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Thursday
January 26, 1984

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Administrative Practice and Procedure
Federal Communications Commission

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

Bridges
Coast Guard

Cable Television
Federal Communications Commission

Communications Common Carriers
Federal Communications Commission

Equal Access to Justice
Housing and Urban Development Department

Fisheries
National Oceanic and Atmospheric Administration

Flood Insurance
Federal Emergency Management Agency

Foreign Investments in U.S.
Economic Analysis Bureau

Low and Moderate Income Housing
Housing and Urban Development Department

Medical Devices
Food and Drug Administration

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

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Presidential Documents

Title 3—

The President

Executive Order 12460 of January 24, 1984

Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By the authority vested in me as President by the Constitution of the United States and by Chapter 47 of Title 10 of the United States Code (the Uniform Code of Military Justice), in order to prescribe amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476, as amended by Executive Order No. 11835, Executive Order No. 12018, Executive Order No. 12198, Executive Order No. 12233, Executive Order No. 12306, Executive Order No. 12315, Executive Order No. 12340, and Executive Order No. 12383, it is hereby ordered as follows:

Section 1. Paragraph 75 of the said Manual for Courts-Martial is amended by adding, after paragraph 75*f*, the following:

"*g. Capital cases.*

"(1) *In general.* Death may be adjudged only when:

"(*a*) Death is expressly authorized under the code and this Manual for an offense of which the accused has been found guilty or is authorized under the law of war for an offense of which the accused has been found guilty under the law of war; and

"(*b*) The requirements of 75*g* (2) and (3) have been met.

"(2) *Procedure.* In addition to the other provisions in 75, the following procedures shall apply in capital cases—

"(*a*) *Notice.* Before arraignment, trial counsel shall give the defense written notice of which aggravating circumstances under 75*g*(3) the prosecution intends to prove. Failure to provide timely notice under this subsection of any aggravating circumstances under 75*g*(3) shall not bar later notice and proof of such additional aggravating circumstances unless the accused demonstrates specific prejudice from such failure and that a continuance or a recess is not an adequate remedy.

"(*b*) *Evidence of aggravating circumstances.* Trial counsel may present evidence in accordance with 75*b*(4) tending to establish one or more of the aggravating circumstances in 75*g*(3).

"(*c*) *Evidence in extenuation and mitigation.* The accused shall be given broad latitude to present evidence in extenuation and mitigation.

"(*d*) *Necessary findings.* Death may not be adjudged unless the members find:

"(i) Beyond a reasonable doubt that one or more of the aggravating circumstances under 75*g*(3) existed; and

"(ii) That any extenuating or mitigating circumstances are substantially outweighed by any aggravating circumstances including such circumstances under 75*g*(3) as the members have found existed.

"(*e*) *Basis for findings.* The findings in 75*g*(2)(*d*) may be based on evidence introduced before the findings on the issue of guilt, during the sentencing proceeding, or both.

"(*f*) *Instructions.* In addition to the instructions required under 76*b*(1), the military judge shall instruct the members on such aggravating circumstances under 75*g*(3) as may be in issue in the case and on the requirements and

procedures under 75*g*(2) (*d*), (*e*), (*g*), and (*h*). The military judge shall instruct the members that they must consider all evidence in extenuation and mitigation before they may adjudge death.

"(*g*) *Voting.* In closed session, before voting on a sentence, the members shall vote by secret written ballot separately on each aggravating circumstance under 75*g*(3) on which they have been instructed. Death may not be adjudged unless all members concur in a finding of the existence of at least one such aggravating circumstance. After voting on all the circumstances on which they have been instructed, the members shall vote on a sentence in accordance with 76*b* (2) and (3).

"(*h*) *Announcement.* If death is adjudged, the president shall, in addition to complying with 76*c*, announce which aggravating circumstances under 75*g*(3) were found by the members.

"(*3*) *Aggravating circumstances.* Death may be adjudged only if the members find, beyond a reasonable doubt, one or more of the following aggravating circumstances:

"(*a*) That the offense was committed before or in the presence of the enemy, except that this circumstances shall not apply in the case of a violation of Article 118 or 120;

"(*b*) That in committing the offense the accused intended to:

"(i) cause substantial damage to the national security of the United States; or

"(ii) cause substantial damage to a mission, system, or function of the United States, provided that this subparagraph shall apply only if substantial damage to the national security of the United States would have resulted had the intended damage been effected;

"(*c*) That the offense caused substantial damage to the national security of the United States, whether or not the accused intended such damage, except that this circumstance shall not apply in the case of a violation of Article 118 or 120;

"(*d*) That the offense was committed in such a way or under circumstances that the lives of persons other than the victim, if any, were unlawfully and substantially endangered, except that this circumstance shall not apply to a violation of Article 120;

