE EXPLORATION
-DLB ENERGY CORP				RECEIVED:	02/29/84	JA: OK			
8423255	24630	3507323821		102-2	103	MUEGGENBORG #29-15	SOONER TREND	91.0	PHILLIPS PETROLEU
-DYNE EXPLORATION CO				RECEIVED:	02/29/84	JA: OK			
8423220	23870	3511100000		108		KILE #2	COALTON	15.0	PHILLIPS PETROLEU
8423219	23869	3511123997		108		KILE #3	COALTON	15.0	PHILLIPS PETROLEU
-EAGLE MINERALS INC.				RECEIVED:	02/29/84	JA: OK			
8423195	26370	3503723221		103		QUAPAW #2		0.0	CIRCUS OIL CO
-EARLSBORO OIL AND GAS CO INC				RECEIVED:	02/29/84	JA: OK			
8423251	24657	3506120578		102-4		GOLLON #1-23	ELM CREEK	750.0	
8423250	24658	3506120594		102-4		LEDBETTER #1-25	ELM CREEK	300.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENERGY SERVICES INC				RECEIVED:	02/29/84	JA: OK			
8423206	18414	3504321433		102-4		BOND #35-1	WEST CANTON - 81	73.0	DELHI GAS PIPELIN
8423189	22390	3504321456		102-4		LON MCKEE #26-1	WEST CANTON-81	124.0	UNITED GAS PIPE L
8423190	22391	3504321533		102-4		RED MAN #36-3	WEST CANTON-81	175.0	UNITED GAS PIPE L
-ENSERCH EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423177	25277	3504321750		103		IRENE GAMBREL #2-16	N E PUTNAM	292.0	MOBIL OIL CORP
-ESCO EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423267	26790	3512920746		103		MARY SUSAN #17-1	ROLL	183.0	TRANSWESTERN PIPE
8423191	24202	3504321604		102-4		MOOSE #25-1	WEST CANTON - 81	0.0	UNITED GAS PIPE L
-F HOWARD WALSH JR				RECEIVED:	02/29/84	JA: OK			
8423193	24696	3505121444		102-3	103	WALTERS #2		38.0	TRANSOK PIPE LINE
-FUNK EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423208	22258	3500721208		102-4	103	HODGES #1	AMBUSH	328.0	
-GEODYNE RESOURCES INC				RECEIVED:	02/29/84	JA: OK			
8423265	26779	3500321079		103		NELSON #1-28	N CARMEN	42.3	UNION TEXAS PETRO
-GRACE PETROLEUM CORPORATION				RECEIVED:	02/29/84	JA: OK			
8423159	23530	3509300110		108		GAMMON #1	N E AMES	0.0	ARKANSAS LOUISIAN
-H A OIL & GAS CO				RECEIVED:	02/29/84	JA: OK			
8423184	26750	3505900000		108		MCCLUNG #1 H A OIL & GAS CO	LAVERNE - MAY	5.0	MICHIGAN WISCONSI
-JAKE L HAMON				RECEIVED:	02/29/84	JA: OK			
8423245	24730	3503920755		102-2		HAMAR #2-14	WEST CLINTON	365.0	TRANSOK INC
-K ENERGY INC				RECEIVED:	02/29/84	JA: OK			
8423226	24725	3504700000		102-2		EARL #1		4015.0	ARCO OIL & GAS CO
-LOBAR OIL CO INC				RECEIVED:	02/29/84	JA: OK			
8423259	26765	3508320631		103		EDWARD HILL #1		0.0	EASON OIL CO
8423260	26766	3508320726		103		EDWARD HILL #2		0.0	EASON OIL CO
8423258	26764	3508320787		103		FICKEN #1		0.0	EASON OIL CO
8423239	26761	3508320630		103		JEWEL P SIMPSON #1		0.0	EASON OIL CO
8423240	26762	3508320707		103		SIMON #1		0.0	EASON OIL CO
8423257	26763	3508320675		103		SIMPSON #1-C		0.0	EASON OIL CO
8423237	26759	3508320720		103		SIMPSON #2-C		0.0	EASON OIL CO
8423238	26760	3508320734		103		SIMPSON-FRY #1		0.0	EASON OIL CO
-MARCUS EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423203	26741	3510322067		103		BRADEN #1	S W SAMS	43.0	ARCO OIL & GAS CO
8423268	26796	3510322098		103		CARRIER #4	GANSEL	48.0	ARCO OIL & GAS CO
-MARSHALL OIL CORP				RECEIVED:	02/29/84	JA: OK			
8423178	27405	3503920890		107-DP		WINIFRED #1-25		0.0	PRODUCERS GAS CO
-MAURICE L BROWN CO				RECEIVED:	02/29/84	JA: OK			
8423234	26579	3513921387		103		ETTA NILES #6	PURDY ZONE	270.0	PHILLIPS PETROLEU
-MID-AMERICA PETROLEUM INC				RECEIVED:	02/29/84	JA: OK			
8423166	24710	3505321029		102-2		GILE #2-16	N E WAKITA	243.0	MID-AMERICA GAS I
8423165	24709	3505321041		102-2		J CINK #1	N E WAKITA	360.0	MID-AMERICA GAS I
8423164	24708	3505321042		102-2		MCDONALD 22 #2	N E WAKITA	360.0	MID-AMERICA GAS I
-MOBIL OIL CORP				RECEIVED:	02/29/84	JA: OK			
8423210	26686	3504521193		103		BERRYMAN "B" #4	S E ARNETT	0.0	PANHANDLE EASTERN
-MORAN EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423271	26810	3501722143		108		CAROL #1 017-72532	EAST YUKON	9.7	PHILLIPS PETROLEU
8423222	24525	3504521154		102-4		WALTON #1	S W MILDER	0.0	PHILLIPS PETROLEU
-MR CJ OIL CO				RECEIVED:	02/29/84	JA: OK			
8423227	25791	3511900000		103		EBERHART #1-35		0.0	ENTERPRISE DEVELO
-PAN EASTERN EXPLORATION CO				RECEIVED:	02/29/84	JA: OK			
8423213	26717	3513900000		108		BEVAN #2-10	GUYMON HUGOTON	15.0	PANHANDLE EASTERN
8423212	26716	3513900000		108		EASTERWOOD #1-14	GUYMON-HUGOTON	9.0	PANHANDLE EASTERN
8423214	26718	3513900000		108		FLETCHER #1-25	GUYMON HUGOTON	15.0	PANHANDLE EASTERN
8423211	26715	3513900000		108		SMITH #1-27	GUYMON HUGOTON	7.0	PANHANDLE EASTERN
-PETRO-LEWIS CORPORATION				RECEIVED:	02/29/84	JA: OK			
8423160	24518	3500700000		102-4		BECHTOLD #1-27	BEAVER SOUTH	0.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/29/84	JA: OK			
8423207	21286	3513900000		103		FOLDER #2	OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
8423270	26798	3513900000		108		TOPAZ #1	OKLAHOMA HUGOTON - DO	0.0	MICHIGAN WISCONSI
8423202	4670	3500700000		108-ER		VERNON A #1		0.0	MICHIGAN WISCONSI
-PROSPECTIVE INVESTMENT & TRADING CO				RECEIVED:	02/29/84	JA: OK			
8423161	24540	3504521160		102-4	103	SAFARI 1-33	33-19N-21W	0.0	PHILLIPS PETROLEU
-PYRO ENERGY CORP				RECEIVED:	02/29/84	JA: OK			
8423233	26597	3509322778		103		CLARK #31-3	W CHEYENNE VALLEY	72.0	
-RAMCO OIL CO				RECEIVED:	02/29/84	JA: OK			
8423182	26754	3511722026		103		GRIESEL #3		16.4	HJD GAS CO
8423181	26755	3511722040		103		GRIESEL #4		14.7	HJD GAS CO
8423180	26756	3511721983		103		OSBORN #1		18.3	COLORADO GAS COMP
8423179	26757	3511722008		103		OSBORN #2		153.3	COLORADO GAS COMP
-RED EAGLE OIL CO				RECEIVED:	02/29/84	JA: OK			
8423200	26732	3509322793		103		R O B #1	N W OKEENE	182.0	PIONEER GAS PRODU
8423235	26733	3509322741		103		SARA #1	N W OKEENE	91.0	PHILLIPS PETROLEU
-ROGERS RESOURCES INC				RECEIVED:	02/29/84	JA: OK			
8423244	24757	3503920819		102-2		STICE #1-19	MOOREWOOD	229.0	
-SAMSON RESOURCES COMPANY				RECEIVED:	02/29/84	JA: OK			
8423225	24718	3506120327		102-2		LILLARD #1		27.4	UNITED GAS PIPE L
-SANTA FE-ANDOVER OIL CO				RECEIVED:	02/29/84	JA: OK			
8423162	24579	3501121864		102-4	103	SCHOOL LANDS #36-2		135.0	OKLAHOMA GAS PIPE
-SANTO RESOURCES INC				RECEIVED:	02/29/84	JA: OK			
8423241	26777	3515100000		108		CLAUDE SEAMAN #1-30	WAYNOKA N E	10.0	NORTHWEST CENTRAL
-SENECA OIL CO				RECEIVED:	02/29/84	JA: OK			
8423192	24655	3512120996		102-2		CABLE #1-19		297.1	ARKANSAS LOUISIAN
-SHELL OIL CO				RECEIVED:	02/29/84	JA: OK			
8423176	25155	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-18-10	ELK CITY	12.7	PANHANDLE EASTERN
8423174	25153	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-23-11	ELK CITY	9.2	PANHANDLE EASTERN
8423175	25154	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-23-7	ELK CITY	12.5	PANHANDLE EASTERN
8423170	25149	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-5-12	ELK CITY	12.7	PANHANDLE EASTERN
8423171	25150	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-5-11	ELK CITY	12.7	PANHANDLE EASTERN
8423172	25151	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-5-14	ELK CITY	12.7	PANHANDLE EASTERN
8423169	25148	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-7-6	ELK CITY	12.7	PANHANDLE EASTERN
8423168	25147	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-7-8	ELK CITY	12.7	PANHANDLE EASTERN
8423167	25146	3500900000		108		ELK CITY HOXBAR SAND CONGL #1-9-1	ELK CITY	12.7	PANHANDLE EASTERN
8423173	25152	3500900000		108		ELK CITY HOXBAR SAND CONGL #2-1-9	ELK CITY	12.1	PANHANDLE EASTERN
8423183	26751	3513900000		108		MAYER #1-16	HOOKER - HARRINGTON	7.4	NATURAL GAS PIPEL
-SIMCOE OIL CO				RECEIVED:	02/29/84	JA: OK			
8423261	26773	3507323874		103		ARBY #1	SOONER TREND	50.0	EASON OIL CO
-STANTON ENERGY INC				RECEIVED:	02/29/84	JA: OK			
8423186	26593	3514322692		103		LUVENA #7		80.0	COLORADO GAS COMP
-STATE OPERATING CO				RECEIVED:	02/29/84	JA: OK			
8423209	26437	3503725283		103		BEGLEY #4		15.0	EMPIRE PIPELINE C
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/29/84	JA: OK			
8423232	26589	3512121055		103		CARMAN UNIT #3	S PINE HOLLOW	438.0	ARKLA EXPLORATION
8423228	26141	3500700000		108		COLE-MCGREW #1	MOCANE-LAVERNE	0.1	NORTHERN NATURAL

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423204	17017	3512500000		108		SHIPMAN #3	ST LOUIS	4.0	ARCO OIL & GAS CO
-TEXACO INC				RECEIVED:	02/29/84	JA: OK			
8423243	26793	3500700000		108		C K HALL #1	LIGHT POOL	8.4	PANHANDLE EASTERN
8423242	26792	3509300000		108		L L WEAVER #1	RINGWOOD	4.4	RINGWOOD GATHERIN
-TIDEMARK EXPLORATION CO				RECEIVED:	02/29/84	JA: OK			
8423199	26472	3515321438		103		HININGER #1-6	FARGO SOUTHEAST	65.7	PANHANDLE EASTERN
-TRANS-WORLD EXPLORATION CO				RECEIVED:	02/29/84	JA: OK			
8423221	24347	3505321030		102-4		CLARK LAND CO #1	SOUTH MEDFORD	0.0	FARMLAND INDUSTRI
-TRINEHA INC				RECEIVED:	02/29/84	JA: OK			
8423264	26778	3501722621		103		DAVIS 1-1	SOUTHWEST MUSTANG	1.4	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	02/29/84	JA: OK			
8423266	24780	3512121062		102-2	103	A & M RANDEL #2		102.0	
8423254	24633	3506120614		102-4	103	HISER #1	KINTA	941.0	
8423253	24634	3503920905		102-2		MOUSE #1	E CARPENTER	0.0	DELHI GAS PIPELIN
8423205	17236	3515120369		108-ER		PIPER #1	N E AVARD	0.0	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/29/84	JA: OK			
8423185	26736	3513700000		108		HARRELL #1-3	DOYLE	18.0	AMINOIL USA INC
8423201	26732	3501320051		108		LITTLE 106 #22	CUMBERLAND	6.0	LONE STAR GAS CO
-VAN HORN OIL & GAS INC				RECEIVED:	02/29/84	JA: OK			
8423224	24698	3509322576		103		RUTH 35-1	NORTHEAST MEND	120.0	UNION TEXAS PETRO
-VISTA EXPLORATION INC				RECEIVED:	02/29/84	JA: OK			
8423236		3514300000		103		FLEETWOOD #3	BIXBY	42.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP				RECEIVED:	02/29/84	JA: OK			
8423269	26797	3505121454		103		CAMILLA #1		331.0	
8423263	26775	3505121458		103		COX FARMS #1		94.0	PHILLIPS PETROLEU
8423262	26774	3505121481		103		RUBY COX #1		73.0	PHILLIPS PETROLEU
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	02/29/84	JA: WV			
8423277		4710900908		103		W M RITTER #224 - 097181	LOGAN-WYOMING	15.0	CONSOLIDATED GAS
8423278		4710900908		107-DV		W M RITTER #224 - 097181	LOGAN-WYOMING	15.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	02/29/84	JA: WV			
8423300		4708300759		103		MALM #2	ELLAMORE	60.0	COLUMBIA GAS TRAN
8423301		4708300760		103		MALM WELL #3	ELLAMORE 7.5'	60.0	COLUMBIA GAS TRAN
-C & J OIL & GAS				RECEIVED:	02/29/84	JA: WV			
8423297		4707301678		107-DV		LUCAS #1	WILLOW ISLAND CREEK	50.0	PLEASANTS COUNTY
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	02/29/84	JA: WV			
8423302		4704103192		103		COPLEY #2	COURTHOUSE	12.0	COLUMBIA GAS TRAN
8423305		4704103192		107-DV		COPLEY #2	COURTHOUSE	12.0	COLUMBIA GAS TRAN
8423292		4704103216		103		FINSTER #1	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8423304		4704103216		107-DV		FINSTER #1	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8423293		4704103378		103		FUCCY #1	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8423303		4704103378		107-DV		FUCCY #1	COURTHOUSE	10.0	COLUMBIA GAS TRAN
8423291		4709100357		103		STOUT #1	FLEMINGTON DIST	0.0	EASTERN PIPELINE
-J & J ENTERPRISES INC				RECEIVED:	02/29/84	JA: WV			
8423287		4700101809		103		J-700	PHILIPPI	0.0	CONSOLIDATED GAS
8423276		4709702547		103		J-755	UNION	0.0	EASTERN AMERICAN
8423275		4708506401		103		J-780	CLAY	0.0	CONSOLIDATED GAS
8423273		4708506430		103		J-785	CLAY	0.0	CONSOLIDATED GAS
8423274		4708506671		103		J-790	CLAY	0.0	CONSOLIDATED GAS
8423288		4708506672		103		J-791	CLAY	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	02/29/84	JA: WV			
8423299		4704700903		103		DAVID STEELE S-482	SANDY RIVER	0.0	COLUMBIA GAS TRAN
8423298		4701703255		107-DV		HAYDEN S-10	WEST UNION	0.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	02/29/84	JA: WV			
8423289		4709702046		103		NORVELL #1	ALEXANDER	0.0	COLUMBIA GAS TRAN
8423290		4709702056		103		WOOD #1	ALEXANDER	0.0	COLUMBIA GAS TRAN
-PEAKE OPERATING CO				RECEIVED:	02/29/84	JA: WV			
8423295		4703903980		107-DV		ANNA WOOD #1-A	(JEFFERSON DISTRICT)	5.0	COLUMBIA GAS TRAN
8423296		4703903981		107-DV		ARTHUR BRYAN #1-A	(JEFFERSON DISTRICT)	0.0	COLUMBIA GAS TRAN
8423294		4703903907		107-DV		WISEMAN #2-A	(WASHINGTON DISTRICT)	5.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	02/29/84	JA: WV			
8423283		4701303612		107-DV		BAILEY #799	LEE DISTRICT	5.4	
8423279		4708703742		107-DV		BENNETT #280-REV	SPENCER DISTRICT	9.3	
8423280		4708703736		107-DV		BENNETT #735	SPENCER DISTRICT	21.9	
8423282		4701303615		107-DV		DAVIS #803	LEE DISTRICT	13.6	
8423286		4700501418		107-DV		DEBORD #773	SCOTT DISTRICT	13.2	
8423281		4703903927		107-DV		MILES #713	JEFFERSON DISTRICT	5.9	
8423285		4701303559		107-DV		ROMINE #782	LEE DISTRICT	9.8	
8423284		4701303607		107-DV		WALKER #329-REV	LEE DISTRICT	3.3	
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
**********									
-CHAMA PETROLEUM CO				RECEIVED:	02/29/84	JA: NM L			
8423156	NM-045183103	3001524261		103		HUBER FEDERAL #2	CEMETARY MORROW	365.0	EL PASO NATURAL G
8423158	NM-045183102	3001524261		102-4		HUBER FEDERAL #2	CEMETARY MORROW	365.0	EL PASO NATURAL G
-CLARENCE FORISTER				RECEIVED:	02/29/84	JA: NM L			
8423153	RNM 0156-83	3001524001		103		HEWITT FEDERAL #2	WILDCAT	0.0	
-CONOCO INC				RECEIVED:	02/16/84	JA: NM L			
8421490	RNM-0218-83	3002523181		108		MCCALLISTER A #5	NMFU - SCARBOROUGH YA	2.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	02/29/84	JA: NM L			
8423157	RNM 0114-83	3002528011		103		LOCKHART B-13A #9	NMFU - WANTZ ABO	22.3	GETTY OIL CO
-EXXON CORPORATION				RECEIVED:	02/29/84	JA: NM L			
8423155	RNM 0113-83	3001524332		103		YATES FEDERAL C #5	AVALON (DELAWARE)	10.0	PHILLIPS PETROLEU
8423151	RNM 0117-83	3001524336		103		YATES FEDERAL C #8	AVALON (DELAWARE)	1.0	PHILLIPS PETROLEU
8423154	RNM 0112-83	3001524337		103		YATES FEDERAL C #9	AVALON (DELAWARE)	40.0	PHILLIPS PETROLEU
-MEWBOURNE OIL COMPANY				RECEIVED:	02/29/84	JA: NM L			
8423152	RNM 0154-83	3002527951		103		FEDERAL "E" #5 ID # N/A	QUERECHO PLAINS - QUE	9.0	PHILLIPS PETROLEU

[FR Doc. 84-8836 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1092]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83-50-000, 49 FR 7109-13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease
Section 103: New onshore production well
Section 107-DP: 15,000 ft or deeper
107-GB: Geopressured brine
107-DV: Devonian shale
107-CS: Coal seam gas
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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1092

ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-CITIES SERVICE COMPANY				RECEIVED:	03/02/84	JA: KS			
8423411	K-82-0565	1512920619		102-3		COLLINGWOOD C #3	WINTER MIDDLE MORROW	18.9	COLORADO INTERSTA
LOUISIANA OFFICE OF CONSERVATION									
-AMOCO PRODUCTION CO				RECEIVED:	03/01/84	JA: LA			
8423321	84-0303	1701521700		107-TF		R L HOSIER #1 CV RA SU A	COTERVILLE	365.0	TEXAS EASTERN TRA
-AMOCO PRODUCTION CO				RECEIVED:	03/02/84	JA: LA			
8423398	84-0081	1707720315		107-DP		RAVENSWOOD CO INC #5	MORGANZA	4380.0	COLUMBIA GAS TRAN
-BASS ENTERPRISES PRODUCTION CO				RECEIVED:	03/01/84	JA: LA			
8423327	84-284	1706120344		102-4	103	C H DOSS #1 CV DAVIS RB SUI	MIDDLEFORK	145.0	UNITED GAS PIPE L
8423327	84-284	1706120344		107-TF		C H DOSS #1 CV DAVIS RB SUI	MIDDLEFORK	145.0	UNITED GAS PIPE L
8423310	84-0290	1706120219		107-TF		L G HANNA #1 CV DAVIS RA SUQQ	UNIONVILLE	365.0	UNITED GAS PIPE L
-CRYSTAL OIL & LAND CO				RECEIVED:	03/01/84	JA: LA			
8423329	84-288	1701521754		102-4	107-TF	BARNETT #3-ALT HAY RA SUC	ARKANA	1642.5	ARKANSAS LOUISIAN
8423328	84-0287	1701521507		102-4		INTERNA PAPER CO C #1 CV RB SU 51	ARKANA	14.6	ARKANSAS LOUISIAN
-GETTY OIL COMPANY				RECEIVED:	03/01/84	JA: LA			
8423326	84-0285	1703120484		107-TF		W H NUNLEY #2 CV RA SUA	LOGANSPORT	451.0	TENNESSEE GAS PIP
-HUSKY OIL COMPANY				RECEIVED:	03/02/84	JA: LA			
8423397	83-0645	1703920268		103		THOMAS YOUNG #	BASILE	245.0	LOUISIANA GAS SYS
-JEEMS BAYOU PRODUCTION CORP				RECEIVED:	03/01/84	JA: LA			
8423307	84-0300	1703121948		103		GOLDEN #1	BENSON	73.0	SOUTHERN NATURAL
-MAJESTIC ENERGY CORP				RECEIVED:	03/01/84	JA: LA			
8423320	84-0304	1701521717		107-TF		LOUIS KAUFMAN #1 CV RA SU 23	ELM GROVE	365.0	UNITED GAS PIPELI
-MCGOLDRICK OIL COMPANY				RECEIVED:	03/01/84	JA: LA			
8423330	84-289	1702709950		103	107-TF	SHERRILL #8 CV RA SU K	LEATHERMAN CREEK FIEL	2190.0	LOUISIANA GAS INT
-MCRAE EXPLORATION INC				RECEIVED:	03/01/84	JA: LA			
8423308	84-292	1711121220		102-2	107-TF	COLE #1 CV RA SUG	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
8423309	84-291	1711122206		102-2	107-TF	DYKES #1 CV RA SUI	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
-MID LOUISIANA GAS COMPANY				RECEIVED:	03/02/84	JA: LA			
8423399	83-1659	1711124049		103		MLGC FEE GAS #1235	MONROE GAS FIELD	23.4	MID LOUISIANA GAS
-NELSON OIL & GAS INC				RECEIVED:	03/01/84	JA: LA			
8423325	84-0320	1711920424		103		J M MATTHEWS #1	SIBLEY	0.0	LOUISIANA GAS INT
-POGO PRODUCING COMPANY				RECEIVED:	03/01/84	JA: LA			
8423306	84-0302	1701521559		107-TF		ANTRIM TRUST #1	ANTRIM	108.0	UNITED GAS PIPELI
-SHELL OIL CO				RECEIVED:	03/01/84	JA: LA			
8423323	84-0323	1709921021		103		J L & S CO #98	WEST LAKE VERRET	10.0	UNITED GAS PIPE L
-TEXACO INC				RECEIVED:	03/01/84	JA: LA			
8423324	84-0321	1705722057		103		LL&E LEEVILLE #319	LEEVILLE	211.0	KAISER ALUMINUM &
8423319	84-0318	1705721735		103		LL&E LEEVILLE #321	LEEVILLE	73.0	KAISER ALUMINUM &
8423322	84-0324	1770920269		103		SL 340 RABBIT ISLAND #203	RABBIT ISLAND	1840.0	KAISER ALUMINUM &
-TEXACO INC				RECEIVED:	03/02/84	JA: LA			
8423403	84-0334	1710922624		103		SL 1021 CAILLOU ISLAND #14	CAILLOU ISLAND	949.0	KAISER ALUMINUM &
8423404	84-0336	1770720086		103		SL 340 MOUND POINT #64	MOUND POINT	818.0	KAISER ALUMINUM &
8423491	84-0332	1770720109		103		SL 340 MOUND POINT #88	MOUND POINT	805.0	TEXAS GAS TRANSMI
8423405	84-0330	1770720116		103		SL 340 MOUND POINT #91	MOUND POINT	968.0	NATURAL GAS PIPEL