"(*e*) That the accused committed the offense with the intent to avoid hazardous duty;

"(*f*) That, only in the case of a violation of Article 118 or 120, the offense was committed in time of war and in territory in which the United States or an ally of the United States was then an occupying power or in which the armed forces of the United States were then engaged in active hostilities;

"(*g*) That, only in the case of a violation of Article 118(1):

"(i) The accused was serving a sentence of confinement for 30 years or more or for life at the time of the murder;

"(ii) The murder was committed while the accused was engaged in the commission or attempted commission of any robbery, rape, aggravated arson, sodomy, burglary, kidnapping, mutiny, sedition, or piracy of an aircraft or vessel, or was engaged in flight or attempted flight after the commission or attempted commission of any such offense;

"(iii) The murder was committed for the purpose of receiving money or a thing of value;

"(iv) The accused procured another by means of compulsion, coercion, or a promise of an advantage, a service, or a thing of value to commit the murder;

"(v) The murder was committed with the intent to avoid or to prevent lawful apprehension or effect an escape from custody or confinement;

"(vi) The victim was the President of the United States, the President-elect, the Vice President, or, if there was no Vice President, the officer next in the order of succession to the office of President of the United States, the Vice-President-elect, or any individual who is acting as President under the Constitution and laws of the United States, any Member of Congress or Member-of-Congress elect, or any judge of the United States;

"(vii) The accused then knew that the victim was any of the following persons in the execution of office: a commissioned, warrant, noncommissioned, or petty officer of the armed services of the United States; a member of any law enforcement or security activity or agency, military or civilian, including correctional custody personnel; or any firefighter;

"(viii) The murder was committed with intent to obstruct justice;

"(ix) The murder was preceded by the intentional infliction of substantial physical harm or prolonged, substantial mental or physical pain and suffering to the victim; or

"(x) The accused has been found guilty in the same case of another violation of Article 118;

"For purposes of this paragraph, 'national security' means the national defense and foreign relations of the United States and specifically includes: (*a*) a military or defense advantage over any foreign nation or group of nations, (*b*) a favorable foreign relations position, or (*c*) a defense posture capable of successfully resisting hostile or destructive action from within or without, overt or covert. Examples of substantial damage to the national security of the United States may include: impeding the performance of a combat mission or operation; impeding the performance of an important mission in a place subject to hostile fire or imminent danger pay (*see* 37 U.S.C. section 310(a)) and disclosing military plans, capabilities, or intelligence such as to jeopardize any combat mission or operation of the armed services of the United States or its allies or to materially aid an enemy of the United States.

"(*h*) That only in the case of a violation of Article 118(4), the accused was the actual perpetrator of the killing;

"(*i*) That, only in the case of a violation of Article 120:

"(i) The victim was under the age of 12; or

"(ii) The accused maimed or attempted to kill the victim; or

"(*j*) That, only in the case of a violation of the law of war, death is authorized under the law of war for the offense.

"(4) *Spying.* If the accused has been found guilty of spying under Article 106, 75*g*(1)(*b*), (2), and (3), and 76 shall not apply. Sentencing proceedings in accordance with 75 *a* through *f* shall be conducted, but the military judge shall announce that by operation of law a sentence of death has been adjudged."

Sec. 2. Paragraph 76*b*(1) is amended by adding in the first sentence after the language "in 76*b*(2) and 76*b*(3)," the following language:

"and, in capital cases, 75*g*(2)(*g*),"

Sec. 3. Paragraph 76*b*(3) is amended by adding after the first sentence the following language:

"*See* 75*g*(2)(*g*)."

Sec. 4. Paragraph 126*a* is amended by adding after the third sentence in the second paragraph the following language:

"*See* 75*g*."

Sec. 5. Paragraph 126*b* is amended by adding after the language "by the code" the second time it appears, the following language:

"and this Manual"

Sec. 6. These amendments shall be effective immediately. These amendments shall apply in trials of capital offenses committed on or after this date.

Sec. 7. The Secretary of Defense, on behalf of the President, shall transmit a copy of this Order to the Congress of the United States in accord with Section 836 of Title 10 of the United States Code.

Ronald Reagan

THE WHITE HOUSE,
January 24, 1984.

[FR Doc. 84-2422
Filed 1-25-84; 11:52 am]
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Rules and Regulations

Federal Register
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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 319

[Docket No. 83-329]

Khapra Beetle; Interim Rule

Correction

In FR Doc. 84-994 begining on page 1872 in the issue of Monday, January 16, 1984, make the following corrections:

1. On page 1876, first column, six lines from the bottom, "Section 319.75-22 is revised" should have read "Section 319.75-2 is revised".

2. In the same column, four lines from the bottom, the section now designated as § **319.75.2** should have been designated § **319.75-2.**

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Special Purpose Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Finalization of interim rule.