BILLING CODE 6717-01-M

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423402	84-0333	1770720112		102-2		SL 340 MOUND POINT #94	MOUND POINT	162.4	KAISER ALUMINUM &
8423400	84-0331	1770720122		103		SL 340 MOUND POINT #95	MOUND POINT	303.3	KAISER ALUMINUM &
8423409	84-0326	1770720113		103		SL 340 MOUND POINT #96	MOUND POINT	158.8	KAISER ALUMINUM &
8423407	84-0329	1770720114		103		SL 340 MOUND POINT #97	MOUND POINT	477.8	KAISER ALUMINUM &
8423408	84-0325	1770720121		103		SL 340 MOUND POINT #98	MOUND POINT	693.5	KAISER ALUMINUM &
8423406	84-0328	1770720110		103		SL 340 MOUND POINT WELL #89-D	MOUND POINT	829.0	TEXAS GAS TRANSMI
8423410	84-0327	1770720106		103		SL 340 MOUNT POINT WELL #86	MOUND POINT	233.6	KAISER ALUMINUM &

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NEW MEXICO DEPARTMENT OF ENERGY & MINERALS

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-AMOCO PRODUCTION CO			RECEIVED:	03/02/84	JA: NM				
8423454		3004521147		108-PB		CANDELARIA GAS COM #1	AZTEC	0.0	EL PASO NATURAL G
8423456		3004520953		108-PB		CANEPLE GAS COM B #1	BLANCO	0.0	EL PASO NATURAL G
8423457		3004520953		108-PB		CANEPLE GAS COM B #1	BLANCO	0.0	EL PASO NATURAL G
8423421		3004523162		108		CHAVEZ GAS COM "C" #1R	BASIN - DAKOTA	16.0	EL PASO NATURAL G
8423462		3004523734		108-PB		CHAVEZ GAS COM D #1E	BASIN	0.0	EL PASO NATURAL G
8423463		3004511650		108-PB		GALLEGOS CANYON UNIT #212	BASIN	0.0	EL PASO NATURAL G
8423461		3004511798		108-PB		GALLEGOS CANYON UNIT #255	PINON	0.0	EL PASO NATURAL G
8423464		3004511798		108-PB		GALLEGOS CANYON UNIT #255	PINON	0.0	EL PASO NATURAL G
8423465		3004511854		108-PB		GALLEGOS CANYON UNIT #256	PINON	0.0	EL PASO NATURAL G
8423466		3004511854		108-PB		GALLEGOS CANYON UNIT #256	PINON	0.0	EL PASO NATURAL G
8423458		3004507996		108-PB		GARCIA GAS COM B #1	BASIN	0.0	EL PASO NATURAL G
8423455		3004508552		108-PB		HEATH GAS COM F #1	BLANCO	0.0	EL PASO NATURAL G
8423460		3004508104		108-PB		MARTINEZ GAS COM D #1	AZTEC	0.0	EL PASO NATURAL G
8423467		3004508104		108-PB		MARTINEZ GAS COM D #1	AZTEC	0.0	EL PASO NATURAL G
8423422		3004508387		108		STATE GAS COM "BF" #1	BASIN DAKOTA	14.0	EL PASO NATURAL G
8423459		3004509476		108-PB		STATE GAS COM BE #1	BASIN	0.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP			RECEIVED:	03/02/84	JA: NM				
8423436		3004525832		103		MY PLACE #1	MEADOWS GALLUP	7.5	INTRASTATE GATHER
-EL PAMCO INC			RECEIVED:	03/02/84	JA: NM				
8423479		3004507901		108-PB		SULLIVAN #6	AZTEC	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY			RECEIVED:	03/02/84	JA: NM				
8423434		3004510360		108		CALLOWAY #1	BLANCO - MESA VERDE	14.0	EL PASO NATURAL G
8423476		3003905573		108-PB		LINDRITH UNIT #49	BLANCO	0.0	EL PASO NATURAL G
8423475		3003906966		108-PB		SAN JUAN 27-4 UNIT #23 MV & PC	TAPACITO & BLANCO	0.0	EL PASO NATURAL G
8423469		3003920046		108-PB		SAN JUAN 27-5 UNIT #108	BASIN	0.0	EL PASO NATURAL G
8423471		3003920486		108-PB		SAN JUAN 27-5 UNIT #134	TAPACITO	0.0	EL PASO NATURAL G
8423474		3003920613		108-PB		SAN JUAN 27-5 UNIT #156	TAPACITO	0.0	EL PASO NATURAL G
8423477		3003906828		108-PB		SAN JUAN 27-5 UNIT #36 PC & MV	TAPACITO & BLANCO	0.0	EL PASO NATURAL G
8423470		3003920890		108-PB		SAN JUAN 28-6 UNIT #188	SOUTH BLANCO	0.0	EL PASO NATURAL G
8423472		3003907480		108-PB		SAN JUAN 29-7 UNIT #32	BLANCO	0.0	EL PASO NATURAL G
8423468		3003907983		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO	0.0	EL PASO NATURAL G
8423473		3004508707		108-PB		SCHULTZ COM C #7	AZTEC	0.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC			RECEIVED:	03/02/84	JA: NM				
8423453		3004525822		103		GALLEGOS CANYON UNIT P C #330	W KUTZ PICTURED CLIFF	78.8	EL PASO NATURAL G
8423443		3004525840		103		GALLEGOS CANYON UNIT P C #331	W KUTZ PICTURED CLIFF	48.6	EL PASO NATURAL G
-EXXON CORPORATION			RECEIVED:	03/02/84	JA: NM				
8423439		3001524592		103		NEW MEXICO DI STATE #2	WILDCAT	74.0	
-FOREST OIL CORPORATION			RECEIVED:	03/02/84	JA: NM				
8423437		3002528397		103		B LEE STATE #6	SCHARB (BONE SPRING)	90.0	PHILLIPS PETROLEU
8423440		3002528434		103		B LEE STATE #7	SCHARB (BONE SPRING)	182.5	PHILLIPS PETROLEU
-GETTY OIL COMPANY			RECEIVED:	03/02/84	JA: NM				
8423442		3002509627		108		COOPER JAL UNIT #152	LANGLIE MATTIX POOL	1.9	EL PASO NATURAL G
8423452		3002509205		108		E F KING #2	LANGLIE MATTIX	1.9	GETTY OIL CO
8423446		3002505849		108		EAST EUMONT UNIT #118	EUMONT YATES SEVEN RI	1.0	PHILLIPS PETROLEU
8423438		3002500000		103		HIGHTOWER "19" STATE #1	HIGHTOWER UPPER PENN	2.8	WARREN PETROLEUM
8423481		3004506889		108-PB		HOBBS C #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8423449		3002505899		108		M E LAUGHLIN #1	SAN ANDRES POOL	19.3	WARREN PETROLEUM
8423412		3002511123		108		MEXICO G #2	FOWLER UPPER PADDOCK	3.3	EL PASO NATURAL G
8423451		3002527386		108		MYERS LANGLIE MATTIX UNIT #162	LANGLIE MATTIX	1.6	EL PASO NATURAL G
8423480		3003906254		108-PB		PAUL WILLIAMS #2	BLANCO	0.0	EL PASO NATURAL G
8423445		3002506653		108		PERCY HARDY #2	BLINEBRY OIL & GAS PO	20.8	GETTY OIL CO
8423448		3002505737		108		SKELLY E STATE #1	SAN ANDRES POOL	11.0	WARREN PETROLEUM
8423413		3002510655		108		SKELLY PENROSE B UNIT #35	LANGLIE MATTIX POOL	1.0	GETTY OIL CO
8423450		3002503102		108		STATE AN #2	VACUUM ABO REEF	7.4	PHILLIPS PETROLEU
8423444		3002525046		108		WEST JAL B DEEP #1	WEST JAL-ATOKA GAS PO	13.6	EL PASO NATURAL G
-GULF OIL CORPORATION			RECEIVED:	03/02/84	JA: NM				
8423419		3002504640		108		FRONA LECK #1	EUNICE MONUMENT	6.3	PHILLIPS PETROLEU
-HORACE F MCKAY JR			RECEIVED:	03/02/84	JA: NM				
8423478		3004507866		108-PB		SULLIVAN #3	AZTEC	0.0	EL PASO NATURAL G
-LIVELY EXPLORATION COMPANY			RECEIVED:	03/02/84	JA: NM				
8423482		3004500000		108-PB		LIVELY COM #14	BASIN	0.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP			RECEIVED:	03/02/84	JA: NM				
8423447		3003923242		103		CANYON LARGO UNIT #327	DEVILS FORK GALLUP EX	51.1	EL PASO NATURAL G
-MESA PETROLEUM CO			RECEIVED:	03/02/84	JA: NM				
8423484		3004500000		108-PB		STATE COM Q #13	BLANCO	0.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION			RECEIVED:	03/02/84	JA: NM				
8423429		3003921277		108-PB		JAN JUAN 30-5 UNIT #58	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423426		3003906081		108-PB		ROSA 26	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423427		3003908076		108-PB		SAN JUAN 29-5 UNIT #NP96	BASIN DAKOTA	0.0	EL PASO NATURAL G
8423428		3003907472		108-PB		SAN JUAN 29-5 UNIT #38	BLANCO - MESAVERDE	0.0	NORTHWEST PIPELIN
8423430		3003921277		108-PB		SAN JUAN 30-5 UNIT #58	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423424		3003922678		108-PB		SAN JUAN 30-5 UNIT 41	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423425		3004522165		108-PB		SAN JUAN 32-7 UNIT COM 24	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	03/02/84	JA: NM				
8423423		3002502821		108		EAST VAC GB/SA U TR 1826 #006	VACUUM GB/SA	1.0	EL PASO NATURAL G
8423417		3002526522		108		EAST VAC GB/SA U TR 3467 #001	VACUUM GB/SA	2.0	EL PASO NATURAL G
8423441		3002527086		108		MEXCO-A #4	MALJAMAR GB/SA	2.0	EL PASO NATURAL G
8423415		3002527764		108		PHILMEX #16	MALJAMAR GB/SA	1.0	EL PASO NATURAL G
8423414		3002503048		108		VACUUM ABO UNIT TR 13 #08	VACUUM ABO REEF	2.0	EL PASO NATURAL G
8423416		3002503061		108		VACUUM ABO UNIT 6-59	VACUUM ABO REEF	5.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO			RECEIVED:	03/02/84	JA: NM				
8423486		3004511821		108-PB		CULPEPPER MARTIN #16	BASIN	0.0	SOUTHERN UNION GA
8423433		3004524933		108		GERARD A #1E	BASIN	16.0	EL PASO NATURAL G
8423431		3004525768		103		HUBBARD #8	BLANCO	20.0	SOUTHERN UNION GA
8423432		3004525768		103		HUBBARD #8	UNDESIGNATED	50.0	SOUTHERN UNION GA
8423485		3004507831		108-PB		MAGNUM #5	BASIN	0.0	SOUTHERN UNION GA
8423487		3004523067		108-PB		PAGE #2A	BLANCO	0.0	SOUTHERN UNION GA
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	03/02/84	JA: NM				
8423435		3002528322		103		NEW MEXICO J J STATE #2	BAUM (UPPER PENN)	7.0	WARREN PETROLEUM
-TEXACO CITIES SERVICE P/L CO (TX)			RECEIVED:	03/02/84	JA: NM				
8423483		3004500000		108-PB		NEW MEXICO COM B #1	BLANCO	0.0	EL PASO NATURAL G
-UNICON PRODUCING CO			RECEIVED:	03/02/84	JA: NM				
8423418		3004507850		108		ARMENTA #1	AZTEC PICTURED CLIFFS	9.5	GAS CO OF NEW MEX

VOLUME 1092

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	03/02/84	JA: NM				
8423420		3002505659		108		F W KUTTER (NCT-A) #2	EUNICE MONUMENT	18.3	EL PASO NATURAL G
**********									
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
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-BAY ENERGY CO #2			RECEIVED:	03/02/84	JA: NY				
8423317	7168	3102916012		108		TOMAKA #1	HAMBURG	30.0	NATIONAL FUEL GAS
-EMPIRE ENERGIES			RECEIVED:	03/02/84	JA: NY				
8423318	7166	3102918665		103	107-TF	MAMMOSER #3	LAKE SHORE	12.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP			RECEIVED:	03/02/84	JA: NY				
8423316	5724	3105117452		102-2	107-TF	E R DOOLITTLE UNIT #2 LRC #200	CALEDONIA	20.0	ELIZABETHTOWN GAS
-RESOURCE EXPLORATION INC			RECEIVED:	03/02/84	JA: NY				
8423312	7106	3101312001		107-RT		HOYT #1	STEBBINS CORNER	20.0	COLUMBIA GAS TRAN
8423311	7102	3101312037		107-RT		SEYMOUR #2	STEBBINS CORNER	20.0	COLUMBIA GAS TRAN
-SENECA RESOURCES CORP			RECEIVED:	03/02/84	JA: NY				
8423315	6002	3100917241		107-TF		ACKLEY #1 X-227	WILDCAT	7.0	COLUMBIA GAS TRAN
8423314	6001	3100917210		107-TF		COUNTRYSIDE GRAVEL X-231	WILDCAT	4.0	COLUMBIA GAS TRAN
-SUBSEA ASSOCIATES 83			RECEIVED:	03/02/84	JA: NY				
8423313	7161	3102918707		103	107-TF	A MUSCATO #1	BRANT	12.0	NATIONAL FUEL GAS
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION			RECEIVED:	03/02/84	JA: PA				
8423364	22346	3703321596		103		BERNARD BIRCHALL #1	WESTOVER "G"	22.0	
8423361	22343	3706327435		103		CARL KALUS #2	BURNSIDE "D"	25.0	T W PHILLIPS GAS
8423360	22342	3712922168		103		GERHARD SPRENGLING #1	BLAIRSVILLE "D"	21.0	PEOPLES NATURAL G
8423362	22344	3703321661		103		KATHRYN PARRISH #1	MAHAFFEY "D"	24.0	
8423363	22345	3706327529		103		S M MCHENRY HEIRS #1	STRONGSTOWN "D"	23.0	
-CABOT OIL & GAS CORP			RECEIVED:	03/02/84	JA: PA				
8423378	22422	3712131906		102-2		CHARLES PERRINE #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8423379	22423	3712131906		107-TF		CHARLES PERRINE #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC			RECEIVED:	03/02/84	JA: PA				
8423356	22326	3706327444		103		D STUMPF #1 (C-775) IND-27444	WASHINGTON TOWNSHIP	55.0	PEOPLES NATURAL G
-CNG DEVELOPMENT CO			RECEIVED:	03/02/84	JA: PA				
8423392	22483	3706522846		103		CHARLES SEITZ #2 CNGD #308	GASKILL	45.0	
8423339	22103	3703321447		102-4		D M SPENCER #1 CNGD #109	PENN TWP	8.0	
8423350	22272	3703321610		103		E M SHAW #1 CNGD #117	PENN	16.0	
8423357	22332	3703321590		103		LEE B MEHRLEIN #2 CNGD #79	BRADY TWP	25.0	
8423358	22333	3706522845		103		MARY R ORR #1 CNGD #307	GASKILL TWP	38.0	
8423376	22378	3703321695		103		PHILOMENA DUMM #2 CNGD #281	BURNSIDE TWP	8.0	
8423351	22273	3703321608		103		R L SPENCER #2 CNGD #111	FERGUSON	32.0	
8423395	22493	3703321608		102-2		R L SPENCER #2 CNGD #111	FERGUSON TWP	32.0	
8423352	22274	3703321609		103		R L SPENCER #3 CNGD #312	FERGUSON	35.0	
8423396	22494	3703321609		102-2		R L SPENCER #3 CNGD #312	FERGUSON TWP	35.0	
8423348	22270	3703321679		102-2		THEODORE GARMAN #1 CNGD #83	BURNSIDE	34.0	
8423349	22271	3703321680		102-2		THEODORE GARMAN #2 CNGD #395	BURNSIDE	37.0	
-DORAN & ASSOCIATES INC			RECEIVED:	03/02/84	JA: PA				
8423347	22268	3706324153		108		A BONDER #1 KA-9	UPPER DEVIONAN SANDS	20.0	CONSOLIDATED GAS S
-E & W DEVELOPMENT CO			RECEIVED:	03/02/84	JA: PA				
8423359	22341	3706327266		103		CLAWSON 1-75	BLAIRSVILLE	30.0	T W PHILLIPS GAS
-ENERGY QUEST INC			RECEIVED:	03/02/84	JA: PA				
8423343	22262	3706325994		108		C L RUFFNER & SONS #1	CLYMER	12.0	COLUMBIA GAS TRAN
8423342	22261	3706325998		108		C L RUFFNER & SONS #2	CLYMER	12.0	COLUMBIA GAS TRAN
8423341	22259	3706300000		108		M C KNUPP #2	CLYMER	11.2	COLUMBIA GAS TRAN
8423346	22265	3706325775		108		MURRAY C KNUPP #3	CLYMER	11.2	COLUMBIA GAS TRAN
8423340	22249	3706325374		108		ROBERT DOUGLASS #1	CLYMER	1.0	COLUMBIA GAS TRAN
8423345	22264	3706325912		108		WILLIAM C HOUSER JR 159 A #4	CLYMER	9.4	COLUMBIA GAS TRAN
8423344	22263	3706325906		108		WILLIAM C HOUSER 159A #5	CLYMER	9.4	COLUMBIA GAS TRAN
-ENVIROGAS INC			RECEIVED:	03/02/84	JA: PA				
8423391	22481	3704920653		108		TUTTLE #1	ERIE DEEP	7.4	NATIONAL FUEL GAS
-J & J ENTERPRISES INC			RECEIVED:	03/02/84	JA: PA				
8423375	22376	3703320671		108		JESSE HUTTON #1 (180A)	BURNSIDE	0.0	CONSOLIDATED GAS
-KRIEBEL GAS CO INC			RECEIVED:	03/02/84	JA: PA				
8423377	22381	3703321686		103		GOULD #3	TROUTVILLE	30.0	
8423354	22324	3703321716		103		KISER #1	WILDCAT	30.0	
8423382	22442	3703321735		103		KNARR #1	TROUTVILLE	28.0	
8423393	22490	3703321736		103		KNARR #2	TROUTVILLE	29.0	
-KRIEBEL WELLS 83			RECEIVED:	03/02/84	JA: PA				
8423394	22491	3703321688		103		GOULD #2	TROUTVILLE	30.0	
8423353	22317	3706522844		103		SMITH #1	CLOE	25.0	
8423380	22441	3706522863		103		TROMBETTA #1	PUNXSUTAWNEY	25.0	
-MITCH-WELL ENERGY INC			RECEIVED:	03/02/84	JA: PA				
8423337	22097	3703922015		107-TF		SHIELDS UNIT #1	ATHENS	0.0	COLUMBIA GAS TRAN
8423338	22098	3703922015		102-2		SHIELDS UNIT #1	ATHENS FIELD	0.0	COLUMBIA GAS TRAN
8423335	22095	3703922009		107-TF		SHIELDS/SEYMOUR #1	ATHENS FIELD	0.0	COLUMBIA GAS TRAN
8423336	22096	3703922009		102-2		SHIELDS/SEYMOUR #1	ATHENS FIELD	0.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION			RECEIVED:	03/02/84	JA: PA				
8423365	22349	3703922026		103		CAMPBELL UNIT #1 22026	LINESVILLE (MEDINA-WH	20.5	COLUMBIA GAS TRAN
8423366	22350	3703922026		107-TF		CAMPBELL UNIT #1 22026	LINESVILLE (MEDINA-WH	20.5	COLUMBIA GAS TRAN
8423371	22355	3703922040		103		GRESH UNIT #1 22040	SPRINGBORO (MEDINA-WH	27.4	COLUMBIA GAS TRAN
8423372	22356	3703922040		107-TF		GRESH UNIT #1 22040	SPRINGBORO (MEDINA-WH	27.4	COLUMBIA GAS TRAN
8423369	22353	3703922034		103		HIGGINS UNIT #1 22034	LINESVILLE (MEDINA-WH	20.5	COLUMBIA GAS TRAN
8423370	22354	3703922034		107-TF		HIGGINS UNIT #1 22034	LINESVILLE (MEDINA-WH	20.5	COLUMBIA GAS TRAN
8423373	22362	3703922032		103		J SCULLEN UNIT #1 CRA-22032	MOSIERTOWN (MEDINA-WH	28.1	COLUMBIA GAS TRAN
8423374	22363	3703922032		107-TF		J SCULLEN UNIT #1 CRA-22032	MOSIERTOWN (MEDINA-WH	28.1	COLUMBIA GAS TRAN
8423367	22351	3703922041		103		SCHLOSSER UNIT #1 22041	MOSIERTOWN (WHIRLPOOL	13.7	COLUMBIA GAS TRAN
8423368	22352	3703922041		107-TF		SCHLOSSER UNIT #1 22041	MOSIERTOWN (WHIRLPOOL	13.7	COLUMBIA GAS TRAN
-NEA CROSS CO			RECEIVED:	03/02/84	JA: PA				
8423385	22448	3704923061		102-2		MARY SEALY #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8423386	22449	3704923061		107-TF		MARY SEALY #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8423383	22446	3704922908		102-2		PAUL SKELTON #3	WATERFORD	10.0	NATIONAL FUEL GAS
8423384	22447	3704922908		107-TF		PAUL SKELTON #3	WATERFORD	10.0	NATIONAL FUEL GAS
8423389	22452	3704923325		107-TF		WILLIAM KARMAZON #1	WATERFORD	10.0	NATIONAL FUEL GAS
8423390	22453	3704923325		102-2		WILLIAM KARMAZON #1	WATERFORD	10.0	NATIONAL FUEL GAS
8423387	22450	3704923326		102-2		WILLIAM LYONS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8423388	22451	3704923326		107-TF		WILLIAM LYONS #1	WATERFORD	10.0	NATIONAL FUEL GAS
-REX-HIDE REALTY INC			RECEIVED:	03/02/84	JA: PA				
8423333	19375	3700522676		108		DONALD E MILLER #1	PLUMCREEK	14.0	T W PHILLIPS GAS
-SNYDER BROTHERS INC			RECEIVED:	03/02/84	JA: PA				
8423381	22425	3706522820		103		JOSEPH A NOGACEK JR #1-75AC	BELL	10.0	T W PHILLIPS GAS
8423334	21889	3706522842		103		WM LOXMASTER #1	PUNXSUTAWNEY BORO	10.0	
-VICTORY ENERGY CO			RECEIVED:	03/02/84	JA: PA				
8423355	22325	3702120208		102-2		NAGLE #3 CBA-20208	ELDER	36.0	COLUMBIA GAS TRAN
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
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-EXXON CORPORATION			RECEIVED:	03/02/84	JA: NM	L			
8423331	RNM 0161-83	3001524376		103		YATES FEDERAL C #10	AVALON (DELAWARE)	12.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO			RECEIVED:	03/02/84	JA: NM	L			
8423332	RNM 0159-83	3002527616		103		PADUCA FEDERAL UNIT COM #1	WILDCAT (ATOKA)	449.0	PHILLIPS PETROLEU