SUMMARY: The Department of Agriculture issued an interim rule (48 FR 50501, November 2, 1983) on October 28, 1983 amending § 906.120 to permit shipment of Texas oranges and grapefruit mixed with other kinds of fruit, such as apples and avocados, exempt from certain container and pack requirements under certain conditions. This interim rule became effective November 2, 1983, and provided for public comment through December 2, 1983. No comments were received during the 30 days provided, and the Department has decided to leave the rule in effect as previously issued.

EFFECTIVE DATE: February 27, 1984.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

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

Dated: January 20, 1984.

Russell L. Hawes,

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

[FR Doc. 84-2154 Filed 1-25-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 40104-02]

Surveys of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: These amendments to the rules put into effect the following changes:

(1) Raise the exemption level for Forms BE-605 and BE-606B from $5,000,000 to $10,000,000.

(2) Raise the exemption level for Form BE-15 from $5,000,000 to $10,000,000 and eliminate the 1,000 acre exemption level from the criteria.

The purpose of these changes is to effect a reduction in the number of reports filed by U.S. affiliates of foreign persons and thereby reduce the reporting burden.

EFFECTIVE DATE: The changes relating to Forms BE-605 and BE-606B will be effective commencing on January 1, 1984 for reports covering reporting periods occurring in 1984. The changes relating to the BE-15 report will be effective with the reports due to be filed in 1984 covering U.S. affiliates' 1983 fiscal year.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0657.

SUPPLEMENTARY INFORMATION: In the November 21, 1983 **Federal Register,** Volume 48, No. 225 (48 FR 52591), BEA published a notice of its intent to change the rules and soliciting comments on the proposed rule changes. No comments were received and these final rule changes are the same as the proposed rule changes.

No other changes are being made to any of the three report forms. However, a printed exemption claim (form BE-15, Supplement C) for use with the BE-15 annual survey has been prepared. It is BEA's intention to send BE-15 forms each year to those U.S. affiliates that are just below the exemption level, on the assumption that some of them may have gone above the exemption during the year and thus would be required to report. Those business enterprises that are still exempt or not covered may simply check the appropriate box (no longer foreign owned, still below exemption level, etc.), give the information requested, as appropriate, and return the exemption claim. (Those that are still U.S. affiliates but that fall below the exemption level will be required to enter the value of the three items on which the exemption criteria are based—assets, sales and net income—and the number of acres of land owned.)

The requirement that a U.S. affiliate that owns 1,000 acres or more of U.S. land must report regardless of the value of its assets, sales, or net income, is being dropped, as noted above. A number of these affiliates will nevertheless be mailed BE-15 forms each year in case they have gone above the new dollar exemption level and thus would be required to report. If they do not have to report, they must file the BE-15 exemption claim form, as described in the preceding paragraph. By requesting the amount of land owned along with assets, sales, and net income on the exemption claim form, BEA will be able to monitor the effect on the data series of the removal of the special acreage reporting criterion.

It is not incumbent on U.S. affiliates that are exempt, but that are not contacted by BEA, to secure and file a BE–15 exemption claim form each year. Only those U.S. business enterprises contacted by BEA and that are not required to file a BE–15 report must file the exemption claim.

As to the BE–605 and BE–606B, there is no printed exemption claim form and U.S. affiliates that are exempt, but not contacted by BEA, do not have to file an exemption claim. Those contacted by BEA must respond, either by filing the appropriate form or by certifying that they are exempt—see § 806.15(g).

The Bureau of Economic Analysis has determined that these final rule changes are not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce allocated FY 1984 Information Collection Budget ceiling.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to the preparation of a regulatory flexibility analysis are not applicable to these final rule changes because the exemption level is being increased, thereby eliminating the reporting requirement for a number of small entities.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these final rule changes will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States, Penalties, Reporting and recordkeeping requirements.

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and Executive Order 11961.

Part 806 is therefore amended as set forth below.

George Jaszi,

Director, BEA.

PART 806—[AMENDED]

15 CFR Part 806 is amended as follows:

1. In § 806.15, present paragraphs (h) and (i) are revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

* * * * *

(h) *Quarterly report forms.* (1) BE–605—Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $10,000,000.

(2) BE–606B—Transactions of U.S. Banking Branch or Agency with Foreign Parent: One report is required for each U.S. banking affiliate exceeding an exemption level of $10,000,000.

(i) Annual report form. BE–15—Annual Survey of Foreign Direct Investment in the United States: One report is required for each consolidated U.S. affiliate, except a bank, exceeding an exemption level of $10,000,000. U.S. affiliates that are banks are exempt from the reporting requirements of this survey.

* * * * *

[FR Doc. 84–2014 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–06–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 800

[Docket No. 77N–0218]

Administrative Detention Procedures; Conforming Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations for administrative detention procedures for medical devices to conform them to the agency's administrative practices and procedures regulations.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the Federal Register of March 9, 1979 (44 FR 13234), FDA issued final regulations establishing administrative detention procedures for medical devices. Section 800.55 (21 CFR 800.55) of those regulations contained several cross-references to certain sections of the administrative practices and procedures regulations in 21 CFR Part 16. In the Federal Register of April 13, 1979 (44 FR 22318), FDA revised its administrative practices and procedures regulations. The April 13, 1979 final rule, however, did not update the cross-references in § 800.55. This document corrects that oversight.

Because these are merely conforming amendments that update several cross-references, notice and public procedure are unnecessary in accordance with 5 U.S.C. 553(b)(B).

List of Subjects in 21 CFR Part 800

Administrative detention, Administrative practices and procedures, Medical devices.

PART 800—GENERAL

§ 800.55 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 800 is amended in § 800.55 *Administrative detention* in paragraph (g)(3)(i) by revising "§ 16.24(a)" to read "§ 16.22(a)"; in paragraph (g)(3)(ii) by removing ", not to the presiding officer as provided in the second sentence of § 16.24(b) of this chapter"; in paragraph (g)(3)(iii) by revising "§ 16.24(c)" to read "§ 16.24(e)"; in paragraph (g)(3)(iv) by revising "§ 16.40(a)" to read "§ 16.42(a)"; and in paragraph (g)(4) by revising "§ 16.40(b)" to read "§ 16.42(a)".

Effective date. January 26, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: January 20, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–2110 Filed 1–25–84; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 890

[Docket No. R–84 1012; FR–1658]

Lower Income Housing; Annual Contributions for Operating Subsidy: Performance Funding System

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule.

SUMMARY: On August 26, 1982 (47 FR 37378), HUD published an interim rule amending regulations governing the Performance Funding System (24 CFR Part 890), which is used by HUD to determine the amount of the Annual Contributions for Operating Subsidy made to each public housing agency (PHA). The interim rule modified the method for developing the inflation factor used each fiscal year to update the Allowable Expense Level for each PHA, and provided for a one-time retrospective adjustment permitting PHAs to calculate their 1982 operating subsidy based on an Allowable Expense

Level that compensated for inadequacies in the inflation factors in previous years.

This rule adopts the interim rule as final, with minor technical changes in § 890.105 removing language made obsolete by the interim rule and making a few other technical changes.

EFFECTIVE DATE: March 8, 1984.

FOR FURTHER INFORMATION CONTACT: John Comerford, Fiscal Management Division, Room 4218, Office of Public Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 426–1872. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 9(a) of the United States Housing Act of 1937 (42 U.S.C. 1437g) authorizes the Secretary of HUD to make annual contributions to public housing agencies for the operation of PHA-owned rental housing (Annual Contributions for Operating Subsidy). Section 9(a) also authorizes the Secretary to "* * * establish standards for costs of operation and reasonable projections of income * * *" for recipient PHAs.

24 CFR Part 890, Subpart A, establishes the Performance Funding System (PFS) under which HUD determines the amount of operating subsidy disbursed to a PHA, based upon the amount of subsidy which would be needed for well-managed projects. To make this determination, HUD calculates the difference between the projected expenses and the projected operating income of the PHA. Projected expenses (other than utilities and the expenses allowed under § 890.108) are determined in accordance with § 890.105, which provides for computation of a PHA's "Allowable Expense Level (AEL)." To compute its AEL for a requested fiscal year, a PHA adjusts the preceding year's AEL for inflation, based upon an inflation factor determined and supplied by HUD, as well as for changes in its housing stock.

On August 26, 1982 (47 FR 37378), HUD published in the **Federal Register** an interim rule amending § 890.102 and § 890.105 to modify various aspects of the inflation factor adjustment. The interim rule made two significant changes: It expanded the inflation factor to include non-wage expenses based on an implicit price deflator for State and local government purchases of goods and services, and it provided for a one-time retrospective adjustment that permitted PHAs to calculate their 1982 operating subsidy eligibility on the basis of an AEL that compensated for the inadequacies of inflation factors from earlier years.

This rule adopts the interim rule as final, with only technical changes. Each of these technical changes is designed to remove language made obsolete by the publication of the interim rule or to clarify ambiguous material.

The first of these technical amendments replaces the obsolete term "Local Government Wages Inflation Factor" with the currently used term "Local Inflation Factor" wherever applicable. In the interim rule, the latter was inserted into several paragraphs of § 890.105; however, because of a drafting oversight, this change was not effected throughout § 890.105. The final rule corrects that error by inserting the corrrect term throughout the section.