[FR Doc. 84-8837 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1093]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC Form 121 for this and all previous notices is available on magentic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Road, Springfield, Virginia 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 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

Section 102–5: New res. on old OCS lease
- 103: New onshore production well

Section 107–DP: 15,000 ft or deeper
- 107–GB: Geopressured brine
- 107–DV: Devonian shale
- 107–CS: Coal seam gas
- 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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS VOLUME 1093

ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	03/01/84	JA: TX			
8423566	F-08-077607	4200333668		103		MIDLAND FARMS "Y" #3	FASKEN (PENN)	190.0	AMOCO PRODUCTION
-AUSTIN OIL & MINERAL				RECEIVED:	03/01/84	JA: TX			
8423516	F-03-073235	4228700000		102-4		A BLAHA #1	DIME BOX (NAVARRO)	90.0	PHILLIPS PETROLEU
-BARRON KIDD				RECEIVED:	03/01/84	JA: TX			
8423602	F-08-078091	4200333673		103		UNIVERSITY 47 #1	FUHRMAN-MASCHO	0.0	PHILLIPS PETROLEU
8423601	F-08-078090	4200333756		103		UNIVERSITY 47A #2	FURHMAN-MASCHO	0.0	PHILLIPS PETROLEU
-BRAZOS RESOURCES INC				RECEIVED:	03/01/84	JA: TX			
8423544	F-03-076419	4222530453		103		WILSON #1	FT TRINIDAD E (EDWARD	128.0	SOUTH TEXAS GATHE
-CAN-TEX ENERGY CORP				RECEIVED:	03/01/84	JA: TX			
8423690	F-06-078694	4242330593		103		A M HEY #4 1-212-10724-5	ANN MCKNIGHT (PALUXY	0.0	LONE STAR GAS CO
-CASS OIL CO				RECEIVED:	03/01/84	JA: TX			
8423534	F-7C-075634	4243532969		103	107-TF	ALLISON-MIERS 7402	SAWYER (CANYON)	175.0	EL PASO NATURAL G
8423533	F-7C-075633	4243532976		103	107-TF	ALLISON-MIERS 7405	SAWYER (CANYON)	175.0	EL PASO NATURAL G
-CHARLES PITTS CO				RECEIVED:	03/01/84	JA: TX			
8423508	F-7B-072314	4204933582		102-4		PITTS BROS #4 (19448)	GROSVENOR SW (DUFFER)	0.0	EL PASO HYDROCARB
8423507	F-7B-072313	4204933583		102-4		PITTS BROS #5 (19448)	GROSVENOR SW (DUFFER)	0.0	EL PASO HYDROCARB
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	03/01/84	JA: TX			
8423559	F-05-077177	4216130852		103	107-TF	WADLE #3	S W TEAGUE (COTTON VA	2120.0	DELHI GAS PIPE LI
-CNG PRODUCING COMPANY				RECEIVED:	03/01/84	JA: TX			
8423495	F-04-065815	4221531159		107-TF		BOYT INVESTMENT CO #1	TEXAS GARDENS NORTH	3.5	TENNESSEE GAS TRA
-CONOCO INC				RECEIVED:	03/01/84	JA: TX			
8423528	F-04-074643	4247933667		102-4	103	ANGELINA SANCHEZ #2	PICOSO (WILCOX 11300)	26.0	HOUSTON PIPELINE
8423673	F-08-078633	4230100000		108		SARAH A LINK ET AL #1 I D 19342	EAST TUNSTILL	5.9	PHILLIPS PETROLEU
8423689	F-08-078686	4200332215		108		W H BONER A #27 ID 01663	FUHRMAN MASCHO	0.5	PHILLIPS PETROLEU
8423688	F-08-078684	4200332236		108		W H BONER A #29	FUHRMAN MASCHO	1.4	PHILLIPS PETROLEU
-DIAMOND SHAMROCK EXPLORATION CO				RECEIVED:	03/01/84	JA: TX			
8423644	F-10-078535	4235700000		108		C P DICKINSON #1-393	PARNELL AND DUTCHER	0.0	SOUTHWESTERN PUBL
8423639	F-10-078499	4235700000		108		JAMES E WILSON "C" #2	DUTCHER	2.0	NATURAL GAS PIPEL
8423640	F-10-078500	4229531022		108		LEROY BECKER #2-636	UNIT	0.0	CORONADO TRANSMIS
8423676	F-10-078638	4235731371		103		MCGARRAUGH-EDWARDS "A" #3-140	LONE BUTTE	0.0	
8423677	F-10-078639	4235731404		103		MCGARRAUGH-EDWARDS "A" #4-140	LONE BUTTE	0.0	
8423511	F-10-072468	4234100000		108-ER		ROBERTSON B #4	WEST PANHANDLE	0.0	NORTHERN NATURAL
8423679	F-10-078645	4229530920		102-4		ZELMA GUY #2	CAMBRIDGE S	0.0	
-DORCHESTER EXPLORATION INC				RECEIVED:	03/01/84	JA: TX			
8423539	F-08-076155	4243131240		103		TERRY 6-5	CONGER (PENN)	67.0	TEXAS UTILITIES F
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/01/84	JA: TX			
8423645	F-10-078538	4217923702		108		DARSEY #2	PANHANDLE WEST	21.0	EL PASO NATURAL G
-ENERGY-AGRI PRODUCTS INC				RECEIVED:	03/01/84	JA: TX			
8423663	F-10-078598	4206531518		103		GORES #7 (ID# 05201)	PANHANDLE CARSON	55.0	GETTY OIL CO
-ENSERCH EXPLORATION INC				RECEIVED:	03/01/84	JA: TX			
8423514	F-06-073145	4220331056		103		HENRY ONEY #2	WHELAN	0.0	TEXAS EASTERN TRA
8423671	F-05-078629	4221300000		108		MAYFIELD CO #2	OPELIKA	0.0	LONE STAR GAS CO
-ENTERPRISE RESOURCES INC				RECEIVED:	03/01/84	JA: TX			
8423635	F-02-078286	4223931285		102-4		E Y ROSE GU #1	EDNA S (6570) (PROPOS	150.0	SOUTH JERSEY EXPL
-EXXON CORPORATION				RECEIVED:	03/01/84	JA: TX			

BILLING CODE 6717-01-M

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8423628	F-04-078209	4226130722		103		C M ARMSTRONG 72 (ID PENDING)
8423567	F-08-077628	4222733029		103		DOUTHIT UNIT #215
8423569	F-08-077630	4222732735		102-4		EUNICE HOMAN #2
8423568	F-08-077629	4237134518		103		FORT STOCKTON UNIT #514
8423570	F-08-077632	4210333251		103		J B TUBB A/C 2 #281
8423636	F-03-078347	4215731483		103		J H P DAVIS #69
8423680	F-8A-078652	4221933867		103		JAMES I DELOACHE #2
8423655	F-04-078582	4226130825		102-4		JOHN G KENEDY JR "E" 44-D (10363)
8423654	F-04-078581	4226130825		102-4		JOHN G KENEDY JR "E" 44-F (10362)
8423665	F-04-078600	4226130576		102-4		K R SAN JOSE DE LA PARRA 32-D108403
8423564	F-03-077383	4247330389		103		KATY GAS FIELD CONS UNIT #4208-L
8423563	F-03-077378	4247330389		103		KATY GAS FIELD CONS UNIT #4208-U
8423562	F-03-077374	4247330398		103		KATY GAS FIELD CONS UNIT #8407
8423664	F-04-078599	4227331782		103		KING RANCH BORREGOS 597 (108405)
8423543	F-04-076368	4227331786		102-4		KING RANCH LAGUNA LARGA 37 (08935)
8423603	F-04-078094	4204731243		103		MCGILL BROS 494 (ID PENDING)
8423561	F-8A-077333	4216532639		103		ROBERTSON CLEARFORK UNIT #7903
8423571	F-7C-077633	4239932985		103		SALLIE ODOM E #98
8423572	F-7C-077634	4238332689		102-4		ZULETTE HUGHES #8
-FAIRCHILD PETROLEUM CORP				RECEIVED:		03/01/84 JA: TX
8423524	F-7B-074252	4235300000		102-2		BRIDGEFORD #1
8423525	F-7B-074271	4235331444		102-2		BRIDGEFORD "A" #2-A
-FULLER PETROLEUM INC				RECEIVED:		03/01/84 JA: TX
8423694	F-04-078708	4247933460		102-4		ALONSO LOPEZ #1
-GENE POWELL INVESTMENTS INC				RECEIVED:		03/01/84 JA: TX
8423530	F-06-074789	4240131691		102-4		S M LANGILLE ESTATE #1
-GHR ENERGY CORP				RECEIVED:		03/01/84 JA: TX
8423520	F-04-073708	4250531590		102-4		JENNINGS RANCH #2
8423515	F-04-073195	4247933562		102-4	107-TF	LUNDELL #24-C
8423521	F-04-074024	4250531659		102-4	107-TF	MCASKILL #13
8423505	F-04-071763	4247933570		102-4	107-TF	VERGARA #1
-GLACIER ENERGY INC				RECEIVED:		03/01/84 JA: TX
8423546	F-03-076510	4208900000		103		E A WITTER #1
-GROTHE BROTHERS				RECEIVED:		03/01/84 JA: TX
8423526	F-7B-074443	4241735223		103		TOM BROOKS #1
-GULF OIL CORPORATION				RECEIVED:		03/01/84 JA: TX
8423657	F-08-078588	4247530081		103		ESTES E W #265
8423658	F-08-078589	4247533024		103		ESTES E W #267
8423656	F-08-078587	4247533026		103		ESTES E W #268
8423662	F-08-078594	4213534348		103		GOLDSMITH C A #1391
8423661	F-08-078593	4213534333		103		GOLDSMITH C A #1395
8423659	F-08-078590	4213534332		103		GOLDSMITH C A #1401
8423660	F-08-078591	4213534320		103		GOLDSMITH C A ETAL #1410
-H G SLEDGE				RECEIVED:		03/01/84 JA: TX
8423669	F-7B-078609	4213331591		102-4		JAN-SAN "21" #1 (19031)
8423668	F-7B-078608	4213334522		102-4		JAN-SAN "21" #2 (19031)
8423667	F-7B-078607	4213331609		102-4		JAN-SAN "21" #3 (19031)
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:		03/01/84 JA: TX
8423492	F-06-056117	4234730691		102-4		MOORE #1
-HURLEY PETROLEUM CORPORATION				RECEIVED:		03/01/84 JA: TX
8423501	F-06-070751	4236531527		103		ALLIE M HOGG WELL #5 NOT ASSIGNED
-INDIAN WELLS OIL CO				RECEIVED:		03/01/84 JA: TX
8423692	F-7C-078700	4223532182		103		BROOKS 13-3
8423691	F-7C-078699	4223532180		103		WILLIAMS 13-1
-INTERNORTH INC				RECEIVED:		03/01/84 JA: TX
8423557	F-08-077077	4238900000		107-DP		TXL "19" #1
-J B HERRMANN				RECEIVED:		03/01/84 JA: TX
8423696	F-10-078719	4223331588		103		WHITTENBURG A #2
8423695	F-10-078718	4223331587		103		WHITTENBURG A #3
-KAARI OIL CO				RECEIVED:		03/01/84 JA: TX
8423646	F-10-078541	4206531462		103		CRUMP #2 (ID# 055864)
-KATLACO OPERATING CO INC				RECEIVED:		03/01/84 JA: TX
8423506	F-7B-072222	4213335092		102-4		KATLACO FEE "D" #4 (20565)
8423547	F-7B-076691	4213300000		102-4		KATLACO FEE "D" #9
-KERR-MCGEE CORPORATION				RECEIVED:		03/01/84 JA: TX
8423612	F-10-078172	4223330832		108		PITTS #109
8423592	F-10-077943	4223300000		108		PITTS #11
8423630	F-10-078232	4223330844		108		PITTS #114
8423629	F-10-078227	4223330837		108		PITTS #115
8423632	F-10-078239	4223330989		108		PITTS #122
8423591	F-10-077942	4223300000		108		PITTS #13
8423584	F-10-077926	4223300000		108		PITTS #14
8423598	F-10-078050	4223300000		108		PITTS #15
8423588	F-10-077934	4223300000		108		PITTS #16
8423587	F-10-077933	4223300000		108		PITTS #19
8423585	F-10-077927	4223300000		108		PITTS #24
8423589	F-10-077935	4223300000		108		PITTS #28
8423593	F-10-077945	4223300000		108		PITTS #29
8423586	F-10-077932	4223300000		108		PITTS #35
8423583	F-10-077925	4223300000		108		PITTS #4
8423614	F-10-078175	4223300000		108		PITTS #44
8423610	F-10-078166	4223300000		108		PITTS #45
8423618	F-10-078188	4223300000		108		PITTS #48
8423611	F-10-078170	4223300000		108		PITTS #49
8423590	F-10-077940	4223300000		108		PITTS #5
8423606	F-10-078159	4223300000		108		PITTS #52
8423605	F-10-078158	4223300000		108		PITTS #54
8423616	F-10-078182	4223300000		108		PITTS #55
8423609	F-10-078164	4223300000		108		PITTS #59
8423596	F-10-077992	4223300000		108		PITTS #6
8423608	F-10-078162	4223300000		108		PITTS #60
8423617	F-10-078185	4223300000		108		PITTS #66
8423613	F-10-078174	4223300000		108		PITTS #68
8423607	F-10-078160	4223300000		108		PITTS #69
8423620	F-10-078191	4223300000		108		PITTS #72
8423595	F-10-077991	4223300000		108		PITTS #8
8423621	F-10-078196	4223300000		108		PITTS #81
8423619	F-10-078189	4223330710		108		PITTS #82
8423615	F-10-078181	4223330762		108		PITTS #90
8423633	F-10-078240	4223330765		108		PITTS #92
8423631	F-10-078236	4223330771		108		PITTS #97
8423634	F-10-078244	4223330767		108		PITTS #99
8423622	F-10-078197	4223300000		108		PITTS NO 41
-KIMLECO PETROLEUM INC				RECEIVED:		03/01/84 JA: TX