The interim rule also amended §890.105(e) to remove the provisions regarding reapplication of the range test. Removal of those provisions should have been accompanied by the removal of the two examples following § 890.105(e) (numbers 2 and 3), which were meant to illustrate various aspects of the reapplication of the range test. However, this was not done, and the obsolete provisions were included in the revised section. This final rule corrects that mistake by deleting Example 2 and Example 3 from § 890.105.

This final rule also contains amendments to § 890.105(c) to clarify the use of the Formula Expense Level. It also clarifies an ambiguity contained in paragraph (c)(3) about whether or not the Local Inflation Factor is applied twice in the calculation of the Allowable Expense Level after the difference between the Formula Expense Levels for the current and requested years is derived. It is applied only once, since the difference between the Formula Expense Levels for the two years (the "delta") already reflects the application of the inflation factor to each year's data.

The Department usually takes this opportunity to respond to public comments received in response to publication of an interim rule. However, no public comments were submitted during the 60-day comment period.

Other Matters

On September 7, 1983, the Secretary signed a delegation of authority published in the **Federal Register** on September 13, 1983 (48 FR 41097) transferring responsibility for all public and Indian Housing programs to a new office, the Assistant Secretary for Public and Indian Housing. Accordingly, the public is advised to direct inquiries to that office, through the contact person identified in this rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities because, if anything, it will result in a slight increase in the funding available to PHAs.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on October 17, 1983 (48 FR 47417) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.146, Low Income Housing Assistance Program (Public Housing).

List of Subjects in 24 CFR Part 890

Grant programs: Housing and community development, Low and moderate income housing, Public housing.

Accordingly, 24 CFR Part 890 is amended as follows:

PART 890—ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY

Subpart A—Performance Funding System

1. The amendment to § 890.102 published as an interim rule on August 26, 1982 (47 FR 37378) is adopted as final with the following additional change: in § 890.102(f), change "§ 890.105(b)." to "§ 890.105(c)."

2. Section 890.105 is revised to read as follows:

§ 890.105 Computation of allowable expense level.

The PHA shall compute its Allowable Expense Level using forms prescribed by HUD, as follows:

(a) *Computation of Base Year Expense Level.* The Base Year Expense Level includes Payments in Lieu of Taxes (PILOT) required by a Cooperation Agreement even if PILOT is not included in the approved Operating Budget for the Base Year because of a waiver of the requirements by the local taxing jurisdiction(s). The Base Year Expense Level includes all other operating expenditures as reflected in the PHA's Operating Budget for the Base Year approved by HUD except the following: (1) Utilities expense; (2) cost of biennial IPA audits; (3) adjustments applicable to budget years before the Base Year; (4) expenditures supported by supplemental subsidy payments applicable to budget years before the Base Year; (5) all other expenditures which are not normal fiscal year expenditures as to amount or as to the purpose for which expended; and (6) expenditures which were funded from a nonrecurring source of income.

(b) *Adjustment.* In compliance with the above six exclusions, the PHA shall adjust the Allowable Expense Level by excluding any of these items from the Base Year Expense Level if this has not already been accomplished. If such adjustment is made in the second or some subsequent fiscal year of the PFS, the Allowable Expense Level shall be adjusted in the year in which the adjustment is made, but the adjustment shall not be applied retroactively. If the PHA does not make these adjustments, the HUD Field Office shall compute the adjustments.

(c) *Computation of Formula Expense Level.* The PHA shall compute its Formula Expense Level in accordance with a HUD prescribed formula that estimates the cost of operating an average unit in a particular PHA's inventory. The Formula takes into account such data as the average number of bedrooms per unit, the average age of buildings, the average height of buildings, and the relative regional operating cost. It uses weights and a Local Inflation Factor assigned each year to derive a Formula Expense Level for the current year and the requested budget year. The weights of the Formula and the Formula published in the Interim Rule on April 16, 1975, at FR 17008 apply to PHA fiscal years beginning April 1, 1975 and July 1, 1975. The weights of the Formula published in the Final Rule on January 15, 1976, at 41 FR 2344 superseded the weights published in the Interim Rule and were applicable to PHA fiscal years beginning October 1, 1975, January 1, 1976, April 1, 1976 and July 1, 1976. PHAs were notified directly of the updating of the weights of the Formula for subsequent fiscal years. The weights of the Formula and the Formula itself are subject to updating by HUD annually or at any other time. This updating will be accomplished by publication in the **Federal Register**, or by notification given directly to PHAs, whichever is considered appropriate.

(d) *Range.* The PHA's Range is the spread from $10.31 below to $10.31 above its Formula Expense Level for its Base Year. The figure $10.31 applies to PHAs until revised by HUD.