FIELD NAME	PROD	PURCHASER
CANDELARIA (I-87)	36.0	NATURAL GAS PIPEL
HOWARD-GLASSCOCK	1.0	PHILLIPS PETROLEU
MOORE (DEEP FSLM)	22.0	EL PASO NATURAL G
FORT STOCKTON (YATES	1.0	NUECES CO
SAND HILLS (JUDKINS)	25.0	EL PASO NATURAL G
THOMPSON SOUTH	44.0	ARMCO STEEL CORP
LEVELAND	1.0	
SARITA (5-L&M SW)	5.5	NATURAL GAS PIPEL
SARITA (5-C SW)	5.5	NATURAL GAS PIPEL
CALANDRIA (I-27)	1255.0	ARMCO STEEL CORP
KATY (IV)	420.0	UNITED TEXAS TRAN
KATY (I-B)	475.0	UNITED TEXAS TRAN
KATY (I-B)	876.0	UNITED TEXAS TRAN
BORREGOS (ZONE P-5)	403.0	ARMCO STEEL CORP
T-C-B EAST (20-I-3)	37.0	ARMCO STEEL CORP
KELSEY DEEP (ZONE 25)	84.0	TRUNKLINE GAS CO
ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
FORT CHADBOURNE (GARD	31.0	
RED HOUSE (FUSSELMAN)	65.0	EL PASO NATURAL G
GROUP W (STRAWN LIME)	365.0	PALO DURO PIPELIN
GROUP W (STRAWN LIME)	365.0	PALO DURO PIPELIN
LOPEZ (WILCOX)	300.0	REATA INDUSTRIAL
MINDEN W (TRAVIS PEAK	360.0	TEXAS UTILITIES F
JENNINGS RANCH (WILCO	400.0	GHR PIPELINE CORP
LUNDELL (LOBO 9200)	350.0	GHR PIPELINE CORP
MCASKILL (LOBO 11300)	400.0	GHR PIPELINE CORP
VERGARA (LOBO)	250.0	TRANSCONTINENTAL
THOMAS	65.7	SEAGULL PIPELINE
SHACKELFORD COUNTY RE	22.0	LONE STAR GAS CO
WARD-ESTES NORTH	17.7	CABOT CORP
WARD-ESTES NORTH	12.4	CABOT CORP
WARD-ESTES NORTH	17.0	CABOT CORP
GOLDSMITH (5600)	15.5	PHILLIPS PETROLEU
GOLDSMITH (ELLENBURGE	66.4	PHILLIPS PETROLEU
GOLDSMITH (CLEARFORK)	20.8	PHILLIPS PETROLEU
GOLDSMITH (5600)	19.8	PHILLIPS PETROLEU
REB (MARBLE FALLS)	9.0	LONE STAR GAS CO
REB (MARBLE FALLS)	7.0	LONE STAR GAS CO
REB (MARBLE FALLS)	1.0	LONE STAR GAS CO
TOOLAN (TRAVIS PEAK)	200.0	LIBERTY NATURAL G
BETHANY (PETTIT)	180.0	TENNESSEE GAS PIP
BROOKS (CANYON K)	0.0	NORTHERN NATURAL
BROOKS (CANYON K)	0.0	NORTHERN NATURAL
ARNO (SILURO-DEVONIAN	0.0	VALERO TRANSMISSI
PANHANDLE - HUTCHINSO	20.0	LIQUID ENERGY COR
PANHANDLE - HUTCHINSO	22.0	LIQUID ENERGY COR
PANHANDLE CARSON	40.0	KERR-MCGEE CORP
ARDINGER (LAKE SAND U	140.0	EL PASO HYDROCARB
ARDINGER (LAKE SAND U	0.0	EL PASO HYDROCARB
PANHANDLE (HUTCHINSON	3.1	GETTY OIL CO
PANHANDLE (HUTCHINSON	3.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.8	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.3	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.8	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.9	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.9	GETTY OIL CO
PANHANDLE (HUTCHINSON	3.5	GETTY OIL CO
PANHANDLE (HUTCHINSON	4.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	5.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	3.2	GETTY OIL CO
PANHANDLE (HUTCHINSON	6.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	4.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	0.6	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	4.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	3.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.8	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.8	GETTY OIL CO
PANHANDLE (HUTCHINSON	7.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.2	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.6	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.6	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	2.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.2	GETTY OIL CO
PANHANDLE (HUTCHINSON	4.7	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	5.0	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.3	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.1	GETTY OIL CO
PANHANDLE (HUTCHINSON	12.7	GETTY OIL CO
PANHANDLE (HUTCHINSON	0.2	GETTY OIL CO
PANHANDLE (HUTCHINSON	1.0	GETTY OIL CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423575	F-09-077728	4223700000		103		MEEKS RRC #23647	MORRIS (STRAWN)	14.0	TEXAS UTILITIES F
-KOTHMANN AWBREY				RECEIVED:		03/01/84 JA: TX			
8423531	F-7C-075236	4226700000		102-4		AWBREY KOTHMANN #2 90443	KOTHMANN RANCH	34.0	CIBOLO GAS INC
-MARK IV ENERGY				RECEIVED:		03/01/84 JA: TX			
8423686	F-01-078680	4249331452		103		BUTLER-RICHTER UNIT RRC ID # 09342	SUTIL (BUDA)	25.0	J L DAVIS
8423687	F-01-078681	4249331190		102-4		V JARZOMBEK #1 RRC ID# 09030	CINDY ANN (AUSTIN CHA	17.0	J L DAVIS
-MAYFIELD ENGINEERING SERVICE				RECEIVED:		03/01/84 JA: TX			
8423498	F-09-069132	4223700000		108		FLO COOP - EASTER UNIT #1 48284	SAM EASTER (CONGL)	0.0	SOUTHWESTERN GAS
8423499	F-09-069133	4223700000		103		S B EASTER #1	JACK COUNTY REGULAR	0.0	SOUTHWESTERN GAS
-MCCORMICK OIL & GAS CO				RECEIVED:		03/01/84 JA: TX			
8423503	F-04-071393	4204700000		102-4		CARTER RANCH #5	NORTH RUCIAS	850.0	TRANSCONTINENTAL
-MERCURY EXPLORATION CO				RECEIVED:		03/01/84 JA: TX			
8423560	F-7B-077193	4205934261		102-4		COOPER-LAVELLE "C" #2	OPLIN (ELLENBERGER)	20.0	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION				RECEIVED:		03/01/84 JA: TX			
8423540	F-05-076274	4229330693		103	107-TF	C A MILES #3	PERSONVILLE NORTH (CO	547.5	TEXAS UTILITIES F
8423490	F-7C-055715	4245130964		102-4	103	FREYSCHLAG 219 "A" #1-U	K W B (CANYON)	750.0	ESPERANZA PIPELIN
8423491	F-7C-055934	4245130964		107-TF		FREYSCHLAG 219 "A" #1-U	K W B (CANYON)	75.0	ESPERANZA PIPELIN
8423642	F-09-078531	4223735034		103		R J LAPRADE OU #1 23803	CUNDIFF N (ATOKA CONG	11.6	NATURAL GAS PIPEL
8423565	F-09-077593	4249732486		103		T C W B #41	MORRIS (CONSL CONGL)	0.0	NATURAL GAS PIPEL
-MUELLER ENGINEERING CORP				RECEIVED:		03/01/84 JA: TX			
8423558	F-02077150	4229700000		102-4		NESTER #1-C	GRANT RANCH	1.0	SOUTHERN GAS PIPE
-MURPHY H BAXTER				RECEIVED:		03/01/84 JA: TX			
8423643	F-08-078534	4231732776		103		ARICK #2	SPRABERRY (TREND AREA	35.0	PHILLIPS PETROLEU
-PARKER & PARSLEY INC				RECEIVED:		03/01/84 JA: TX			
8423522	F-08-074064	4232900000		103		EVANS #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8423536	F-7C-075805	4238300000		103		UNIVERSITY "B" #1	BLOCK 49 (2450)	15.0	J L DAVIS
-PATTERSON PETROLEUM INC				RECEIVED:		03/01/84 JA: TX			
8423678	F-03-078643	4214931629		102-2		V H WEIMAN #2	GIDDINGS (AUSTIN CHAL	365.0	PHILLIPS PETROLEU
-PENNZOIL PRODUCING COMPANY				RECEIVED:		03/01/84 JA: TX			
8423693	F-04-078702	4235531512		108		C P TALBERT #21	AGUA DULCE (6550')	17.0	UNITED GAS PIPE L
-PERRYMAN OIL & GAS INC				RECEIVED:		03/01/84 JA: TX			
8423545	F-02-076460	4202531931		102-4	103	A G HOLT #1	HOCKLEY (4720)	29.0	ESPERANZA TRANSMI
-PETRO-LEWIS CORPORATION				RECEIVED:		03/01/84 JA: TX			
8423623	F-8A-078203	4250131933		102-4		BOWEN ET AL #1	JANICE (WOLFCAMP)	7.0	WARREN PETROLEUM
8423624	F-8A-078204	4250132168		102-4		BOWEN ET AL #2	JANICE (WOLFCAMP)	7.0	WARREN PETROLEUM
8423626	F-8A-078206	4250132179		102-4		BOWEN ET AL #3	JANICE (WOLFCAMP)	7.0	WARREN PETROLEUM
8423627	F-8A-078207	4250100000		102-4		BOWEN ET AL #4	JANICE (WOLFCAMP)	7.0	WARREN PETROLEUM
8423625	F-8A-078205	4250132345		102-4		GENTRY #1	JANICE (WOLFCAMP)	2.1	WARREN PETROLEUM
8423684	F-8A-078671	4250132247		102-4		HARRISON #1	JANICE (WOLFCAMP)	0.0	WARREN PETROLEUM,
-PETROLEUM VENTURES OF TEXAS INC				RECEIVED:		03/01/84 JA: TX			
8423542	F-03-076359	4232100000		102-4		SUN FEE #2	MARKHAM (FRIO-4680)	180.0	FLORIDA GAS TRANS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		03/01/84 JA: TX			
8423682	F-08-078659	4213500373		108		(22802) CUMMINS D WELL #3	CUMMINS (DEVONIAN)	1.0	EL PASO NATURAL G
8423502	F-10-071363	4236131000		103		COLSON #2	WEST PANHANDLE	0.0	EL PASO NATURAL G
8423681	F-08-078658	4200304506		108		EMBAR-B #7 (08769)	GOLDSMITH (5600)	13.0	EL PASO NATURAL G
8423535	F-10-075667	4235731439		102-4		NITSCHKE A #4	ALPAR ST LOUIS	0.0	
8423670	F-10-078620	4217900000		108		PHILLIPS - PAMPA UNIT #7-10	PANHANDLE - GRAY	0.0	GETTY OIL CO
8423532	F-10-075306	4234100000		108		VINSON #2	PANHANDLE WEST	0.0	EL PASO NATURAL G
-PIONEER PRODUCTION CORPORATION				RECEIVED:		03/01/84 JA: TX			
8423538	F-08-076033	4232931158		102-4	103	BRADFORD ESTATE #1-24	BRADFORD RANCH (ATOKA	0.0	TEXACO U S A
-PITTS ENERGY CO				RECEIVED:		03/01/84 JA: TX			
8423666	F-08-078603	4231732787		103		WILKINSON #1	SPRABERRY (TREND AREA	25.6	PHILLIPS PETROLEU
-Q E D EXPLORATION INC				RECEIVED:		03/01/84 JA: TX			
8423597	F-7C-077995	4223532189		102-2	103	FARMAR-SUGG 21 #3	LUCKY-MAG (CLEAR FORK	3.7	FARMLAND INDUSTRI
-RAILHEAD ENERGY CO				RECEIVED:		03/01/84 JA: TX			
8423510	F-09-072448	4223700000		102-4	103	CRAFT-JONES #1	CARY MAG W (CONGLOMER	20.0	LONE STAR GAS CO
8423509	F-09-072333	4223735157		102-4	103	CRAFT-JONES #2	CARY MAG (CONGLOMERAT	0.0	LONE STAR GAS CO
-REATA OIL & GAS CORP				RECEIVED:		03/01/84 JA: TX			
8423496	F-03-066816	4231300000		102-4		LUMMIE MORGAN #3	MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
-RICHEY & CO INC				RECEIVED:		03/01/84 JA: TX			
8423594	F-7B-077974	4213335409		102-4		KINCAID "A" #1	REB	30.0	ENSERCH EXPLORATI
-ROYAL OIL & GAS CORPORATION				RECEIVED:		03/01/84 JA: TX			
8423500	F-01-069470	4231131424		102-4	103	M C ATKINSON #1	COW CREEK W (6930) FI	91.0	VALERO TRANSMISSI
-SAMSON RESOURCES COMPANY				RECEIVED:		03/01/84 JA: TX			
8423494	F-10-065346	4235730955		107-TF		DODSON #3 - CLEVELAND	ELLIS RANCH	146.0	TRANSWESTERN PIPE
-SENECA RESOURCES CORP				RECEIVED:		03/01/84 JA: TX			
8423497	F-02-068752	4205731237		102-2	103	STATE TRACT 216 #12	GRASS ISLAND (MATAGOR	0.0	DELHI GAS PIPELIN
-SPENCER PETROLEUM CO				RECEIVED:		03/01/84 JA: TX			
8423527	F-7B-074556	4208333293		103		PAUL M BEAVER #1-A	NAYLOR (JENNINGS SAND	9.0	UNION TEXAS PETRO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		03/01/84 JA: TX			
8423551	F-04-076921	4242700000		108		A PENA #1	STARR COUNTY N E	13.0	TENNESSEE GAS PIP
8423554	F-08-077023	4233532540		103		ANDERSON - MCCABE UNIT #1	JAMESON N	10.0	LONE STAR GAS CO
8423641	F-10-078527	4217900000		108		COMBS-WORLEY -B- #5	PANHANDLE GRAY CO (GR	2.0	PHILLIPS PETROLEU
8423579	F-8A-077869	4207900000		108		DELA S WRIGHT -D- #2	LEVELLAND	0.1	CITIES SERVICE OI
8423555	F-10-077024	4221131590		103		FRANK SHALLER #4	CANADIAN S E (DOUGLAS	37.0	WESTAR TRANSMISSI
8423582	F-8A-077878	4241500000		108		G D BOYLES #7	REVILO-GLORIETTA	0.3	MONSANTO OIL CO
8423549	F-04-076858	4242731761		102-4		GEORGE H SPEER -C- #6	SUN	89.0	FLORIDA GAS TRANS
8423553	F-04-076942	4242700000		108		GEORGE H SPEER STATE -B- #13	SUN	21.0	TENNESSEE GAS PIP
8423512	F-01-072723	4228330960		102-4		J FOSTER ESTATE #1	SUN TSH	0.0	HOUSTON PIPELINE
8423556	F-04-077025	4235532099		102-4		LONDON WARD UNIT #1	DOUGHTY S W (9275)	121.0	HOUSTON PIPE LINE
8423523	F-08-074111	4217331356		103		M B HUTCHISON #7	SPRABERRY (TREND AREA	32.0	PECOS CO
8423574	F-10-077680	4239300000		108		O R TIPPS #1	ST CLAIR (GRANITE WAS	20.0	WESTAR TRANSMISSI
8423552	F-7B-076940	4215100000		108		PARDUE CANYON S U #27	PARDUE CANYON	0.3	
8423580	F-04-077871	4224900000		108		SEELIGSON UNIT #17-2	SEELIGSON	10.0	TENNESSEE GAS PIP
8423573	F-08-077678	4230100000		108		W D JOHNSON JR -D- #1	MOORE HOOPER	4.0	EL PASO NATURAL G
8423581	F-8A-077875	4207900000		108		WRIGHT UNIT #21-61	LEVELLAND	0.1	CITIES SERVICE OI
-SUPERIOR OIL CO				RECEIVED:		03/01/84 JA: TX			
8423675	F-08-078635	4237134572		102-4	103	UNIVERSITY "19-1" #4-U	TUNIS CREEK (DEVONIAN	0.0	DELHI GAS PIPELIN
-T-SQUARE PETROLEUM				RECEIVED:		03/01/84 JA: TX			
8423518	F-7B-073610	4213335117		103		TAFF #5	EASTLAND CNTY REG (GA	73.0	SOUTHWESTERN GAS
-TAMARACK PETROLEUM CO INC				RECEIVED:		03/01/84 JA: TX			
8423674	F-08-078634	4232931240		103		MATTHEWS "A" #2 (RRC #25871)	SPRABERRY (TREND AREA	49.0	PHILLIPS PETROLEU
-TAUBERT & STEED				RECEIVED:		03/01/84 JA: TX			
8423599	F-06-078077	4249931182		102-4		JUDGE DAVIS #1	NEUHOFF (MOORINGSPORT	47.0	UNITED GAS PIPELI
-TAYLOR OPERATING COMPANY				RECEIVED:		03/01/84 JA: TX			
8423672	F-7B-078632	4209300000		103		ARMSTRONG #2 (18923)	BEATTIE N (MARBLE FAL	31.4	SOUTHWESTERN GAS
-TENNECO OIL COMPANY				RECEIVED:		03/01/84 JA: TX			
8423517	F-04-073326	4235532127		103		EAST SIDE BLOCK UNIT #16	AGUA DULCE (7550)	146.0	
-TEXACO INC				RECEIVED:		03/01/84 JA: TX			
8423683	F-08-078660	4213534164		103		ECTOR "C" FEE NCT-1 #12	MOSSWELL (STRAWN 8720	13.9	
8423578	F-08-077772	4230100000		108		EL MAR DELAWARE UNIT #1331	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEU
8423577	F-08-077771	4230100000		108		EL MAR DELAWARE UNIT #1344	EL MAR (DELAWARE)	0.4	PHILLIPS PETROLEU
8423548	F-04-076713	4235531475		103		J O CHAPMAN #124	CHAPMAN RANCH	0.0	TEXAS EASTERN TRA
8423650	F-8A-078574	4250100000		108		ROBERTS UNIT #1134	WASSON	0.3	SHELL OIL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8423651	F-8A-078575	4250100000		108		ROBERTS UNIT #1143
8423652	F-8A-07857	4250100000		108		ROBERTS UNIT #1214
8423649	F-8A-078573	4250100000		108		ROBERTS UNIT #1725
8423653	F-8A-078577	4250100000		108		ROBERTS UNIT #2042
8423637	F-8A-078496	4250100000		108		ROBERTS UNIT #2225
8423638	F-8A-078497	4250100000		108		ROBERTS UNIT #2737
8423648	F-8A-078572	4250100000		108		ROBERTS UNIT #3332
8423647	F-8A-078571	4250100000		108		ROBERTS UNIT #4325
8423529	F-08-074749	4213534973		103		W E CONNELL NCT-2 #163
8423488	F-02-017630	4217502053		108-ER		WILSON DEEP #1
-TEXAS EASTERN EXPLORATION CO				RECEIVED:	03/01/84	JA: TX
8423513	F-02-072806	4217531643		102-4	103	PITTMAN #1
-THE ANSCHUTZ CORPORATION				RECEIVED:	03/01/84	JA: TX
8423604	F-08-078116	4232931167		102-4		NOBLES 1028
-THROCKMORTON GAS SYSTEMS				RECEIVED:	03/01/84	JA: TX
8423489	F-7B-036251	4244700000		102-4		VALDA BROWN WELL #3 (ID#10378)
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	03/01/84	JA: TX
8423493	F-06-063073	4236531530		103	107-TF	J D FURRH ET AL #1A
-TRI-MOR PRODUCTION CO				RECEIVED:	03/01/84	JA: TX
8423504	F-7B-071574	4242933477		102-4		PENDLETON "A" #1
-TRINITY RESOURCES INC				RECEIVED:	03/01/84	JA: TX
8423550	F-02-076871	4220995700		102-4		DUGGER-FITCH 1-C
-TXO PRODUCTION CORP				RECEIVED:	03/01/84	JA: TX
8423519	F-02-073679	4223931880		102-4		STAFFORD G U A-4
-UTX EXPLORATION INC				RECEIVED:	03/01/84	JA: TX
8423541	F-02-076297	4202531986		102-4	103	KATHLEEN D ROCHE B 4-C
-WAGNER & BROWN				RECEIVED:	03/01/84	JA: TX
8423600	F-08-07808	4243130932		103		GLASS "C" #5-4
-WILLIAM MOSS PROPERTIES INC				RECEIVED:	03/01/84	JA: TX
8423537	F-08-075924	4231732760		103		R C TOM "4" #2
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	03/01/84	JA: TX
8423576	F-02-077756	4205730962		102-4		P H WELDER "D" #1L
-WOOLF & MAGEE INC				RECEIVED:	03/01/84	JA: TX
8423685	F-06-078678	4245930574		102-4	107-TF	HOLLIE G MCCLAIN GAS UNIT #1

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FIELD NAME	PROD	PURCHASER
WASSON	1.0	SHELL OIL CO
WASSON	1.5	SHELL OIL CO
WASSON	0.4	SHELL OIL CO
WASSON	0.3	SHELL OIL CO
WASSON	0.3	SHELL OIL CO
WASSON	1.3	SHELL OIL CO
WASSON	1.0	SHELL OIL CO
WASSON	0.5	SHELL OIL CO
JORDAN (DEVONIAN)	12.1	PHILLIPS PETROLEU
DALLAS HUSKY	0.0	TEXAS EASTERN TRA
OLD BUZZARD	503.0	
MOONLIGHT (ELLENBURGE	1.0	WESTAR TRANSMISSI
BRYLE WEST (CADDO 469	0.0	WARREN PETROLEUM
CARTHAGE (COTTON VALL	600.0	UNITED GAS PIPELI
BRECKENRIDGE SE (DUFF	30.0	WARREN PETROLEUM
PALMETTO BEND W (A-9)	620.0	LONE STAR GAS CO
MORALES	0.0	DELHI GAS PIPELIN
HEARD RANCH (4050) PR	550.0	TRUNKLINE GAS CO
CONGER (PENN)	619.7	TEXAS UTILITIES F
SPRABERRY/TREND AREA	11.0	
KATIE WELDER N-2	48.0	SEAGULL PIPELINE
GILMER (BOSSIER SAND)	550.0	TEXAS UTILITIES F

[FR Doc. 84-8838 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1094]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease
Section 103: New onshore production well
Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1094
ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-MAY PETROLEUM INC				RECEIVED: 03/05/84		JA: LA			
8423697	84-0277	1703121957		103		J S SIMONTON #1 HOSS RA SU10	BETHANY LONGSTREET	547.5	ARKANSAS LOUISIAN
-MCRAE EXPLORATION INC				RECEIVED: 03/05/84		JA: LA			
8423702	84-283	1711121591		102-2	107-TF	ABBIE SMITH #1 CV RA SUC	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
8423699	84-0279	1711121602		102-2	107-TF	REAGAN #1 CV RA SUF	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
8423700	84-280	1711121840		102-2	107-TF	SMITH #2 CV RA SUH	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
8423703	84-282	1711121355		102-2	107-TF	STANSBURY #1 CV RA SUB	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
8423701	84-281	1711122287		102-2	107-TF	STANSBURY #2 CV RA SUA	BAYOU D'ARBONNE LAKE	0.0	LOUISIANA GAS INT
-TEXACO INC				RECEIVED: 03/05/84		JA: LA			
8423705	84-0380	1770720082		103		S L 340 LIGHTHOUSE POINT WELL #21	LIGHTHOUSE POINT	1898.0	TEXAS GAS TRANSMI
8423704	84-0383	1770720096		103		SL 340 MOUND POINT #62	MOUND POINT	2738.0	KAISER ALUMINUM &
8423708	84-0378	1770720107		103		SL 340 MOUND POINT #79	MOUND POINT	147.2	KAISER ALUMINUM &
8423707	84-0377	1770720111		103		SL 340 MOUND POINT #87	MOUND POINT	1168.0	KAISER ALUMINUM &
8423712	84-0337	1770720109		103		SL 340 MOUND POINT #88	MOUND POINT	1599.0	KAISER ALUMINUM &
8423706	84-0379	1770720084		103		SL 340 MOUND POINT WELL #63	SL 340 MOUND POINT	2130.0	KAISER ALUMINUM &
8423711	84-0375	1770720103		103		SL 340 MOUND POINT WELL #83	MOUND POINT	1095.0	KAISER ALUMINUM &
8423710	84-0374	1710121034		103		WKL #44 BAL SU	BATEMAN LAKE	5475.0	CITY OF MORGAN CI
8423709	84-0373	1710121068		103		WKL #46 BAL SU	BATEMAN LAKE	5147.0	CITY OF MORGAN CI
-TXO PRODUCTION CORP				RECEIVED: 03/05/84		JA: LA			
8423698	84-278	1706120346		103	107-TF	T L JAMES "B" #2 DAVIS RA SUO	CHOUDRANT	511.0	DELHI GAS PIPELIN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-HOEFLE RICHARD C				RECEIVED: 03/05/84		JA: MT			
8423726	1-84-19	2510122108		102-4		OAKLEY & HAYES #1-A COREY	KEVIN SUNBURST	70.0	OIL INTERNATIONAL
8423728	1-84-20	2510122187		102-4		OAKLEY & HAYES #1-B COREY	KEVIN SUNBURST	98.0	OIL INTERNATIONAL
8423727	1-84-21	2510109706		102-4		OAKLEY & HAYES #4 COREY	KEVIN SUNBURST	45.0	OIL INTERNATIONAL
8423729	1-84-22	2510109705		102-4		OAKLEY & HAYES COREY #6	KEVIN SUNBURST	51.0	OIL INTERNATIONAL
NORTH DAKOTA INDUSTRIAL COMMISSION									
-ADOBE OIL & GAS CORPORATION				RECEIVED: 03/05/84		JA: ND			
8423723	903	3300700000		102-2		KESSEL DEEP 41-6	BULLSNAKE BUTTE FRYBU	201.0	NORTHERN GAS PROD
-DIAMOND SHAMROCK EXPLORATION CO				RECEIVED: 03/05/84		JA: ND			
8423724	902	3300700938		102-2		RAINBOW FEE 43-5	ROOSEVELT	0.0	
-TENNECO OIL E & P				RECEIVED: 03/05/84		JA: ND			
8423725	901	3300700936		102-2		AMERADA STATE 2-16	ANDERSON COULEE	91.0	MONTANA DAKOTA UT
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED: 03/05/84		JA: NY			
8423722	5181	3100917982	D	102-2		TROMBLEY-YOUNG #6250 (JO)	WILDCAT	200.0	
OHIO DEPARTMENT OF NATURAL RESOURCES									
-AKRON/OIL CORP				RECEIVED: 03/06/84		JA: OH			