(e) *Computation of Allowable Expense Level.* The PHA shall compute its Allowable Expense Level as follows:

(1) *Allowable Expense Level for first budget year under PFS where Base Year Expense Level does not exceed top limit of Range.* Every PHA whose Base Year Expense Level is below the top limit of the Range shall compute its Allowable Expense Level for the first budget year under PFS by adding the following to its Base Year Expense Level (before adjustment under § 890.110 (a) or (b)):

(i) Any increase approved by HUD in accordance with § 890.110 (a) or (b);

(ii) The increase (decrease) between the Formula Expense Level for the Base Year and the Formula Expense Level for the first budget year under PFS; and

(iii) The sum of the Base Year Expense Level, and any amounts described in paragraphs (e)(1) (i) and (ii) of this section multiplied by the Local Inflation Factor.

(2) *Allowable Expense Level for first budget year under PFS where Base Year Expense Level is above the top of the Range.* Every PHA whose Base Year Expense Level is above the top of the Range shall compute its Allowable Expense Level for the first budget year under PFS by adding the following to its top limit of the Range (not to its Base Year Expense Level, as in paragraph (e)(1) of the section):

(i) The increase (decrease) between the Formual Expense Level for the Base Year and the Formula Expense Level or the first budget year under PFS;

(ii) The sum of the figure equal to the top limit of its Range and the increase (decrease) described in paragraph (e)(2)(i) of this section, multiplied by the Local Inflation Factor. (If the Base Year Expense Level is above the Allowable Expense Level, computed as provided above, the PHA may be eligible for Transition Funding under § 890.106.)

(3) *Allowable Expense Level for budget years after first budget year under PFS.* For each budget year after the first budget year under PFS, the Allowable Expense Level will be equal to the Allowable Expense Level for the previous budget year, which includes the amount of the HUD-approved Increase of Base Year Expense Level (reference: § 890.110), increased (or decreased) by the following:

(i) The increase (decrease) between the Formula Expense Level for the previous budget year and the Formula Expense Level for the Requested Budget Year; and

(ii) The sum of the Allowable Expense Level for the previous budget year and the increase (decrease) in paragraph (e)(3)(I) of this section multiplied by the Local Inflation Factor.

Example: Assume that the Allowable Expense Level for the first budget year under PFS (year 1) is $43.20.

Year 2. Assume that the Formula Expense Level of the PHA for the second budget year under PFS (Year 2) is $1.50 higher than the Formula Expense Level for Year 1. (Note that the weights or other aspects of the Formula may have been revised, in which case the revised Formula would be applied to both the Year 1 data and the Year 2 data to obtain difference; the $1.50 assumed difference would be due to changes in PHA data as to the Formula variables between Year 1 and Year 2.) Assume that the applicable Local Inflation Factor is 9 percent. The Allowable Expense Level for Year 2 is $48.72, computed as follows: $43.20 (Allowable Expense Level for Year 1, which is not changed regardless of any changes by HUD to the Formula used for the Year 2 computation) plus $1.50 (increase in Formula Expense Level between Year 1 and Year 2) plus $4.02 (9% Local Inflation Factor times $44.70).

Year 3. Assume that the Formula Expense Level for Year 3 decreases $1.00 from that for Year 2 (due to changes in the PHA's data as to the Formula variables) and the applicable Local Inflation Factor is 8%. The Allowable Expense Level for Year 3 is $51.54, computed as follows: $48.72 (Allowable Expense Level for Year 2) minus $1.00 (decrease in Formula Expense Level) plus $3.82 (8% x $47.72).

Year 4. Assume that the Formula Expense Level for Year 4 is $.50 above the Formula Expense Level for Year 3. Assume the applicable Local Inflation Factor is 7%. The Allowable Expense Level for Year 4 is $55.68, computed as follows: $51.54 (Allowable Expense Level for Year 3) plus $.50 (increase in Formula Expense Level) plus $3.64 (7% x $52.04).

PHA Fiscal Year Beginning October 1, 1977

(Calculation of allowable expense level for PHA fiscal year beginning Oct. 1, 1977)

1. Allowable Expense Level for PHA fiscal year beginning Oct. 1, 1976	$43.20
2. Delta: Increase (Decrease) in Formula Expense Levels as have been calculated for PHA fiscal years beginning Oct. 1, 1976 and Oct. 1, 1977	1.50
3. Sum (Line 1 plus Line 2)	44.70

PHA Fiscal Year Beginning October 1, 1977— Continued

[Calculation of allowable expense level for PHA fiscal year beginning Oct. 1, 1977]

4. Local Inflation Factor	.09
5. Product (Line 3 times Line 4)	4.02
6. Allowable Expense Level for PHA fiscal year beginning Oct. 1, 1977 (Line 3 plus Line 5)	48.72

It should be noted that the increases in population and updated PHA characteristics have been reflected in the respective Formula Expense Levels involving Line 2, above. The same Formula, weights, constant, and Local Inflation Factor which were applied to determine operating subsidy eligibility for the PHA's fiscal year beginning October 1, 1976, are applied to determine operating subsidy eligibility for its fiscal year beginning October 1, 1977. It is stressed that such elements are now applied to the characteristics of the PHA in its fiscal years beginning October 1, 1976, and October 1, 1977. Also, the same inflation factor applied to calculate the Formula Expense Levels is applied to the sum of the difference between the Formula Expense Levels (delta) and the Allowable Expense Level for the current year, reflected in Line 5 of the example.