BILLING CODE 6717-01-M

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423783		3412726044		107-TF		WARNER #2	SALT LICK	10.0	
-AMTEX OIL AND GAS INC				RECEIVED: 03/06/84 JA: OH					
8423784		3416922199		108		HATFIELD WELL #1		11.0	EAST OHIO GAS CO
8423785		3416922200		108		HATFIELD WELL #2		11.0	EAST OHIO GAS CO
-ATWOOD RESOURCES INC				RECEIVED: 03/06/84 JA: OH					
8423786		3403125275		103	107-TF	CHARLES O'BRYON ETAL #4	COSHOCTON	15.0	
-B & K DRILLING CO				RECEIVED: 03/06/84 JA: OH					
8423787		3416727203		107-DV		CLARK #3	SALEM	20.0	COLUMBIA GAS TRAN
-B J INC				RECEIVED: 03/06/84 JA: OH					
8423796		3407524041		103	107-TF	B GIAUQUE #2-A	RICHLAND	20.0	CORNING GLASS
8423793		3407523982		103	107-TF	B GIAUQUE #3	RICHLAND	18.0	CORNING GLASS
8423792		3407523981		103	107-TF	B GIAUQUE #4	RICHLAND	20.0	CORNING GLASS
8423791		3407523980		103	107-TF	B GIAUQUE #5	RICHLAND	20.0	CORNING GLASS
8423795		3407523988		103	107-TF	E GIAUQUE #5	RICHLAND	25.0	CORNING GLASS
8423794		3407523986		103	107-TF	E GIAUQUE #7	RICHLAND	18.0	CORNING GLASS
8423788		3403125032		103	107-TF	FLINTSTONE FARMS #2	CLARK	25.0	CORNING GLASS
8423789		3403125033		103	107-TF	FLINTSTONE FARMS #4	CLARK	20.0	CORNING GLASS
8423790		3403125042		103	107-TF	LOGSDON #1	TIVERTON	20.0	CORNING GLASS
-BARTLO OIL AND GAS COMPANY				RECEIVED: 03/06/84 JA: OH					
8423798		3415321611		103	107-TF	H JAEGER #1	RICHFIELD	8.0	
8423797		3410323633		103	107-TF	SUTPHIN UNIT #1	GRANGER	12.0	
-BATH OIL & GAS EXPLORATION CO				RECEIVED: 03/06/84 JA: OH					
8423799		3415321503		107-TF		BATH CENTER ESTATES #1	BATH	22.0	
-BERRESFORD ENTERPRISES INC				RECEIVED: 03/06/84 JA: OH					
8423800		3416725205		107-TF		PAUL DIETZ #1	WATERFORD	0.0	
-CAMERON BROS				RECEIVED: 03/06/84 JA: OH					
8423801		3411922664		108		BRADFORD #1		11.0	COLUMBIA GAS TRAN
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED: 03/06/84 JA: OH					
8423802		3411926757		103	107-TF	OHIO POWER 41-A	MEIGS	108.0	TEXAS EASTERN TRA
8423803		3411926854		103	107-TF	OHIO POWER 44-A	RICH HILL	16.1	TEXAS EASTERN TRA
-CLINTON OIL CO				RECEIVED: 03/06/84 JA: OH					
8423909		3405520587		107-TF		EQUESTRIAN ESTATES #3-822	BURTON	10.0	
8423910		3413323116		107-TF		H MURRAY UNIT #1-825	ROOTSTOWN	10.0	
8423907		3400722420		107-TF		L MERILLA #1-835	SAYBROOK	10.0	
8423908		3400722598		107-TF		R WASSON #1-887	SAYBROOK	10.0	
8423906		3400722264		107-TF		W PETRIC #1-697	SAYBROOK	10.0	
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 03/06/84 JA: OH					
8423804		3405520535		103	107-TF	BERGER #1	MONTVILLE	20.0	EAST OHIO GAS CO
8423805		3405520597		103	107-TF	ZAFFIRO #1	MONTVILLE	25.0	EAST OHIO GAS CO
-DAVID A WALDRON & ASSOC INC				RECEIVED: 03/06/84 JA: OH					
8423806		3413323143		107-TF		BERNICE SMITH #1	COLUMBIA	18.0	
-DOME ENERGY 83-2				RECEIVED: 03/06/84 JA: OH					
8423807		3409321220		107-TF		DENINGTON #1	COLUMBIA	15.0	
-DORSET CO INC				RECEIVED: 03/06/84 JA: OH					
8423808		3400721157		108		MCCONNELL #3		10.0	DANA CORP
8423809		3400701193		108		RIPKA DENMARK #5		3.0	JONES LAUGHLIN ST
-DOVER OIL CO				RECEIVED: 03/06/84 JA: OH					
8423810		3416727376		107-TF		RALPH TEPE #2	WATERTOWN	3.5	
-EDCO DRILLING & PRODUCING INC				RECEIVED: 03/06/84 JA: OH					
8423811		3400722402		107-TF		CB-1A BLANKENSHIP/ROBERTS UNIT	CHERRY VALLEY	18.0	
-ENTERPRISE ENERGY CORP				RECEIVED: 03/06/84 JA: OH					
8423812		3411926786		103	107-TF	OHIO POWER 92	NEWTON	18.2	TEXAS EASTERN TRA
-FLOYD E KIMBLE DBA RED HILL DEV				RECEIVED: 03/06/84 JA: OH					
8423817		3406720583		103	107-TF	A BOUSKA #1	FREEPORT	4.0	
8423814		3406720569		103	107-TF	CLEVELAND B S A #1	NOTTINGHAM	12.0	
8423815		3406720571		103	107-TF	CLEVELAND B S A #2	NOTTINGHAM	18.0	
8423813		3406720568		103	107-TF	E F F CORP #1	FRANKLIN	9.0	
8423818		3406720590		103	107-TF	G PASTOR #1	STOCK	26.0	
8423816		3406720577		103	107-TF	W CRAMBLETT #1	NORTH	4.0	
-LAKE REGION OIL INC				RECEIVED: 03/06/84 JA: OH					
8423819		3407524156		103	107-TF	BRUCE SCHANTZ #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
-LANGASCO DRILLING CO				RECEIVED: 03/06/84 JA: OH					
8423820		3402920986		107-TF		DONALD REEDER #1	HANOVER	37.0	YANKEE RESOURCES
-LIBERTY OIL & GAS CORP				RECEIVED: 03/06/84 JA: OH					
8423831		3400922782		107-TF		C W DALEY JR #1	TROY	19.0	COLUMBIA GAS TRAN
8423844		3410521943		107-TF		CLYDE HEADLEY #1	OLIVE	20.0	COLUMBIA GAS TRAN
8423843		3410521865		107-TF		CLYDE MORLAN #2	ORANGE	19.0	COLUMBIA GAS TRAN
8423841		3410521861		107-TF		D E MILLER #1	OLIVE	19.0	COLUMBIA GAS TRAN
8423857		3410522494		107-TF		D E MILLER #2	OLIVE	18.0	COLUMBIA GAS TRAN
8423823		3400922055		107-TF		DONALD DAY #1	CARTHAGE	18.0	COLUMBIA GAS TRAN
8423824		3400922112		107-TF		E SUMMERFIELD #1	CARTHAGE	18.0	COLUMBIA GAS TRAN
8423838		3410521845		107-TF		EDTON A RITCHIE AND JOYCE A RITCHIE	OLIVE	0.0	COLUMBIA GAS TRAN
8423836		3410521836		107-TF		FRANCIS KIBBLE #1	ORANGE	19.0	COLUMBIA GAS TRAN
8423852		3410521976		107-TF		FRANK GOEBEL #1	CARTHAGE	17.0	COLUMBIA GAS TRAN
8423828		3400922598		107-TF		FRANK GOEBEL #3	TROY	17.0	COLUMBIA GAS TRAN
8423854		3410522407		107-TF		GARLAND CALDWELL #2	COOLVILLE	18.0	COLUMBIA GAS TRAN
8423845		3410521945		107-TF		GARY RIDDLE #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423855		3410522425		107-TF		GEORGE COLLINS #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423837		3410521837		107-TF		GEORGE V STONE #1	OLIVE	19.0	COLUMBIA GAS TRAN
8423849		3410521959		107-TF		GRANT NEWLAND #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423853		3410522318		107-TF		HARLESS-HAGAR #1	ORANGE	17.0	COLUMBIA GAS TRAN
8423847		3410521957		107-TF		HARLEY E RICE #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423839		3410621849		107-TF		HELEN E BARGELOH #1	OLIVE	20.0	COLUMBIA GAS TRAN
8423829		3400922635		107-TF		J M FERRELL #1	TROY	18.0	COLUMBIA GAS TRAN
8423832		3400922783		107-TF		JAMES DEEM #1	TROY	18.0	COLUMBIA GAS TRAN
8423842		3410521863		107-TF		KENNETH HAGER #2	ORANGE	18.0	COLUMBIA GAS TRAN
8423827		3400922597		107-TF		MOLLOHAN HEIRS #1	TROY	18.0	COLUMBIA GAS TRAN
8423822		3400921975		107-TF		O SWAN #1	CARTHAGE	20.0	COLUMBIA GAS TRAN
8423835		3410521824		107-TF		OLEN & JOSEPHINE YOUNG #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423850		3410521960		107-TF		PAUL E BROOKS #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423851		3410521970		107-TF		PAUL NUTTER #1	ORANGE	17.0	COLUMBIA GAS TRAN
8423821		3400921859		107-TF		RAY WEAVER #2	OLIVE	18.0	COLUMBIA GAS TRAN
8423833		3410521797		107-TF		REBECCA H MEYER #1	ORANGE	20.0	COLUMBIA GAS TRAN
8423848		3410521958		107-TF		RICHARD SPENCER #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423834		3410521820		107-TF		ROBERT MARCINKO #1	ORANGE	19.0	COLUMBIA GAS TRAN
8423825		3400922161		107-TF		ROBINSON #1A	CARTHAGE	18.0	COLUMBIA GAS TRAN
8423840		3410521860		107-TF		SCYOC #1	OLIVE	0.0	COLUMBIA GAS TRAN
8423830		3400922709		107-TF		TAYLOR-MURPHY UNIT #1	TROY	18.0	COLUMBIA GAS TRAN
8423846		3410521948		107-TF		W H CHAPMAN #1	ORANGE	19.0	COLUMBIA GAS TRAN
8423856		3410522426		107-TF		W R MANLEY #1	OLIVE	18.0	COLUMBIA GAS TRAN
8423826		3400922176		107-TF		WALTER BOGGS #2	CARTHAGE	18.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 03/06/84 JA: OH					
8423858		3405520566		103	107-TF	L JUDD #1	HUNTSBURG	30.0	
-MARK RESOURCES CORP				RECEIVED: 03/06/84 JA: OH					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8423859		3400722347		103	107-TF	C H MILLER #2
-OXFORD OIL CO				RECEIVED: 03/06/84 JA: OH		
8423911		3411926344		107-TF		OXFORD-MCCOY-FEE #1
-PENN-OHIO ENERGY CORP				RECEIVED: 03/06/84 JA: OH		
8423861		3405520502		103	107-TF	HELLER #1
8423862		3405520579		103	107-TF	HELLER #3
-PETRO EAGLE CO				RECEIVED: 03/06/84 JA: OH		
8423863A		3400921637	D	103		A BROZAK #4
8423863B		3400921637		107-TF		A BROZAK #4
-POI ENERGY INC				RECEIVED: 03/06/84 JA: OH		
8423867		3405520588		103	107-TF	BAUMGARTNER #RM-1
8423866		3400722535		103	107-TF	CLAY #RM-2
8423865		3400722505		103	107-TF	JANEZIC #RP-2
8423864		3400722476		103	107-TF	ROSS #RM-1
8423868		3405520589		103	107-TF	TAYLOR-ZIMMERMAN #RM-1
-POSTON OPERATING CO INC				RECEIVED: 03/06/84 JA: OH		
8423873		3407322406		108		LEON P KIEFFER #2
8423872		3407322377		108		LEON P KIEFFER #5
8423874		3407322463		108		RUTHERFORD HEIRS #4
8423870		3407321960		108		WILLARD KIEFFER #1
8423869		3407322195		108		WILLARD KIEFFER #2
8423871		3407322307		108		WILLARD KIEFFER #4
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 03/06/84 JA: OH		
8423875		3405320851		107-TF		BRASEL-HARRIS TARA #3
-RPJ ENERGY FUND MANAGEMENT INC				RECEIVED: 03/06/84 JA: OH		
8423876		3405923511		107-TF		SECREST #1
-SANTA FE DRILLING CO INC				RECEIVED: 03/06/84 JA: OH		
8423877		3416724960		107-TF		C M AND BERNICE SMITH #1
-SHONGUM OIL & GAS INC				RECEIVED: 03/06/84 JA: OH		
8423878		3410323590		107-TF		KRAMER UNIT #1
-SPECTRUM PETROLEUM CORP				RECEIVED: 03/06/84 JA: OH		
8423883		3411523216	D	107-TF		ROYAL ENERGY L BRUNS #1
8423888		3411523221	D	107-TF		ROYAL ENERGY L BRUNS #2
8423884		3411523217	D	107-TF		ROYAL ENERGY L BRUNS #3
8423887		3411523220	D	107-TF		ROYAL ENERGY L BRUNS #4
8423885		3411523218	D	107-TF		ROYAL ENERGY L BRUNS #5
8423886		3411523219	D	107-TF		ROYAL ENERGY L BRUNS #6
8423882		3411523176	D	107-TF		ROYAL ENERGY MCMANNIS #3
8423881		3411523175	D	107-TF		ROYAL ENERGY MCMANNIS #4
8423880		3411523174	D	107-TF		ROYAL ENERGY MCMANNIS #5
8423879		3411523173	D	107-TF		ROYAL ENERGY MCMANNIS #6
-THE BENATTY CORPORATION				RECEIVED: 03/06/84 JA: OH		
8423891		3411522056		107-TF		A STEWART #3
8423895		3411925088		107-TF		C SILER #2
8423902		3411925417		107-TF		C SILER #3
8423903		3411925469		107-TF		C SILER #5
8423897		3411925361		107-TF		D BARKHURST #2
8423899		3411925382		107-TF		D BARKHURST #3
8423898		3411925362		107-TF		E WILSON #2
8423900		3411925383		107-TF		E WILSON #3
8423901		3411925384		107-TF		E WILSON #4
8423892		3411522204		103	107-TF	F J EARL #2
8423889		3411521993		107-TF		F MAUTZ #3
8423893		3411522205		107-TF		J HARTLEY 1-A
8423905		3412123108		103	107-TF	LINGER-AUGENSTEIN UNIT #1-108
8423894		3411523230		103	107-TF	OHIO POWER #6-29
8423904		3411925470		107-TF		R HUNTER #3
8423896		3411925112		107-TF		S COX #2
8423890		3411522031		107-TF		SHUSTER MOORE UNIT #1
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 03/06/84 JA: OH		
8423860		3415723966		103	107-TF	GLASS #8A
-VESCORP INDUSTRIES INC				RECEIVED: 03/06/84 JA: OH		
8423912		3407522032		108		FAIR #1
-VIKING RESOURCES CORP				RECEIVED: 03/06/84 JA: OH		
8423913		3408520506		103	107-TF	FULLER-ROMANO UNIT #3
8423914		3408520508		103	107-TF	FULLER-ROMANO UNIT #5
8423915		3409921667		103	107-TF	TAYLOR UNIT #3
-YANKEE EXPLORATION INC				RECEIVED: 03/06/84 JA: OH		
8423917		3415123915		103	107-TF	EARL SCHMUCKER #1
8423918		3415522297		103	107-TF	PETRELLA-AMATO UNIT #1
8423916		3412123075		103	107-TF	RUTH WALTERS #1
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM						
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-BROWN JOE E				RECEIVED: 03/05/84 JA: NM L		
8423768 RNM 0373-83		3004100000		108		FARRELL FEDERAL #1
8423746 RNM 0370-83		3004100000		108		FARRELL FEDERAL #4
8423764 RNM 0371-83		3004100000		108		FARRELL FEDERAL #6
8423766 RNM 0372-83		3004100000		108		FARRELL FEDERAL #9
-CAMPBELL & HEDRICK				RECEIVED: 03/05/84 JA: NM L		
8423777 RNM 0108-83		3002525509		103		CAMPBELL & HEDRICK HARDY #6
-CONOCO INC				RECEIVED: 03/05/84 JA: NM L		
8423755 RNM 0028-84		3002512012		108		EAVES A #8
8423756 RNM 0029-84		3002521657		108		EAVES B-1 #11
8423757 RNM 0031-84		3002512085		108		EAVES B-1 #4
8423754 RNM 0027-84		3002527937		108		RUSSELL FEDERAL 17 #13
8423770 RNM 0356-83		3002504261		108		SANDERSON A #7
8423759 RNM 0032-84		3002504273		108		SANDERSON B-14 #3
8423780 RNM 0026-84		3002509809		108		SHOLES B-25 #3
8423758 RNM 0030-84		3002509488		108		VAUGHAN B-1 #2
8423765 RNM 0357-83		3002509718		108		WELLS B-1 #1
-DAVID FASKEN				RECEIVED: 03/05/84 JA: NM L		
8423775 RNM 0347-83		3001520006		108		INDIAN HILLS UNIT "COM" "A" WELL #6
8423776 RNM 0319-83		3001521059		108		YATES "6" FEDERAL #1
-EL PASO EXPLORATION CO				RECEIVED: 03/05/84 JA: NM L		
8423750 RNM 0327-83		3001520486		108		ROCKY ARROYO #1
-EL PASO NATURAL GAS COMPANY				RECEIVED: 03/05/84 JA: NM L		
8423779 RNM 0318-83		3002500000		108		R S U #13 WDRL
-GETTY OIL COMPANY				RECEIVED: 03/05/84 JA: NM L		
8423747 RNM 0010-84		3002511741		108		A B COATES "C" #19
-GULF OIL CORPORATION				RECEIVED: 03/05/84 JA: NM L		
8423774 RNM0001083ER		3002522324		108-ER		C E LAMUNYON #20
-HNG OIL COMPANY				RECEIVED: 03/05/84 JA: NM L		
8423752 RNM 0109-83		3002528156		102-2		DIAMOND "5" FEDERAL #1

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FIELD NAME	PROD	PURCHASER
ASHTABULA	30.0	EAST OHIO GAS CO
CLAY	10.0	
CLARIDON	0.0	EAST OHIO GAS CO
CLARIDON	0.0	EAST OHIO GAS CO
CANAAN	0.0	COLUMBIA GAS TRAN
CANAAN	0.0	COLUMBIA GAS TRAN
HAMBDEN	30.0	
WAYNE	23.0	
ANDOVER	25.0	
HARLSGROVE	27.0	
HANDEN	36.0	
	5.0	COLUMBIA GAS TRAN
BRENHOLTS	36.0	COLUMBIA GAS TRAN
WARD	5.0	COLUMBIA GAS TRAN
BRENHOLTS	36.5	COLUMBIA GAS TRAN
BRENHOLTS	36.5	COLUMBIA GAS TRAN
BRENHOLTS	4.0	COLUMBIA GAS TRAN
ADDISON	1.0	COLUMBIA GAS TRAN
LIBERTY	20.0	
SALEM	50.0	COLUMBIA GAS TRAN
SHARON	0.0	
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	1.2	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
DUN GANNON	12.0	EAST OHIO GAS CO
BLOOM	8.0	TENNESSEE GAS PIP
BLUE CREEK	30.0	TENNESSEE GAS PIP
BLUE ROCK	30.0	TENNESSEE GAS PIP
BLUE ROCK	25.0	TENNESSEE GAS PIP
BLUE CREEK	20.0	TENNESSEE GAS PIP
BLUE CREEK	20.0	TENNESSEE GAS PIP
BLUE CREEK	25.0	TENNESSEE GAS PIP
BLUE ROCK	18.0	TENNESSEE GAS PIP
BLUE ROCK	30.0	TENNESSEE GAS PIP
BLOOM	10.0	
BLOOM	10.0	TENNESSEE GAS PIP
BLOOM	20.0	TENNESSEE GAS PIP
JACKSON	50.0	
CENTER	55.0	
BLUE ROCK	20.0	TENNESSEE GAS PIP
BLUE ROCK	50.0	TENNESSEE GAS PIP
BLOOM	15.0	TENNESSEE GAS PIP
GOSHEN	6.5	EAST OHIO GAS CO
	10.0	COLUMBIA GAS TRAN
MADISON	30.0	
PERRY	30.0	
BERLIN	30.0	
WASHINGTON	0.0	YANKEE RESOURCES
FARMINGTON	0.0	YANKEE RESOURCES
SHARON	0.0	YANKEE RESOURCES
CHAVEROO SAN ANDRES	0.3	NATURAL GAS PIPE
CHAVEROO SAN ANDRES	0.2	NATURAL GAS PIPE
CHAVEREO SAN ANDRES	0.7	NATURAL GAS PIPE
CHAVEROO SAN ANDRES	1.7	NATURAL GAS PIPE
DRINKARD	30.0	GETTY OIL CO
NMFU - SCARBOROUGH YA	1.0	EL PASO NATURAL G
NMFU - SCARBOROUGH YA	0.8	EL PASO NATURAL G
NMFU - SCARBOROUGH YA	14.6	EL PASO NATURAL G
EAST MASON	11.2	PHILLIPS PETROLEU
NMFU - EUNICE-MONUMEN	7.5	WARREN PETROLEUM
NMFU - EUMONT	12.7	WARREN PETROLEUM
NMFU - JALMAT	5.5	EL PASO NATURAL G
NMFU - LANGLIE MATTIX	2.2	EL PASO NATURAL G
NMFU - JALMAT	6.9	EL PASO NATURAL G
INDIAN BASIN (MORROW)	20.0	NATURAL GAS PIPEL
EAGLE CREEK (STRAWN)	19.0	NATURAL GAS PIPEL
ROCKY ARROYO WOLF	11.0	EL PASO NATURAL G
RHODES-YATES SEVEN RI	21.0	EL PASO NATURAL G
JUSTIS BLINEBRY	20.2	EL PASO NATURAL G
TEAGUE BLINEBRY	18.0	EL PASO NATURAL G
PITCHFORK RANCH (MORR	750.0	TRANSWESTERN PIPE

VOLUME 1094

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423753	RNM 0091-83	3002528051		102-2		MADERA "33" FEDERAL COM #1	PITCHFORK RANCH (MORR	1500.0	TRANSWESTERN PIPE
-PERRY R BASS				RECEIVED:	03/05/84	JA: NM L			
8423769	RNM 0119-83	3001524083		102-4		BIG EDDY UNIT #92	EDDY UNDESIGNATED	360.0	NATURAL GAS PIPEL
8423782	RNM 0116-83	3001524084		102-4		BIG EDDY UNIT #94	EDDY UNDESIGNATED	182.0	NATURAL GAS PIPEL
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	03/05/84	JA: NM L			
8423748	RNM 0482-83	3002528149		103		FEDERAL Q WELL #3	QUERECHO PLAINS QA	100.0	PHILLIPS PETROLEU
-SANDERS OIL & GAS INC				RECEIVED:	03/05/84	JA: NM L			
8423781	NM-0751-83	3000561608		103		MESA DIABLO FEDERAL #1	PENJACK	35.0	TRANSWESTERN PIPE
-SOUTHLAND ROYALTY CO				RECEIVED:	03/05/84	JA: NM L			
8423772	RNM 0197-83	3001523776		102-4		EMPIRE FEDERAL "21-A" #1	TURKEY TRACK NORTH	25.0	TRANSWESTERN PIPE
8423751	RNM 0024-83	3001523290		102-4		EMPIRE FEDERAL "34" COM #1	TURKEY TRACK	150.0	NORTHERN NATURAL
8423745	RNM-0023-83	3001523102		102-4		EMPIRE FEDERAL COMM #1	TURKEY TRACK	450.0	NORTHERN NATURAL
8423773	RNM 0005-84	3001523565		108		EMPIRE FEDERAL 21 COM #1	WILDCAT	12.0	TRANSWESTERN PIPE
8423760	RNM 0519-83	3001524115		102-4		HOLLY FEDERAL "5" #1	UNDESIGNATED	80.0	CONOCO INC
-STEVENS OPERATING CORP				RECEIVED:	03/05/84	JA: NM L			
8423771	RNM-0470-83	3000561814		102-4		HELEN COLLINS FEDERAL #2	PECOS SLOPE ABO	121.0	TRANSWESTERN PIPE
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	03/05/84	JA: NM L			
8423762	RNM 0520-83	3000561506		107-TF		CHAVES "A" FEDERAL #3U	PECOS SLOPE ABO	55.0	TRANSWESTERN PIPE
-WARRIOR INC				RECEIVED:	03/05/84	JA: NM L			
8423763	RNM-0008-83	3002504358		108		FEDERAL "D" #11	EUMONT (Y-7R-Q)	5.9	PHILLIPS PETROLEU
8423778	RNM-0006-83	3002504342		108		FEDERAL "D" #8	EUMONT (YATES-7 RIVER	5.2	PHILLIPS PETROLEU
8423761	RNM 0007-83	3002504343		108		FEDERAL "D" #9	EUMONT (YATES-7 RIVER	5.0	PHILLIPS PETROLEU
-WESTERN DRILLING CO				RECEIVED:	03/05/84	JA: NM L			
8423767	RNM-0188-83	3002507064		108		MCDERMOTT FEDERAL #2	SAWYER (SAN ANDRES)	9.2	CITIES SERVICE OI
-ZIA ENERGY INC				RECEIVED:	03/05/84	JA: NM L			
8423749	RNM-0018-83	3002510339		108		FEDERAL #2	EUNICE SAN ANDRES SOU	10.6	EL PASO NATURAL G
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, SALT LAKE CITY, UT									
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-BELCO DEVELOPMENT CORP				RECEIVED:	03/05/84	JA: UT P			
8423715	102-83	4304731030		108		CHAPITA WELLS UNIT 56-29	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
8423721	100-83	4304731318		103	107-TF	CWU 231-14		0.0	MOUNTAIN FUEL SUP
8423718	104-83	4304730613		108		CWU 46-30	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
8423714	103-83	4304730658		108		STAGECOACH 20-7	STAGECOACH	0.0	MOUNTAIN FUEL SUP
-CELSIUS ENERGY CO				RECEIVED:	03/05/84	JA: UT P			
8423713	089-83	4303730848		102-2		PATTERSON UNIT WELL #3	UNDESIGNATED	27.4	MOUNTAIN FUEL RES
-COASTAL OIL & GAS CORP				RECEIVED:	03/05/84	JA: UT P			
8423720	107-83	4304730400		108		NBU 37-13B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8423716	101-83	4304730450		108		NBU 46-26B	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-MARATHON OIL COMPANY				RECEIVED:	03/05/84	JA: UT P			
8423719	105-83	4303730690		102-2		TIN CUP MESA #1-25 (DESERT CREEK)	TIN CUP MESA	36.0	MOUNTAIN FUEL RES
8423717	106-83	4303730815		102-2		TIN CUP MESA #3-23	TIN CUP	37.0	MOUNTAIN FUEL RES
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA, OK									
**********									
-SHORT OIL CO				RECEIVED:	03/05/84	JA: OK Y			
8423740		3511300000		103		BARNARD 4	BARNARD	0.0	PHILLIPS PETROLEU
8423741		3511300000		103		BARNARD 5A	BARNARD	0.0	PHILLIPS PETROLEU
8423736		3511300000		103		BARNARD 11	BARNARD	0.0	PHILLIPS PETROLEU
8423737		3511300000		103		BARNARD 12	BARNARD	0.0	PHILLIPS PETROLEU
8423732		3511300000		103		BARNARD 13	BARNARD	0.0	PHILLIPS PETROLEU
8423730		3511300000		103		BARNARD 14	BARNARD	0.0	PHILLIPS PETROLEU
8423733		3511300000		103		BARNARD 15	BARNARD	0.0	PHILLIPS PETROLEU
8423742		3511300000		103		BARNARD 16	BARNARD	0.0	PHILLIPS PETROLEU
8423734		3511300000		103		BARNARD 17	BARNARD	0.0	PHILLIPS PETROLEU
8423738		3511300000		103		BARNARD 18	BARNARD	0.0	PHILLIPS PETROLEU
8423743		3511300000		103		BARNARD 19	BARNARD	0.0	PHILLIPS PETROLEU
8423735		3511300000		103		BARNARD 20	BARNARD	0.0	PHILLIPS PETROLEU
8423731		3511300000		103		BARNARD 21	BARNARD	0.0	PHILLIPS PETROLEU
8423739		3511300000		103		BARNARD 22	BARNARD	0.0	PHILLIPS PETROLEU
8423744		3511300000		103		BARNARD 23	BARNARD	0.0	PHILLIPS PETROLEU

[FR Doc. 84-8839 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1095]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note.—By final issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parites should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease
Section 103: New onshore production well
Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
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: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1095
ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALASKA OIL & GAS CONSERVATION COMMISSION									
-ARCO ALASKA INC				RECEIVED: 03/08/84		JA: AK			
8424181		5002920585		102-4		KUPARUK RIVER UNIT #1C-8	KUPARUK RIVER	0.0	
MISSISSIPPI OIL & GAS BOARD									
-MAXWELL EXPLORATION INC				RECEIVED: 03/06/84		JA: MS			
8423939	5-84-147	2314720145		103	107-DP	THAD LOWE ESTATE 26-1 WELL #1	KNOXO	900.0	
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BEREA OIL AND GAS CORPORATION				RECEIVED: 03/09/84		JA: NY			
8424165	5232	3101318219		102-2	107-TF	W BROWN #5	WILDCAT	14.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED: 03/09/84		JA: NY			
8424167	5371	3101318349		102-2	107-TF	C PETERSON UNIT #2 KV-48	CARROLL	25.0	COLUMBIA GAS TRAN
-EMPIRE ENERGIES				RECEIVED: 03/09/84		JA: NY			
8424155	7207	3102918796		103	107-TF	ZITTLE #1	CONCORD	0.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED: 03/09/84		JA: NY			
8424162	5398	3101318195		107-TF		A LAWSON #1	ELLINGTON - MEDINA	18.0	
8424157	5140	3101318178		107-TF		B HOWE #1	ELLINGTON - MEDINA	18.0	
8424161	5237	3101316355		107-TF		D KEEFE #1	CHAUTAUQUA - MEDINA	18.0	COLUMBIA GAS TRAN
8424159	5139	3101318160		107-TF		E HEATH #1	CLYMER - MEDINA	18.0	
8424160	5138	3101318161		107-TF		E HEATH #1	CLYMER - MEDINA	18.0	
8424163	5397	3101318159		107-TF		H JACOBSON #1	ELLINGTON - MEDINA	18.0	
8424158	5137	3101318018		107-TF		J BRIGGS #6	CLYMER - MEDINA	18.0	
8424164	5396	3101318288		107-TF		L HAVILAND #1	ELLERY - MEDINA	18.0	
-LENAPE RESOURCES CORP				RECEIVED: 03/09/84		JA: NY			
8424156	5627	3112117232		108		TAYLOR FARMS UNIT #3 LRC #119	LEICESTER	19.8	ELIZABETHTOWN GAS
-NRM PETROLEUM CORPORATION				RECEIVED: 03/09/84		JA: NY			
8424170	5163	3100918119		102-2	107-TF	GROVER #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
8424169	5165	3100916838		102-2	107-TF	LYLE WAITE #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC				RECEIVED: 03/09/84		JA: NY			
8424168	5242	3101317809		102-2	107-TF	AUFFINGER #1 31-013-17809	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424166	5269	3101317852		102-2	107-TF	AUFFINGER #4 #31-013-17852	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424153	7190	3101318658		107-TF		BLY #3 #31-013-18658	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424178	7196	3101318419		107-TF		C ANDERSON #4 #31-013-18419	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424180	7192	3101316470		107-TF		FALCONE #3 #31-013-16470	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424172	5249	3101318067		102-2	107-TF	GILBERT #1 31-013-18067	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424176	7204	3101318606		107-TF		HALE #2 #31-013-18606	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424154	7188	3101318659		107-TF		KOFOD #1 #31-013-18659	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424171	5246	3101317983		102-2	107-TF	MADISON #3 31-013-17983	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424179	7194	3101318507		107-TF		NELSON #1 #31-013-18507	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424177	7206	3101318580		107-TF		NERO #1 #31-013-18580	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424174	7198	3101318693		107-TF		RUBLEE #2 #31-013-18693	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424175	7202	3101318648		107-TF		TARR #1 #31-013-18648	ELLINGTON	36.0	COLUMBIA GAS TRAN
8424173	7200	3101318671		107-TF		WRAGG #1 #31-013-18671	ELLINGTON	36.0	COLUMBIA GAS TRAN
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-ANGERMAN ASSOCIATES INC				RECEIVED: 03/08/84		JA: PA			

BILLING CODE 6717-01-M

VOLUME 1095

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8424103	22479	3706327665		103		KD COLEMAN #10 - IND-27665	W PENNA UPPER DEVONIA	35.0	PEOPLES NATURAL G
8424109		3706327629		103		NICHOLAS L FEDORUK #1 - IND-27629	W PENN - UPPER DEVONI	25.0	PEOPLES NATURAL G
-ASHTOLA PRODUCTION CO				RECEIVED:	03/08/84	JA: PA			
8424058	20378	3712921868		108		CLYDE H LOWE ET UX #1	HAWKEYE POOL	0.0	TEXAS EASTERN TRA
8424046	19940	3712921750		108		THOMAS & MARY LAPOTOVSKY #1	MAYFIELD POOL	0.0	TEXAS EASTERN TRA
-CNG DEVELOPMENT CO				RECEIVED:	03/08/84	JA: PA			
8424104	22482	3706327695		103		A J KING #2 CNGD #276	MONTGOMERY TWP	57.0	
8424094	22377	3706327675		103		E D GOSS #2 CNGD #277	MONTGOMERY	55.0	
-D & P DRILLING CO				RECEIVED:	03/08/84	JA: PA			
8424100	22461	3706327581		103		ST FRANCIS R C CHURCH #1	CANOE	30.0	T W PHILLIPS GAS
-ENERGY GAS & OIL CORP				RECEIVED:	03/08/84	JA: PA			
8424043	19113	3703100000		108		E L PHILLIPS #2 SER NO 94	CURRYSVILLE	1.2	PEOPLES NATURAL G
8424045	19115	3703100000		108		E L PHILLIPS #4 SER NO 107	CURRYSVILLE	1.5	PEOPLES NATURAL G
8424047	19983	3703100000		108		FRAN HEPLER #5 SER NO 15	FROGTOWN	0.6	PEOPLES NATURAL G
8424054	19992	3703100000		108		FRANK HEPLER #1 SER NO 11	FROGTOWN	0.2	PEOPLES NATURAL G
8424052	19988	3703100000		108		FRANK HEPLER #2 SER NO 12	FROGTOWN	0.5	PEOPLES NATURAL G
8424048	19984	3703100000		108		FRANK HEPLER #3 SER NO 13	FROGTOWN	0.6	PEOPLES NATURAL G
8424049	19985	3703100000		108		FRANK HEPLER #6 SER NO 16	FROGTOWN	0.2	PEOPLES NATURAL G
8424044	19114	3703100000		108		JOHN MOGGY #1 SER NO 106	CURRYSVILLE	3.1	PEOPLES NATURAL G
8424051	19987	3703100000		108		MARGARET HEPLER #1 SER NO 9	FROGTOWN	0.3	PEOPLES NATURAL G
8424050	19986	3703100000		108		MARK E STAHLMAN #1 SER NO 100	FROGTOWN	1.1	PEOPLES NATURAL G
8424057	19995	3703100000		108		MARK E STAHLMAN #2 SER NO 101	FROGTOWN	0.9	PEOPLES NATURAL G
8424055	19993	3703100000		108		MARK STALHMAN #1 SER NO 17	FROGTOWN	0.5	PEOPLES NATURAL G
8424056	19994	3703100000		108		ROY D MILLER #1 SER NO 5	FROGTOWN	2.6	PEOPLES NATURAL G
8424042	19991	3703100000		108		ROY D MILLER #2 SER NO 6	FROGTOWN	0.4	PEOPLES NATURAL G
8424041	19990	3703100000		108		ROY D MILLER #4 SER NO 7	FROGTOWN	0.2	PEOPLES NATURAL G
8424053	19989	3703100000		108		ROY D MILLER #5 SER NO 8	FROGTOWN	0.4	PEOPLES NATURAL G
-HANLEY & BIRD				RECEIVED:	03/08/84	JA: PA			
8424062	22132	3700522861		103		G D RUMBAUGH SHB17 SN1729	DAYTON	6.8	T W PHILLIPS GAS
8424061	22131	3700522895		103		R LONG SHB16 SN1728	DAYTON	9.1	PEOPLES NATURAL G
-KRIEBEL GAS CO INC				RECEIVED:	03/08/84	JA: PA			
8424091	22320	3706327661		103		MCCULLY #4	BLAIRSVILLE	28.0	
8424093	22338	3706327676		103		SHIELDS #1	HUDSON	30.0	
8424098	22443	3706327677		103		SHIELDS #2	JOHNSONBURG	30.0	
-KRIEBEL WELLS 83				RECEIVED:	03/08/84	JA: PA			
8424090	22318	3706327647		103		DUNCAN #5	BLAIRSVILLE	30.0	
8424096	22427	3706327662		103		JOBE #1	NASHVILLE	29.0	
8424092	22321	3706327655		103		MONOSKY #1	JOHNSONBURG	30.0	
-LEBOEUF ENERGY INC				RECEIVED:	03/08/84	JA: PA			
8424082	22228	3704923201		107-TF		KNABLEIN #1 ERI-23201	WATERFORD	0.0	NATIONAL FUEL GAS
8424083	22229	3704923201		102-2		KNABLEIN #1 ERI-23201	WATERFORD	0.0	NATIONAL FUEL GAS
8424081	22227	3704923093		107-TF		MCGAHAN #2 ERI-23093	WATERFORD	0.0	NATIONAL FUEL GAS
8424084	22230	3704923093		102-2		MCGAHAN #2 ERI-23093	WATERFORD	0.0	NATIONAL FUEL GAS
-MAC-MAR INC				RECEIVED:	03/08/84	JA: PA			
8424080	22208	3706327664		103		KUNKLE #1	BLAIRSVILLE	15.0	PEOPLES NATURAL G
-NEA CROSS CO				RECEIVED:	03/08/84	JA: PA			
8424107	22054	3704923400		102-2		GEORGE NICK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8424108	22505	3704923400		107-TF		GEORGE NICK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8424105	22502	3704923347		102-2		GEORGE PULAKOS #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8424106	22503	3704923347		107-TF		GEORGE PULAKOS #1	LEBOEUF	10.0	NATIONAL FUEL GAS
-PEOPLES NATURAL GAS CO				RECEIVED:	03/08/84	JA: PA			
8424085	22278	3706327667		103		J H GEORGE #4 - IND-27667	W PENNA - UPPER DEVON	15.0	PEOPLES NATURAL G
8424089	22284	3706327561		103		J LESLIE FERGUSON #3 - IND-27561	W PENNA - UPPER DEVON	25.0	PEOPLES NATURAL G
8424088	22283	3706327555		103		J LESLIE FERGUSON #4 - IND-27555	W PENNA - UPPER DEVON	23.0	PEOPLES NATURAL G
8424099	22437	3706327492		103		JAMES W MACK #4 - IND-27492	W PENNA - UPPER DEVON	14.0	PEOPLES NATURAL G
8424097	22439	3706327461		103		JOHN M BYERS #3 - IND-27461	W PENNA - UPPER DEVON	56.0	PEOPLES NATURAL G
8424086	22280	3706327541		103		MUSSER FORESTS INC #2 - IND-27541	W PENNA - UPPER DEVON	48.0	PEOPLES NATURAL G
8424087	22281	3706327553		103		MUSSER FORESTS INC #3 - IND-27553	W PENNA - UPPER DEVON	60.0	PEOPLES NATURAL G
-REX-HIDE REALTY INC				RECEIVED:	03/08/84	JA: PA			
8424095	22424	3706327696		103		GEORGE E KING ET AL #2	GRANT	40.0	
-RICHARD M STEWART				RECEIVED:	03/08/84	JA: PA			
8424060	22090	3706327650		103		SHEARWOOD TERRACE DEV IND-27650	W PA UPPER DEVONIAN S	15.0	PEOPLES NATURAL G
-S T JOINT VENTURE 82-C				RECEIVED:	03/08/84	JA: PA			
8424079	22187	3703321522		103		KRESS #2	BLOOM	25.0	CONSOLIDATED GAS
-S T JOINT VENTURE 82-D				RECEIVED:	03/08/84	JA: PA			
8424078	22186	3703321554		102-2		SINCLAIR #2	JORDAN	25.0	COLUMBIA GAS TRAN
-TEXRA ENERGY GROUP LTD				RECEIVED:	03/08/84	JA: PA			
8424076	22174	3704923185		107-TF		FRANCIS M SUROVICK #1	ELK CREEK/FRANKLIN	6.3	COLUMBIA GAS TRAN
8424075	22173	3704923206		107-TF		FRANK ROBASKY #1	ELK CREEK/FRANKLIN	8.1	COLUMBIA GAS TRAN
8424063	22161	3704923122		107-TF		GARY K GASTEMIRE #1	ELK CREEK/FRANKLIN	4.5	COLUMBIA GAS TRAN
8424064	22162	3704923123		107-TF		GARY K GASTEMIRE #2	ELK CREEK/FRANKLIN	8.1	COLUMBIA GAS TRAN
8424072	22170	3704923222		107-TF		GARY K GASTEMIRE #3	ELK CREEK/FRANKLIN	7.2	COLUMBIA GAS TRAN
8424073	22171	3704923156		107-TF		JACK G BAKER #1	ELK CREEK/FRANKLIN	21.6	COLUMBIA GAS TRAN
8424077	22175	3704923183		107-TF		JACK G BAKER #2	ELK CREEK/FRANKLIN	13.5	COLUMBIA GAS TRAN
8424065	22163	3704923138		107-TF		L B ZIMMER #1	ELK CREEK/FRANKLIN	45.0	COLUMBIA GAS TRAN
8424068	22166	3704923034		107-TF		LOIS C BACON #1	UNION CITY FIELD EMMO	8.1	COLUMBIA GAS TRAN
8424069	22167	3704923184		107-TF		MARTHA HEADLEY #1	ELK CREEK/FRANKLIN	21.6	COLUMBIA GAS TRAN
8424070	22168	3704923207		103		MARTIN HANAS #1	ELK CREEK/FRANKLIN	11.7	COLUMBIA GAS TRAN
8424071	22169	3704923313		107-TF		NICK ARTELLO #1	ELK CREEK/FRANKLIN	3.6	COLUMBIA GAS TRAN
8424074	22172	3704923208		107-TF		RALPH G SOLTIS #1	ELK CREEK/FRANKLIN	54.0	COLUMBIA GAS TRAN
8424066	22164	3704923124		107-TF		S S ARDILLO #1	ELK CREEK/FRANKLIN	27.0	COLUMBIA GAS TRAN
8424067	22165	3704923221		107-TF		THOMAS MCCAMMEN #1	ELK CREEK/FRANKLIN	18.0	COLUMBIA GAS TRAN
-TURM OIL INC				RECEIVED:	03/08/84	JA: PA			
8424059	21816	3700522874		103		OREN & REBECCA GOOD #1	DAYTON	36.0	PEOPLES NATURAL G
-ZAMA PETROLEUM INC				RECEIVED:	03/08/84	JA: PA			
8424102	22463	3705900000		107-PE		LEMMON #1	NETTLE HILL	1.7	PEOPLES NATURAL G
8424101	22462	3705900000		107-PE		LEMMON #2(3)	NETTLE HILL	1.7	PEOPLES NATURAL G
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
**********									
-ASHLAND EXPLORATION INC				RECEIVED:	03/06/84	JA: VA			
8423937		4502720444		108		LON B ROGERS #24 - 092661	VIRGINIA GAS FIELD	17.0	CONSOLIDATED GAS
-NRM PETROLEUM CORPORATION				RECEIVED:	03/06/84	JA: VA			
8423938		4502720280		108		ISLAND CREEK #14	KEEN MOUNTAIN	4.3	ASHLAND EXPLORATI
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	03/08/84	JA: WV			
8424121		4709701853		108		A - 766	WASHINGTON	0.0	COLUMBIA GAS TRAN
8424119		4708300302		108		A - 832	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424116		4708300285		108		A - 843	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424117		4708300286		108		A - 844	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8424122		4709702076		108		A - 864	MEADE	0.0	COLUMBIA GAS TRAN
8424111		4708300232		108		A-761	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8424112		4708300233		108		A-762	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8424110		4708300231		108		A-764	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424113		4708300242		108		A-769	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424118		4708300290		108		A-840	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424114		4708300274		108		A-841	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424115		4708300280		108		A-842	MIDDLE FORK	0.0	COLUMBIA GAS TRAN
8424120		4708300305		108		A-867	ROARING CREEK	0.0	COLUMBIA GAS TRAN
-ASHLAND EXPLORATION INC		RECEIVED: 03/08/84 JA: WV							
8424139		4701900482		103		CHRISTIAN COLLIERY #4 - 094261	PAINT CREEK	31.0	COLUMBIA GAS TRAN
8424140		4701900482		107-DV		CHRISTIAN COLLIERY #4 - 094262	PAINT CREEK	57.0	
8424133		4700501387		103		COURTNEY CO #18 - 094131	SILER	9.0	COLUMBIA GAS TRAN
8424134		4700501387		107-DV		COURTNEY CO #18 - 094132	SILER	22.0	COLUMBIA GAS TRAN
8424137		4704700200		108		ISRAEL FORMAN #1 - 031330	VIRGINIA	20.0	CONSOLIDATED GAS
8424135		4703903860		103		KANAWHA VALLEY BANK #5 - 093271	PAINT CREEK	29.0	COLUMBIA GAS TRAN
8424136		4703903860		107-DV		KANAWHA VALLEY BANK #5 - 093272	PAINT CREEK	27.0	
8424138		4701900474		103		LAWSON HAMILTON - 093121	PAINT CREEK	112.0	
8424143		4704501035		103		PARDEE LAND CO #67 - 095041	LOGAN-WYOMING	16.0	CONSOLIDATED GAS
8424144		4704501085		107-DV		PARDEE LAND CO #67 - 095042	LOGAN-WYOMING	32.0	CONSOLIDATED GAS
8424145		4710900891		103		PARDEE LAND CO #71 - 094301	LOGAN-WYOMING	49.0	CONSOLIDATED GAS
8424146		4710900891		107-DV		PARDEE LAND CO #71 - 094301	LOGAN-WYOMING	49.0	CONSOLIDATED GAS
8424147		4710900902		103		PARDEE LAND COMPANY #72 - 095151	LOGAN-WYOMING	11.0	CONSOLIDATED GAS
8424148		4710900902		107-DV		PARDEE LAND COMPANY #72 - 095152	LOGAN-WYOMING	82.0	CONSOLIDATED GAS
8424141		4701900490		103		RIVERSIDE PARK INC #3 - 094561	LOUP CREEK	28.0	
8424142		4701900490		107-DV		RIVERSIDE PARK INC #3 -094562	LOUP CREEK	5.0	
-CABOT OIL & GAS CORP		RECEIVED: 03/08/84 JA: WV							
8424125		4700501340		108		LITTLE COAL LAND C #12	WASHINGTON	19.0	TENNESSEE GAS PIP
-CLINT HURT & ASSOCIATES INC		RECEIVED: 03/08/84 JA: WV							
8424123		4707301511		107-DV		BUNNER #1	ST MARYS	360.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 03/08/84 JA: WV							
8424124		4708300710		102-4		JAMES E WALLACE 12763	ROARING CREEK	51.0	GENERAL SYSTEM PU
-D G HANEY INC		RECEIVED: 03/08/84 JA: WV							
8424132		4704103254		102-3		LIVELY #29	UNION	30.0	CONSOLIDATED GAS
8424131		4704103255		102-3		VILLERS #28	UNION	30.0	CONSOLIDATED GAS
-MAXWELL H SMITH AGENT		RECEIVED: 03/08/84 JA: WV							
8424128		4704103292		108		W C TAYLOR #2056	UNION	0.0	EQUITABLE GAS CO
8424127		4704100160		108		W C TAYLOR 4089	UNION	0.0	EQUITABLE GAS CO
-RIMROCK PRODUCTION CORP		RECEIVED: 03/08/84 JA: WV							
8424126		4708505710		107-DV		DELTON COX #2	SLAB CREEK	31.0	COLUMBIA GAS TRAN
-SUMMERS KENNETH C		RECEIVED: 03/08/84 JA: WV							
8424130		4701700000		108		EULA RUPPERT #1	COVE	3.1	EQUITABLE GAS CO
8424129		4704100362		108		PAUL WEST #1	UNION	3.5	EQUITABLE GAS CO
-SWIFT ENERGY CO		RECEIVED: 03/07/84 JA: WV							
8423919		4709100348		107-DV		L THORN #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
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WYOMING OIL & GAS CONSERVATION COMMISSION									
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-NORTHWEST EXPLORATION COMPANY		RECEIVED: 03/09/84 JA: WY							
8424182 NG 112-83		4902320127		108-ER		RED GAP #1	BIG PINEY FRONTIER	21.7	NORTHWEST PIPELIN
8424183 NG 185-82		4902320127		108		RED GAP #1	BIG PINEY FRONTIER-MU	21.7	NORTHWEST PIPELIN
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, DENVER, CO									
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-CHEVRON U S A INC		RECEIVED: 03/06/84 JA: CO F							
8423924 CD 0204-84	0510308293			103		L N HAGOOD A 15X	RANGELY	17.5	NORTHWEST PIPELIN
-COORS ENERGY CO		RECEIVED: 03/06/84 JA: CO F							
8423922 CD 0153-83	0504506435			102-2	107-TF	USA 1-1LW	LOGAN WASH	241.5	NORTHERN NATURAL
8423921 CD 0124-83	0504506442			102-2	107-TF	USA 1-12LW	LOGAN WASH	79.2	NORTHERN NATURAL
-EXXON CORPORATION		RECEIVED: 03/06/84 JA: CO F							
8423925 CD 0208-84	0507708189			102-2		VEGA UNIT #4	PICEANCE BASIN	31.0	NORTHERN NATURAL
-IXO PRODUCTION CORP		RECEIVED: 03/06/84 JA: CO F							
8423923 CD 0193-83	0510309030			103		TEXAS MOUNTAIN FEDERAL #6	TEXAS MOUNTAIN	78.0	NORTHWEST PIPELIN
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM									
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-AMERADA HESS CORPORATION		RECEIVED: 03/07/84 JA: NM K							
8423945 NM-1085-83	3003902292			108		J APACHE "D" #3	OTERO	9.3	EL PASO NATURAL G
-AMOCO PRODUCTION CO		RECEIVED: 03/07/84 JA: NM K							
8423978 NM-1057-83	3003923614			103		JICARILLA APACHE TRIBAL 151 #5E	BASIN - DAKOTA	30.0	GAS CO OF NEW MEX
8423979 NM-1056-83	3003923165			103		JICARILLA APACHE TRIBAL 151 #6E	BASIN - DAKOTA	30.0	GAS CO OF NEW MEX
8423955 NM-1064-83	3004524888			108		PAN AM FEDERAL "C" #3	FLORA VISTA - FRUITLA	0.0	EL PASO NATURAL G
-BASIN MINERALS INC		RECEIVED: 03/07/84 JA: NM K							
8423951 NM-1072-83	3004525733			103		FEDERAL #1	AZTEC PICTURED CLIFFS	200.0	EL PASO NATURAL G
-BCO INC		RECEIVED: 03/07/84 JA: NM K							
8423971 NM-1087-83	3004320338			108		FEDERAL B #2	ALAMITO GALLUP	8.0	EL PASO NATURAL G
8423970 NM-1088-83	3004320339			108		FEDERAL B #3	ALAMITO GALLUP	8.0	EL PASO NATURAL G
8423943 NM-1089-83	3004320340			108		FEDERAL B #4	ALAMITO GALLUP	8.0	EL PASO NATURAL G
8423944 NM-1090-83	3004320337			108		FEDERAL B #5	ALAMITO GALLUP	8.0	EL PASO NATURAL G
8423973 NM-1091-83	3004320332			108		FEDERAL B #6	ALAMITO GALLUP	8.0	EL PASO NATURAL G
8423972 NM-1092-83	3004320334			108		FEDERAL I #1	ALAMITO GALLUP	6.0	EL PASO NATURAL G
8423941 NM 1093-83	3004320335			108		FEDERAL I #2	ALAMITO GALLUP	9.0	EL PASO NATURAL G
8423942 NM 1094-83	3004320336			108		FEDERAL I #3	ALAMITO GALLUP	9.0	EL PASO NATURAL G
8423965 NM-1095-83	3004320333			108		FEDERAL I #4	ALAMITO GALLUP	9.0	EL PASO NATURAL G
-BILLY J KNOTT		RECEIVED: 03/07/84 JA: NM K							
8424016 NM-2291-83PB	3004509616			108-PB		KELLY #1	BLANCO	0.0	EL PASO NATURAL G
-CONOCO INC		RECEIVED: 03/07/84 JA: NM K							
8423961 NM 0964-83	3003920440			108		AXI APACHE J #18A	AXI APACHE AREA	6.9	GAS CO OF NEW MEX
8423960 NM 0963-83	3003920414			108		AXI APACHE J #19	AXI APACHE AREA	14.8	GAS CO OF NEW MEX
8423985 NM 0962-83	3003920438			108		AXI APACHE J #22	AXI APACHE AREA	16.8	GAS CO OF NEW MEX
8423977 NM-1052-83	3003922321			103		NORTHEAST HAYNES #2E	OTERO RANCH	13.0	EL PASO NATURAL G
-DAVE M THOMAS JR		RECEIVED: 03/07/84 JA: NM K							
8423957 NM 0019-83	3004320268	D		108-SA		CHACON JICARILLA #9	BALLARD PICTURED CLIF	18.2	EL PASO NATURAL G
-DUGAN PRODUCTION CORP		RECEIVED: 03/07/84 JA: NM K							
8423958 NM-1054-83	3003922830			103		DIVIDE #1	UNDESIGNATED MANCOS	25.0	
8423959 NM-1055-83	3003922830			103		DIVIDE #1	BLANCO MESAVERDE	25.0	
8423968 NM-1883-83	3004522284			108		HARD DEAL #3	WAW FRUITLAND PICTURE	8.0	EL PASO NATURAL G
8424015 NM-9-83-ER	3004507237			108-ER		PET INC #1	OJO	0.0	NORTHWEST PIPELIN
8424014 NM-6-83-ER	3004523545			108-ER		WESTERN FEDERAL #8Y	SOUTH GALLEGOS	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY		RECEIVED: 03/07/84 JA: NM K							
8423997 NM 1062-83	3004505839			108		BALLARD #12	BASIN - DAKOTA	14.0	EL PASO NATURAL G
8423967 NM-1075-83	3003920252			108		CANYON LARGO UNIT #150	OTERO - CHACRA	14.0	EL PASO NATURAL G
8424025 NM-2181-83PB	3004506523			108-PB		FLORANCE D #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424031 NM-2485-83PB	3004513257			108-PB		HANCOCK B #3	AZTEC	0.0	EL PASO NATURAL G
8424030 NM-2489-83PB	3004511785			108-PB		HEATON #20	AZTEC	0.0	EL PASO NATURAL G
8424026 NM-2184-83PB	3003905206			108-PB		LINDRITH UNIT #53	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424037 NM-2475-83PB	3004507056			108-PB		MICHENER A #1	SOUTH BLANCO	0.0	EL PASO NATURAL G