(4) *Adjustment of Allowable Expense Level for budget years after the first budget year under PFS.* HUD may adjust the Allowable Expense Level of budget years after the first year under PFS under the provisions of § 890.105(b) or § 890.108(c).

(f) *Retrospective adjustment.* A PHA may apply a one-time retrospective adjustment to its Allowable Expense Level to compensate for the inadequacy of the inflation factors used in the PFS in the Federal fiscal years 1977 through 1981. This adjustment has the effect of increasing the non-utility portion of the Allowable Expense Level to a level that would have resulted if the proper percentages derived from the combined inflation factor had been used in those years. This adjustment is to be applied to the HUD approved Allowable Expense Level Per Unit Month (PUM) amount for PHA fiscal years beginning January 1, 1981, April 1, 1981, July 1, 1981, or October 1, 1981. Even though the adjustment is termed retrospective, it does not provide additional operating subsidy eligibility for PHA fiscal years before those beginning January 1, 1982. This adjustment shall be applied as follows:

(1) A PHA: (i) In operation during the PHA fiscal year beginning January 1, 1977, April 1, 1977, July 1, 1977, or October 1, 1977; or (ii) that started operation after these fiscal years but before the PHA fiscal year of January 1, 1982, April 1, 1982, July 1, 1982, or October 1, 1982; and (iii) that used a comparable PHA's Allowable Expense Level, shall apply the retrospective adjustment percentage provided by HUD.

(2) A PHA that entered operation during the PHA fiscal year beginning January 1, 1978, April 1, 1978, July 1, 1978, or October 1, 1978 but before the PHA fiscal year beginning January 1, 1982, April 1, 1982, July 1, 1982, or October 1, 1982, and that computed its own Allowable Expense Level for purposes of the PFS calculation, shall request the appropriate adjustment percentage from HUD, which will reflect the number of years the PHA has been in operation. This adjustment percentage shall be applied in accordance with this regulation.

(3) A PHA that starts operation during the PHA fiscal year beginning January 1, 1982, April 1, 1982, July 1, 1982, or October 1, 1982, or thereafter, shall not apply an adjustment since its beginning Allowable Expense Level will properly reflect the Local Inflation Factor.

Authority: Section 9, United States Housing Act of 1937 (42 U.S.C. 1437g); Sec. 201(b), Housing and Community Development Act of 1974 (42 U.S.C. 1437 note); Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Dated: January 18, 1984.

Samuel R. Pierce, Jr.,

Secretary for Housing and Urban Development.

[FR Doc. 84-2149 Filed 1-25-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 55

[T.D. 7936]

Real Estate Investment Trusts and Regulated Investment Companies

Correction

In FR Doc. 84-1375 beginning on page 2104 in the issue of Wednesday, January 18, 1984, make the following corrections:

1. On the same page, column two, SUPPLEMENTARY INFORMATION, paragraph three, line two, "92 Stat. 2448" should read "92 Stat. 2848".

§ 1.860-2 [Corrected]

2. On page 2107, column three, § 1.860-2(a)(5), line eight, "857(b)(3)(c)" should read "852(b)(3)(C)" and in line nine, "857(b)(3)(c)" should read "857(b)(3)(C)".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Civil Division Directive No. 158-83]

Further Revision of Civil Division Directive No. 145-81

Correction

In FR Doc. 83-30995 appearing on page 52449 in the issue of Friday, November 18, 1983, the **EFFECTIVE DATE** which read "February 23, 1984" should have read "February 23, 1983".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 80

[CG-81-087]

Navigation Rules for Puget Sound and Adjacent Waters of Northwest Washington

AGENCY: Coast Guard, DOT.

ACTION: Affirmation of interim rule.

SUMMARY: On December 17, 1981, the Coast Guard published an interim final rule in the **Federal Register** (46 FR 61456) making the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) applicable to the waters in Northwest Washington. A subsequent correction was published on January 25, 1982 at 47 FR 3351. The interim final rule, contained in Part 80 of Title 33 Code of Federal Regulations, was effective on December 24, 1981, and since that date the 72 COLREGS have been in force on all waters in Northwest Washington. This document makes that change permanent.