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8424035	NM-2482-83PB	3004512070		108-PB		NEUDECKER #4	AZTEC	0.0	EL PASO NATURAL G
8424027	NM-2490-83PB	3004512081		108-PB		NEUDECKER #5	AZTEC	0.0	EL PASO NATURAL G
8424039	NM-2181-83PB	3004507016		108-PB		PHILLIPS #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424038	NM-2182-83PB	3003906791		108-PB		RINCON UNIT #77	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424028	NM-2487-83PB	3003960085		108-PB		SAN JUAN 27-5 UNIT #12	BLANCO	0.0	EL PASO NATURAL G
8424040	NM-2180-83PB	3003907281		108-PB		SAN JUAN 28-4 UNIT #20	BLANCO	0.0	EL PASO NATURAL G
8424034	NM-2484-83PB	3003920175		108-PB		SAN JUAN 28-4 UNIT #33	BASIN	0.0	EL PASO NATURAL G
8424032	NM-2486-83PB	3003907298		108-PB		SAN JUAN 28-5 UNIT NP #3	BLANCO	0.0	EL PASO NATURAL G
8423996	NM-1061-83	3003920519		108		SAN JUAN 30-6 UNIT #102R	BLANCO - MESA VERDE	17.0	EL PASO NATURAL G
8424033	NM-2483-83PB	3003907793		108-PB		SAN JUAN 30-6 UNIT #11	BLANCO	0.0	EL PASO NATURAL G
8424029	NM-2488-83PB	3003960098		108-PB		SAN JUAN 30-6 UNIT #3	BLANCO	0.0	EL PASO NATURAL G
8424036	NM-2473-83PB	3004500000		108-PB		SCHWERDFEGER A #23	SOUTH BLANCO	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	03/07/84	JA: NM K			
8424006	NM-2478-83PB	3004506679		108-PB		CHARLEY PAH #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424002	NM-17-83-ER	3004506714		108-ER		CHARLEY PAH #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424001	NM-8-83-ER	3004506612		108-ER		CHARLEY PAH #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8423998	NM-2285-83PB	3004506459		108-PB		G R GENTLE #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8423956	NM-1063-83	3003905173		108		JICARILLA "D" #2	SOUTH LINDRITH GALLUP	10.0	NORTHWEST PIPELIN
8424000	NM-15-83-ER	3003905837		108-ER		JICARILLA C #18	OTERO	0.0	EL PASO NATURAL G
8423999	NM-13-83-ER	3003905826		108-ER		JICARILLA C #24	OTERO	0.0	EL PASO NATURAL G
8424005	NM-2476-83PB	3004513247		108-PB		NEAH VICTORIA #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424007	NM-2292-83PB	3004513247		108-PB		NEAH VICTORIA #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424004	NM-2477-83PB	3004506876		108-PB		NEAH VICTORIA #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8424003	NM-11-83-ER	3004506639		108-ER		NELLIE PLATERO #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/07/84	JA: NM K			
8423974	NM-1096-83	3003922337		108		CONNIE 29-1	LYBROOK	0.0	EL PASO NATURAL G
8423984	NM 1097-83	3003905301		108		CONNIE 29-3	LYBROOK	0.0	EL PASO NATURAL G
8423975	NM 1102-83	3003922365		108		GRACE FEDERAL 6-1	LYBROOK	0.0	GAS CO OF NEW MEX
-JOHN E SCHALK				RECEIVED:	03/07/84	JA: NM K			
8423946	NM-1086-83	3003921618		108		SCHALK 29-4 #6	GOBERNADOR PICTURED C	0.0	NORTHWEST PIPELIN
-KOCH INDUSTRIES INC				RECEIVED:	03/07/84	JA: NM K			
8424017	NM-2299-83PB	3004521830		108-PB		CAIN #2	BLANCO	0.0	EL PASO NATURAL G
8424018	NM-2300-83PB	3004508504		108-PB		WRIGHT #2	AZTEC	0.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	03/07/84	JA: NM K			
8423993	NM 1065-83	3004524335		103		OHIO "C" GOVERNMENT #3-E	KUTZ CANYON (GRANEROS	212.0	EL PASO NATURAL G
-MARTIN W B & ASSOCIATES				RECEIVED:	03/07/84	JA: NM K			
8423981	NM-1068-83	3003923096		103		MARTIN FLORANCE #8	SOUTH LINDRITH GALLUP	252.0	NORTHWEST PIPELIN
8423949	NM-1070-83	3003923193		103		MARTIN-FLORANCE #11	SOUTH LINDRITH GALLUP	504.0	NORTHWEST PIPELIN
8423950	NM-1071-83	3003923212		103		MARTIN-FLORANCE #13	SOUTH LINDRITH GALLUP	468.0	NORTHWEST PIPELIN
8423980	NM-1869-83	3003923097		103		MARTIN-FLORANCE #9	S LINDRITH GALLUP-DAK	684.0	NORTHWEST PIPELIN
-MERRION OIL & GAS CORP				RECEIVED:	03/07/84	JA: NM K			
8423983	NM 1098-83	3003923183		103		CANADA MESA COM #4	DEVILS FORK GALLUP	167.9	NORTHWEST PIPELIN
8423994	NM-1066-83	3004320287		108		JICARILLA 428 #6	BALLARD PICTURED CLIF	13.2	NORTHWEST PIPELIN
8423952	NM 1067-83	3004320539		108		PONCA #3	BALLARD PICTURED CLIF	17.4	GAS CO OF NEW MEX
8423964	NM 1101-83	3003923081		103		SALAZAR G 27-1	DEVILS FORK GALLUP	27.4	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	03/07/84	JA: NM K			
8424021	NM-2491-83PB	3003906438		108-PB		JICARILLA D #7	BLANCO & GAVALIN	0.0	NORTHWEST PIPELIN
8424023	NM-2297-83PB	3003906438		108-PB		JICARILLA D #7	BLANCO & GAVALIN PC	0.0	NORTHWEST PIPELIN
8424019	NM-2479-83PB	3003921811		108-PB		JICARILLA E #2A	BLANCO	0.0	NORTHWEST PIPELIN
8424022	NM-2493-83PB	3003920169		108-PB		JICARILLA G #9 PC	GAVALIN	0.0	NORTHWEST PIPELIN
8424020	NM-2492-83PB	3003982347		108-PB		JICARILLA H #9	GAVALIN	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	03/07/84	JA: NM K			
8423947	NM-1078-83	3004523657		108		BLANCO #9A	BLANCO MESAVERDE	171.8	NORTHWEST PIPELIN
8423988	NM 2296-83	3003907944		108-PB		ROSA 18	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423989	NM 2295-83	3003907980		108-PB		ROSA 35X	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423990	NM 2293-83	3003907567		108-PB		SAN JUAN 29-5 UNIT 16	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8423991	NM 2294-83	3003921148		108-PB		SAN JUAN 30-5 UNIT 2R	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	03/07/84	JA: NM K			
8423992	NM-2183-83	3003900000		108-SA		JICARILLA "E" #4	TAPACITO PICTURED CLI	8.0	GAS CO OF NEW MEX
8423986	NM-0022-83	3003900000		108-SA		JICARILLA "K" #5	SOUTH BLANCO PICTURED	12.0	GAS CO OF NEW MEX
8423987	NM-0023-83	3003900000		108-SA		JICARILLA "K" #6	SOUTH BLANCO PICTURED	14.0	GAS CO OF NEW MEX
-SOUTHLAND ROYALTY CO				RECEIVED:	03/07/84	JA: NM K			
8423976	NM 1053-83	3004507447		108		CAIN #6	AZTEC	10.0	SOUTHERN UNION GA
8424013	NM-21-83-ER	3004510069		108-ER		HALE #3	BLANCO	0.0	EL PASO NATURAL G
8423954	NM-1058-83	3004506898		108		HANKS #15	BASIN	10.0	SOUTHERN UNION GA
8423953	NM-1059-83	3004511731		108		HANKS #20	BLANCO	12.0	SOUTHERN UNION GA
8423995	NM-1060-83	3004511732		108		HANKS #21	BLANCO	11.0	SOUTHERN UNION GA
8424012	NM-2470-83PB	3004508787		108-PB		HARE #1	AZTEC	0.0	EL PASO NATURAL G
8423969	NM-1082-83	3004507371		108		MCCLANAHAN #13	AZTEC	14.0	SOUTHERN UNION GA
8423948	NM-1081-83	3004500000		108		MCCLANAHAN #4	AZTEC	15.0	SOUTHERN UNION GA
8424011	NM-2469-83PB	3004508945		108-PB		MCGRATH C #1	DAKOTA	0.0	SOUTHERN UNION GA
8424010	NM-2468-83PB	3004513116		108-PB		NYE #10	BASIN	0.0	SOUTHERN UNION GA
8424008	NM-20-83-ER	3004508358		108-ER		REID #2	FULCHER KUTZ	0.0	SOUTHERN UNION GA
8424009	NM-2467-83PB	3004511701		108-PB		THOMPSON #11	BASIN	0.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	03/07/84	JA: NM K			
8423962	NM-1099-83	3004525585		103		FLORANCE 66E	BASIN DAKOTA	32.0	NORTHWEST PIPELIN
8423963	NM-1100-83	3004525604		103		HEATON COM B 3E	BASIN DAKOTA	57.0	EL PASO NATURAL G
8423966	NM 1077-83	3003923172		103		REAMES COM 2	BLANCO MESAVERDE	89.0	EL PASO NATURAL G
8423982	NM 1077-83	3003923172		103		REAMES COM 2	BASIN DAKOTA	33.0	NORTHWEST PIPELIN
-TENNECO OIL EXPLORATION AND PRODUCT				RECEIVED:	03/07/84	JA: NM K			
8424024	NM-2460-83PB	3004511659		108-PB		FLORANCE #56	BLANCO	0.0	EL PASO NATURAL G
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROSWELL, NM									
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-CONOCO INC				RECEIVED:	03/06/84	JA: NM L			
8423932	RNM 0354-83	3002521653		108		BRITT PHILLIPS #1	NMFU-WEIR BLINEBRY	1.0	WARREN PETROLEUM
8423934	RNM 0355-83	3002506450		108		HAWK B-10 #9	NMFU-DRINKARD/TUBB	11.4	GETTY OIL CO
-CONVEST ENERGY CORP				RECEIVED:	03/06/84	JA: NM L			
8423928	RNM 0303-83	3002500000		108		ZATTIU CUSHING #2	JALMAT YATES-SEVEN RI	19.7	EL PASO NATURAL G
-GULF ENERGY PRODUCING COMPANY				RECEIVED:	03/08/84	JA: NM L			
8424149	RNM 0168-83	3004100000		108		FEDERAL HAYS #1 LSE #14-01-001-6770	ALLISON FARM	20.0	WARREN PETROLEUM
-HILLIARD OIL & GAS INC				RECEIVED:	03/08/84	JA: NM L			
8424150	RNM 0501-83	3000520893		102-4		MCCLELLAN FEDERAL #1	CEDAR POINT (STRAWN)	140.0	CABOT PIPELINE CO
-MCKAY OIL CORP				RECEIVED:	03/08/84	JA: NM L			
8424152	RNM 0104-83	3000561924		102-2		MCKAY-PENNZOIL FEDERAL #1	PECOS SLOPE ABO (GAS)	146.0	PECOS RIVER GAS P
-STEVENS OPERATING CORP				RECEIVED:	03/08/84	JA: NM L			
8424151	RNM 0469-83	3000570633		102-4		NICHOLS DALE FEDERAL #6	PECOS SLOPE ABO	139.0	TRANSWESTERN PIPE
-TRANSWESTERN GAS SUPPLY CO				RECEIVED:	03/06/84	JA: NM L			
8423931	RNM 0122-83	3000561661		102-2		ANTELOPE FEDERAL #1	WILDCAT-ABO	62.0	
8423930	RNM 0123-83	3000561766		102-2		ANTELOPE FEDERAL #2	ABO-WILDCAT	82.0	
8423929	RNM 0124-83	3000561774		102-2		ANTELOPE FEDERAL #3	ABO-WILDCAT	43.0	
-WARRIOR INC				RECEIVED:	03/06/84	JA: NM L			
8423933	RNM-0165-83	3002504352		108		FEDERAL "D" #3	EUMONT (YATES-7 RIVER	6.)	PHILLIPS PETROLEU
-WESTALL-MASK				RECEIVED:	03/06/84	JA: NM L			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8423936	RNM-0083-83	3001521763		108		HINKLE "B" FEDERAL #8	SHUGART	0.0	CONTINENTAL OIL C
-WORLDWIDE ENERGY CORPORATION				RECEIVED: 03/06/84		JA: NM L			
8423935	RNM 0095-83	3002509504		108		DANIEL VAUGHN B-3 #4	JALMAT	7.3	EL PASO NATURAL G
**********									
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, TULSA, OK									
**********									
-TXO PRODUCTION CORP				RECEIVED: 03/07/84		JA: OK M			
8423940	OK-T-11-84	3504321831		103		BLACK BULL #1	NW CANTON	0.0	
**********									
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, SALT LAKE CITY, UT									
**********									
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 03/06/84		JA: UT P			
8423920	108-83	4343013306		102-2		FEDERAL 21-5-G	PLEASANT VALLEY AREA	54.0	PACIFIC GAS & ELE
**********									
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ROCK SPRINGS, WY									
**********									
-CELERON OIL & GAS CO				RECEIVED: 03/06/84		JA: WY S			
8423927	W 102-3	4903520637		102-4		CASTLE CREEK 21-28	CASTLE CREEK FEDERAL	547.5	NORTHWEST PIPELIN
8423926	W 103-3	4903520731		102-4		CASTLE CREEK 34-28	CASTLE CREEK FEDERAL	193.3	NORTHWEST PIPELIN

[FR Doc. 84-8840 Filed 4-2-84; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1096]

NGPA Notices of Determination by Jurisdictional Agencies

Issued: March 28, 1984.

Note.—By final rule issued by the Commission on February 22, 1984 (Order No. 362, Docket RM83–50–000, 49 FR 7109–13, February 27, 1984), notices of determination issued by the Commission after May 27, 1984, *will not be published in the* **Federal Register.** Applicants listed on FERC Form 121 will be notified by mail of Commission receipt of determinations. All other parties should contact: TS Infosystems, Inc., Attn: Mr. Milton Chichester, 825 North Capitol Street, Room 1000, Washington, DC 20426, to inquire about subscribing to these notices. Copies of Order No. 362 are available from the same source.

The following notices of determination were received from the indicated jurisdictional agencies by the FERC pursuant to the NGPA and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production is in million cubic feet (MMcf).

The applications for determination are available for inspection, except for material which is confidential under 18 CFR 275.206, at the FERC, 825 North Capitol St., Room 1000, Washington, D.C. Persons objecting to any of these determinations may file a protest, in accordance with 18 CFR 275.203 and 275.204 within 20 days after the date the notice is issued by the Commission.

Source data from the FERC 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 Road, Springfield, Virginia 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 res. on old OCS lease
Section 103: New onshore production well
Section 107–DP: 15,000 ft or deeper
107–GB: Geopressured brine
107–DV: Devonian shale
107–CS: Coal seam gas
107–PE: Production enhancement
107–TF: New tight formation
107–FT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Temporary pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1096

ISSUED MARCH 28, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALASKA OIL & GAS CONSERVATION COMMISSION									
-ARCO ALASKA INC				RECEIVED:	03/13/84	JA: AK			
8424305		5002920585		102-4		KUPARUK RIVER UNIT #1C-8	KUPARUK RIVER OIL POO	302.8	
KANSAS CORPORATION COMMISSION									
-FRONTIER OIL CO				RECEIVED:	03/13/84	JA: KS			
8424186	K-83-0618	1516521060		102-4		PFEIFER "B" #1	REICHEL	189.0	K N ENERGY INC
LOUISIANA OFFICE OF CONSERVATION									
-ARCO OIL AND GAS COMPANY				RECEIVED:	03/13/84	JA: LA			
8424189	84-0073	1700125090		107-PE		D BREAUX #2 STUTES SU T	DUSON FIELD	719.6	LOUISIANA INTRAST
8424190	84-0074	1700120045		107-PE		D BREAUX #3 STUTES SU X	DUSON FIELD	417.2	LOUISIANA INTRAST
-BORDEN INC				RECEIVED:	03/13/84	JA: LA			
8424187	84-0173	1710121143		102-4		J R HEINEN #1 PLAN RA SUD	BALDWIN	1710.0	LOUISIANA INTRAST
-CALLON PETROLEUM COMPANY				RECEIVED:	03/13/84	JA: LA			
8424193	83-0625	1706320088		102-4		CROWN ZELLERBACH #2 1ST WX RA SUF	LOCKHART CROSSING (WI	47.0	LOUISIANA INTRAST
8424195	83-1145	1706320085		102-4		O M BARNETT #1 1ST WX RA SUD	LOCKHART CROSSING (WI	55.0	SOUTHERN NATURAL
8424194	83-0695	1706320073		102-4		REED ERICKSON ET AL #1 1ST WA RASUI	LOCKHART CROSSING	219.0	SOUTHERN NATURAL
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/13/84	JA: LA			
8424191	84-0051	1700720322		102-4		BLUMENTHAL #1-D	NW OAKLEY	175.0	UNITED GAS PIPE L
-CRYSTAL OIL AND LAND COMPANY				RECEIVED:	03/13/84	JA: LA			
8424192	83-0728	1701521616		102-4		WILLAMETTE "F" #1 CV RB SU33	ARKANA	182.5	ARKANSAS LOUISIAN
-DAVIS OIL COMPANY				RECEIVED:	03/13/84	JA: LA			
8424197	83-0906	1701921448		102-4		ST ROMAIN #1 HACK RA SU B	SOUTH BELL CITY	0.0	DOW INTRASTATE GA
-GALLERIA ENERGY CORP				RECEIVED:	03/13/84	JA: LA			
8424188	84-0174	1711123571		103		J H CASKEY #1	MONROE	13.0	WEST MONROE GAS G
-SAMANTHA PETROLEUM CORP				RECEIVED:	03/13/84	JA: LA			
8424198	82-0392	1708120405		102-2		GUILLOT #1	GAY ISLAND	198.0	UNITED GAS PIPE L
8424199	82-0393	1708120407		102-2		GUILLOT #2	GAY ISLAND	0.0	UNITED GAS PIPE L
8424200	82-0394	1708100000		102-2		GUILLOT #3	GAY ISLAND	0.0	UNITED GAS PIPE L
-TXO PRODUCTION CORP				RECEIVED:	03/13/84	JA: LA			
8424196	83-1316	1706120342		103		WRIGHT "C" #1-D CV D RA SUA	CHOUDRANT	388.7	DELHI GAS PIPELIN
NORTH DAKOTA INDUSTRIAL COMMISSION									
-DEPCO INC				RECEIVED:	03/13/84	JA: ND			
8424184	904	3305300000		102-4		O'CONNER #41-2	GLASE BLUFF	13.0	
-MESA PETROLEUM CO				RECEIVED:	03/13/84	JA: ND			
8424185	905	3302500382		102-2		PELTON 2 #1	BEAR CREEK FIESL	252.0	KOCH INDUSTRIES I
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-EARLY GROVE GAS CO				RECEIVED:	03/13/84	JA: VA			
8424304		4516920635		102-2		RIDGEWAY #3	EARLY GROVE	60.0	EAST TENNESSEE NA
** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE, NM									
-AMOCO PRODUCTION CO				RECEIVED:	03/13/84	JA: NM K			

BILLING CODE 6717-01-M

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8424280	NM 2525-83PB	3004522931		108-PB		ELLIOTT GAS COM "W" #1	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424279	NM 2498-83PB	3003920568		108-PB		JICARILLA CONTRACT 146 #23	GONZALES MESA VERDE	0.0	EL PASO NATURAL G
8424202	NM-1119-83	3004525634		103		PIPKIN GAS COM "A"/TRUE #1E	BASIN - DAKOTA	51.0	EL PASO NATURAL G
8424281	NM-2526-83PB	3004521715		108-PB		VAN HOOK FEDERAL #1	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424278	NM 2481-83PB	3004520970		108-PB		W D HEATH "B" #5	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
-BLACKWOOD & NICHOLS CO LTD				RECEIVED:	03/13/84	JA: NM K			
8424294	NM 2541-83PB	3004522528		108-PB		NORTHEAST BLANCO UNIT #65	BLANCO MESAVERDE NE/4	18.0	EL PASO NATURAL G
-CONOCO INC				RECEIVED:	03/13/84	JA: NM K			
8424289	NM 2544-83PB	3003920649		108-PB		CONOCO 29-4 #2	EAST SAN JUAN	14.0	NORTHWEST PIPELIN
-CONSOLIDATED OIL & GAS INC				RECEIVED:	03/13/84	JA: NM K			
8424222	NM-073683102	3004525574		102-4		CAIN #2	LAPLATA	40.0	SOUTHERN UNION GA
-COTTON PETROLEUM CORPORATION				RECEIVED:	03/13/84	JA: NM K			
8424220	NM-2016-82	3003922217		108		APACHE #26	S BLANCO	0.0	NORTHWEST PIPELIN
-DAVE M THOMAS JR				RECEIVED:	03/13/84	JA: NM K			
8424296	NM 2543-83PB	3004320268		108-PB		CHACON JICARILLA #9	BALLARD PICTURED CLIF	18.0	EL PASO NATURAL G
-DEPCO INC				RECEIVED:	03/13/84	JA: NM K			
8424291	NM 2509-83PB	3003900000		108-PB		M K L #6	SOUTH BLANCO PICTURED	0.0	
-DOME PETROLEUM CORP				RECEIVED:	03/13/84	JA: NM K			
8424208	NM-1079-83	3004523808		108		NAVAJO 13-26-13 #4	WAW FRUITLAND-PICTURE	8.1	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/13/84	JA: NM K			
8424254	NM 2536-83PB	3003920943		108-PB		CANYON LARGO UNIT #272	BALLARD PICTURED CLIF	0.0	EL PASO NATURAL G
8424253	NM 2537-83PB	3004520864		108-PB		DAUM #8	AZTEC PICTURED CLIFFS	0.0	EL PASO NATURAL G
8424235	NM 2501-83PB	3004520812		108-PB		DAY A #12	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424247	NM 2511-83PB	3004520890		108-PB		FIELDS #8	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424243	NM 2504-83PB	3004508917		108-PB		GARTNER #3	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424265	NM 2521-83PB	3004520988		108-PB		HEATON #28	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424239	NM 2500-83PB	3004521453		108-PB		HUBBELL #14	OTERO CHACRA	0.0	EL PASO NATURAL G
8424241	NM 2506-83PB	3004506069		108-PB		HUERFANITO UNIT #12	BALLARD PICTURED CLIF	0.0	EL PASO NATURAL G
8424237	NM 2532-83PB	3003906220		108-PB		JICARILLA 120 C #13	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8424267	NM 2528-83PB	3003906291		108-PB		JICARILLA 120 C #4	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8424207	NM-1076-83	3004521678		108		LLOYD A #4 CH & PC	OTERO-CHACRA & AZTEZ-	35.0	EL PASO NATURAL G
8424256	NM 2551-83PB	3004500000		108-PB		MOORE #1	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424266	NM 2524-83PB	3004521028		108-PB		MUDGE #41	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424255	NM 2550-83PB	3004521084		108-PB		MUDGE #42 PC	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424233	NM 2503-83PB	3004509334		108-PB		RIDDLE B #3	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424263	NM 2523-83PB	3004521031		108-PB		ROELOFS #5	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424246	NM 2512-83PB	3004521035		108-PB		ROELOFS #6	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424249	NM 2515-83PB	3004521089		108-PB		ROELOFS #7	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424258	NM 2513-83PB	3004521090		108-PB		ROELOFS A #6	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424234	NM 2502-83PB	3004507093		108-PB		RUSSELL #2	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424250	NM 2534-83PB	3003906819		108-PB		SAN JUAN 27-4 UNIT #10	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424264	NM 2522-83PB	3003921045		108-PB		SAN JUAN 27-4 UNIT #115	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424259	NM 2520-83PB	3003921007		108-PB		SAN JUAN 27-4 UNIT #116	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424217	NM-0833-83	3003922993		108		SAN JUAN 27-4 UNIT #148	TAPACITO - PICTURED C	6.4	EL PASO NATURAL G
8424252	NM 2539-83PB	3003906937		108-PB		SAN JUAN 27-4 UNIT #21	TAPACITO PC	0.0	EL PASO NATURAL G
8424238	NM 2531-83PB	3003906862		108-PB		SAN JUAN 27-4 UNIT #25	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424269	NM 2530-83PB	3003906792		108-PB		SAN JUAN 27-4 UNIT #27	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424244	NM 2508-83PB	3003920416		108-PB		SAN JUAN 27-4 UNIT #56	BASIN DAKOTA	0.0	EL PASO NATURAL G
8424219	NM-0553-83	3003920694		108		SAN JUAN 27-4 UNIT #68	TAPACITO - PICTURED C	15.0	EL PASO NATURAL G
8424261	NM 2518-83PB	3003920886		108-PB		SAN JUAN 27-4 UNIT #77	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424260	NM 2519-83PB	3003920954		108-PB		SAN JUAN 27-4 UNIT #78	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424218	NM-0505-83	3003920822		108		SAN JUAN 27-4 UNIT #80	TAPACITO - PICTURED C	15.0	EL PASO NATURAL G
8424245	NM 2507-83PB	3003920901		108-PB		SAN JUAN 27-4 UNIT #85	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424268	NM 2527-83PB	3003907191		108-PB		SAN JUAN 27-5 UNIT #61	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424248	NM 2516-83PB	3003920878		108-PB		SAN JUAN 28-5 UNIT #95	TAPACITO PICTURED CLI	0.0	EL PASO NATURAL G
8424240	NM 2499-83PB	3003907302		108-PB		SAN JUAN 28-6 UNIT #4	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424211	NM-0705-83	3003907482		108		SAN JUAN 29-7 UNIT #96	BLANCO-MESA VERDE	12.0	EL PASO NATURAL G
8424251	NM 2533-83PB	3004507718		108-PB		SAN JUAN 29-9 #1	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424236	NM 2529-83PB	3003900000		108-PB		SAN JUAN 30-6 UNIT NP #35	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424262	NM 2517-83PB	3004521821		108-PB		SCOTT #10	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
8424242	NM 2505-83PB	3004509709		108-PB		SULLIVAN #1	BLANCO MESA VERDE	0.0	EL PASO NATURAL G
8424257	NM 2514-83PB	3004521172		108-PB		SUNRAY #5	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	03/13/84	JA: NM K			
8424286	NM 2547-83PB	3004506459		108-PB		G R GENTLE #1	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
8424287	NM 2545-83PB	3003921068		108-PB		JICARILLA "C" #27	BASIN DAKOTA	0.0	EL PASO NATURAL G
8424223	NM-0222-83	3004522930		108		JICARILLA "C" #32	OTERO CHACRA	20.0	EL PASO NATURAL G
8424288	NM 2548-83PB	3004506480		108-PB		JOHN CHARLES #2	SOUTH BLANCO PICTURED	0.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	03/13/84	JA: NM K			
8424228	NM-1103-83	3003905302		108		GOFF 30-5	ESCRITO FIELD	0.0	GAS CO OF NEW MEX
-HUSKY OIL COMPANY				RECEIVED:	03/13/84	JA: NM K			
8424293	NM 2497-83PB	3004500000		108-PB		BOLACK #2-D	BASIN DAKOTA	0.0	EL PASO NATURAL G
-LADD PETROLEUM CORPORATION				RECEIVED:	03/13/84	JA: NM K			
8424290	NM 2554-83PB	3004599333		108-PB		BUTTE #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-M J BRANNON				RECEIVED:	03/13/84	JA: NM K			
8424297	NM 2566-83PB	3004505238		108-PB		FEDERAL 28 #1	BASIN DAKOTA	0.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	03/13/84	JA: NM K			
8424292	NM 2553-83PB	3003906309		108-PB		JICARILLA APACHE #4	BLANCO PICTURED CLIFF	0.0	EL PASO NATURAL G
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	03/13/84	JA: NM K			
8424226	NM-1105-83	3003906492		108		JICARILLA D #2	GAVALIN PICTURED CLIF	9.4	NORTHWEST PIPELIN
8424284	NM2563-83PB	3003906438		108-PB		JICARILLA D #7	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8424285	NM 2564-83PB	3003921811		108-PB		JICARILLA E #2A	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8424282	NM 2494-83PB	3003907044		108-PB		JICARILLA E #3	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8424283	NM 2565-83PB	3003907044		108-PB		JICARILLA E #3	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8424229	NM 1104-83	3003905379		108		JICARILLA OTERO FEDERAL #1	BASIN DAKOTA	12.6	EL PASO NATURAL G
-SHERMAN F WAGENSELLER				RECEIVED:	03/13/84	JA: NM K			
8424212	NM-1120-83	3003923300		103		MOBIL APACHE 18 #3	SOUTH BLANCO PC	40.1	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	03/13/84	JA: NM K			
8424272	NM 2556-83PB	3004523981		108-PB		DAVIS #11E	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8424270	NM 2555-83PB	3004510637		108-PB		EAST #6	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8424275	NM 2561-83PB	3004510243		108-PB		EAST #8	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8424277	NM 2562-83PB	3004520368		108-PB		GRENIER B #7	AZTEC PICTURED CLIFFS	0.0	SOUTHERN UNION GA
8424273	NM 2559-83PB	3004508787		108-PB		HARE #1	AZTEC PICTURED CLIFFS	0.0	SOUTHERN UNION GA
8424276	NM 2560-83PB	3004509953		108-PB		HOLDER A #1	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8424274	NM 2558-83PB	3004513116		108-PB		NYE #10	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8424271	NM 2557-83PB	3004511701		108-PB		THOMPSON #11	BASIN DAKOTA	0.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	03/13/84	JA: NM K			
8424230	NM-981-83	3004513035		108		BERGER A #1	BASIN DAKOTA	13.0	EL PASO NATURAL G
8424209	NM-936-83	3004511721		108		H JACKSON #6	AZTEC PICTURED CLIFFS	11.0	EL PASO NATURAL G
8424231	NM 1012-83	3004506466		108		HARGRAVE A #3	FULCHER-KUTZ PICTURED	14.0	SOUTHERN UNION GA
8424210	NM-944-83	3004520065		108		MOORE 7	BASIN DAKOTA	11.0	EL PASO NATURAL G
-THELMA FORD SIMMONS				RECEIVED:	03/13/84	JA: NM K			
8424295	NM 2510-83PB	3004511869		108-PB		SIMMONS (PC) #11	AZTEC PICTURED CLIFFS	0.0	
-UNICON PRODUCING CO				RECEIVED:	03/13/84	JA: NM K			
8424205	NM-1107-83	3004525689		103		ALBRIGHT #10	GALLUP	96.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8424213	NM-1121-83	3004525720		103		ALBRIGHT #12
8424216	NM-1107-83	3004525688		103		ALBRIGHT #13
8424206	NM-1108-83	3004525703		103		ALBRIGHT #9
8424227	NM-1106-83	3004525699		103		ANGEL PEAK #27
8424201	NM-1122-83	3004525698		103		ANGEL PEAK #29
8424214	NM-1113-83	3004525687		103		ANGEL PEAK "B" #36
8424203	NM-1111-83	3004525669		103		ANGEL PEAK "B" #43
8424204	NM-1112-83	3004525658		103		CONGRESS #14
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8424221	NM-0129-83	3004525089		108		NEWSOM 'B' 1-R
8424225	NM-1110-83	3004525707		103		SUMMIT #15
8424224	NM 0398-83	3004525499		103		ZACHRY #1
-UNION OIL COMPANY OF CALIF				RECEIVED:	03/13/84	JA: NM K
8424215	NM-1116-83	3004525759		103		NAVAJO #9-D30
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-BROWN JOE E				RECEIVED:	03/13/84	JA: NM L
8424319	RNM 0369-83	3004100000		108		FARRELL FEDERAL #16
8424328	RNM 0367-83	3004100000		108		FARRELL FEDERAL #2
8424327	RNM 0368-83	3004100000		108		FARRELL FEDERAL #7
8424326	RNM 0366-83	3004100000		108		FARRELL FEDERAL #8
-GETTY OIL COMPANY				RECEIVED:	03/13/84	JA: NM L
8424320	RNM 0012-84	3002306864		108		EAST EUMONT UNIT #127
8424321	RNM-000184ER	3002522010		108-ER		WILLIARD BEATY #5
-MESA PETROLEUM CO				RECEIVED:	03/13/84	JA: NM L
8424331	RNM 0118-83	3000561914		102-2		MACHO FEDERAL #13
-SOUTHLAND ROYALTY CO				RECEIVED:	03/13/84	JA: NM L
8424324	RNM 0518	3001524245		102-4		HOLLY FEDERAL "4" #1
-UNION TEXAS PETROLEUM				RECEIVED:	03/13/84	JA: NM L
8424318	RNM 0239-83	3000520054		108		BAXTER FEDERAL #3
8424317	RNM 0240-83	3000520073		108		BAXTER FEDERAL #4
8424323	RNM 0241-83	3000520098		108		BAXTER FEDERAL #5
8424322	RNM 0242-83	3000520073		108		BAXTER FEDERAL #6
8424329	RNM 0237-83	3000520006		108		WINKLER FEDERAL #1
8424330	RNM 0238-83	3000520067		108		WINKLER-FEDERAL #2
-WARRIOR INC				RECEIVED:	03/13/84	JA: NM L
8424325	RNM 0009-83	3002525737		108		FEDERAL "D" #12
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER, WY						
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-CHAPARRAL RESOURCES INC				RECEIVED:	03/13/84	JA: WY Q
8424314	W 711-2	4900905323		108		GOVERNMENT 32-1
-DAVIS OIL COMPANY				RECEIVED:	03/13/84	JA: WY Q
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8424309	W 52-3	4900526786		102-2		AMOS DRAW FEDERAL #4
-DIAMOND CHEMICALS CO				RECEIVED:	03/13/84	JA: WY Q
8424308	W 53-3	4900922198		103		MERLE FEDERAL NO 14-29
-GETTY OIL COMPANY				RECEIVED:	03/13/84	JA: WY Q
8424311	W 44-3	4900921965		102-2		SCOTT #12-1
-HPC INC				RECEIVED:	03/13/84	JA: WY Q
8424312	W 805-2	4900922145		102-2		POWELL USA #1-26
-NORTEX GAS & OIL CO				RECEIVED:	03/13/84	JA: WY Q
8424306	W 67-3	4900922117		103		FEDERAL 405 #1-26
-PETRO ENERGY INC				RECEIVED:	03/13/84	JA: WY Q
8424307	W 56-3	4904521813		103		FEDERAL 2-23
-WOODS PETROLEUM CORPORATION				RECEIVED:	03/13/84	JA: WY Q
8424315	W 662-2	4900526577		102-4		PINE TREE UNIT #19-49
8424316	W 696-2	4900526590		102-4		PINE TREE UNIT #32-52
8424313	W 731-2	4900526576		102-4		PINE TREE UNIT #4-53
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** DEPT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, RAWLINS, WY						
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-ARCO OIL AND GAS COMPANY				RECEIVED:	03/09/84	JA: WY R
8424302	W804-2	4901321304		103		ARCO TRIBAL #36
-DIAMOND CHEMICALS CO				RECEIVED:	03/09/84	JA: WY R
8424303	W811-2	4903721675		107-TF		TIERNEY II #12-28
-GEORGE DOLEZAL JR				RECEIVED:	03/09/84	JA: WY R
8424298	W 768-2	4900720836		102-2		FEDERAL 1-8
-HOME PETROLEUM CORPORATION				RECEIVED:	03/09/84	JA: WY R
8424300	W774-2	4900720700		102-2		CIGE FEDERAL 1C-30-17-93
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-KENAI OIL AND GAS INC				RECEIVED:	03/09/84	JA: WY R
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GALLUP	69.0	EL PASO NATURAL G
GALLUP	111.0	EL PASO NATURAL G
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GALLUP	256.0	GAS CO OF NEW MEX
GALLUP	78.0	GAS CO OF NEW MEX
GALLUP	75.0	GAS CO OF NEW MEX
GALLUP	67.0	GAS CO OF NEW MEX
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BALLARD PICTURED CLIF	0.0	GAS CO OF NEW MEX
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ARMENTA GALLUP EXT	89.0	EL PASO NATURAL G
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CHAVEROO SAN ANDRES	0.4	NATURAL GAS PIPE
CHAVEROO SAN ANDRES	0.4	NATURAL GAS PIPE
CHAVEROO SAN ANDRES	1.0	NATURAL GAS PIPE
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LAZY J PENNSYLVANIAN	0.0	WARREN PETROLEUM
WEST PECOS SLOPE ABO	500.0	
SAND TANK	50.0	CONOCO INC
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CATO (SAN ANDRES)	0.0	CITIES SERVICES O
CATO (SAN ANDRES)	12.0	CITIES SERVICES O
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CATO (SAN ANDRES)	4.0	CITIES SERVICES O
CATO (SAN ANDRES)	0.0	CITIES SERVICES O
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WILDCAT	232.0	PHILLIPS PETROLEU
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SCOTT	0.0	MCCULLOCH GAS PRO
SCOTT FIELD	20.0	PHILLIPS PETROLEU
MOYER DRAW	197.0	PHILLIPS PETROLEU
SPEARHEAD RANCH	0.0	MIGC INC
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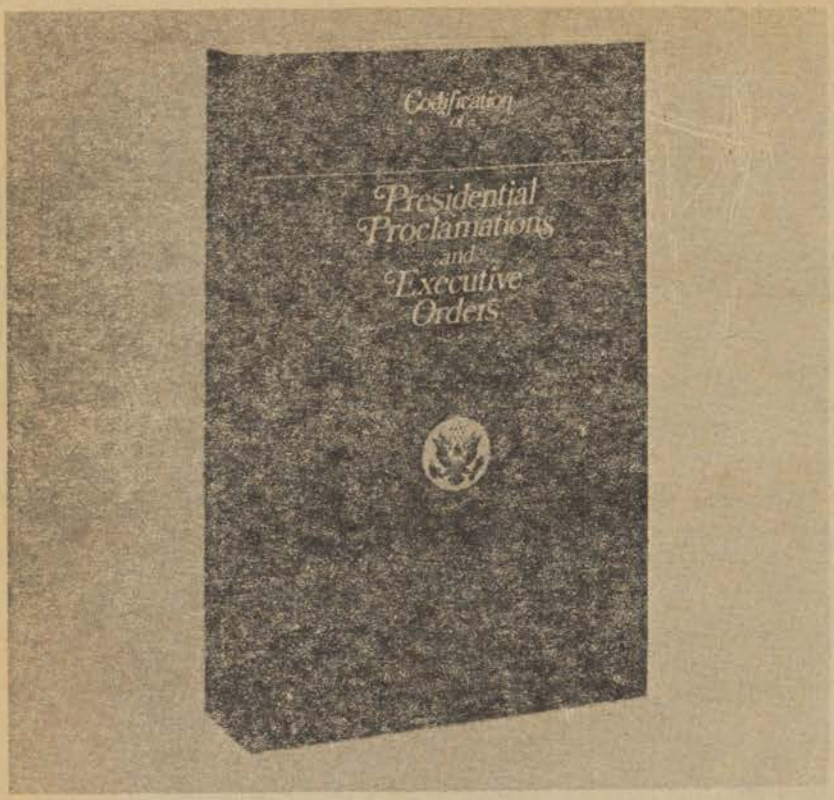
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