EFFECTIVE DATE: December 24, 1981.

FOR FURTHER INFORMATION CONTACT: CDR Roger Pike, Port Safety Branch, Thirteenth Coast Guard District, 912 2nd Ave., Seattle, Washington 98174 (206) 442-5537.

SUPPLEMENTARY INFORMATION: The Interim Final Rule, published as §§ 80.1385, 80.1390 and 80.1395, of Title 33, Code of Federal Regulations provides for the applicability of the 72 COLREGS, to Puget Sound and adjacent waters of Northwest Washington. The interim rule became effective on December 24, 1981, and has resulted in the application of identical or very similar navigation rules in both Canadian and United States waters of Northwest Washington. The 72

COLREGS are now applied to the Strait of Juan de Fuca, Haro Strait, the Strait of Georgia, Lake Union, Lake Washington, Hood Canal, and all adjacent waters.

The uniformity of navigational rules throughout this area effectively enhances the safety of all vessels operating in these waters. No comments have been received and no objections have been raised to the interim rule. Therefore, the Interim Final Rule published in Part 80 of Title 33, Code of Federal Regulations is hereby affirmed and shall remain in effect.

DRAFTING INFORMATION

The drafters of this regulation are CDR Roger Pike, USCGR, Project Officer, LT James R. Woeppel, Project Attorney, Thirteenth Coast Guard District Legal Office and LT David Shippert, Office of Chief Counsel.

ECONOMIC ASSESSMENT AND CERTIFICATION

This Affirmation of Interim Final Rule is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this Affirmation of Interim Final Rule has been found to be so minimal that further evaluation is unnecessary since only a change in navigational rules of the road is involved and any costs associated with changing navigational lights, as discussed in the Interim Final Rule, have already been incurred. Since the impact of this Affirmation of Interim Final Rule is expected to be minimal, the Coast Guard certifies that it will not have a signficant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 80

Navigation (water), COLREGS Demarcation Lines.

Final Regulation

In consideration of the foregoing Part 80 of Title 33, Code of Federal Regulations §§ 80.1385, 80.1390 and 80.1395 published as interim rules (46 FR 61456, 47 FR 3351) are adopted as final.

Dated: December 27, 1983.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 84-2203 Filed 1-25-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD5-83-05]

Drawbridge Operation Regulations; Eastern Branch, Elizabeth River, Norfolk, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Norfolk and Western Railway Company, the Coast Guard is changing the regulations governing the operation of the railroad drawbridge across the Eastern Branch of the Elizabeth River, Mile 2.7, at Norfolk, Virginia, by requiring that advance notice of opening be given between 10 p.m. and 6 a.m. The change is being made because of the small number of requests for opening the draw during those hours. This action should relieve the bridge owner of the burden of having a person constantly available to open the draw, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment becomes effective on February 27, 1984.

FOR FURTHER INFORMATION CONTACT: W. A. Pratt, Bridge Specialist, Aids to Navigation Division, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705, (804) 398-6227.

SUPPLEMENTARY INFORMATION: On August 25, 1983, the Coast Guard published a proposed rule (48 FR 38655) concerning the amendment. The Commander, Fifth Coast Guard District, also published this proposal in Public Notice (5-549) dated August 11, 1983, which was included in Local Notice to Mariners No. 33 dated August 16, 1983. In each notice, interested persons were given until October 11, 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this rule are William A. Pratt, Project Officer, and Lt. Walter J. Brundzinski, Project Attorney.

Discussion of Comments

The regulations will require advance notice from 10:00 PM to 6:00 AM Advance notice of at least three hours is required for an opening during this period. At all other times, the bridge will open on signal for the passage of vessels. The Public Notice produced two responses from persons interested in the operation of the drawbridge. They recommended that the bridge be maintained in the open position except for the passage of trains. This suggestion is impracticable, as records show as many as twenty trains using this bridge in a single day.

The decision to establish this regulation is based on the fact that records indicate the effect on marine traffic would be minimal.

Economic Assessment and Certification

This final regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, this regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that this rule will not have a significant economic impact on a substantial number of small entities for the reasons discussed above.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

Final Regulation

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (f) (24-a) to § 117.245 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) *Waterways discharging into Chesapeake Bay.*

* * * * *

(24-a) Elizabeth River, Eastern Branch, Va.; the draw of Norfolk and Western Railroad Bridge, Mile 2.7, at Norfolk, shall open on signal except that from 10:00 p.m. to 6:00 a.m. the draw shall open on signal if at least three hours advance notice is given.

* * * * *

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

Dated: January 12, 1984.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 84-2233 Filed 1-25-84; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD3 83-066]

Drawbridge Operation Regulations: Brandywine River (Creek), Delaware

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: This amendment revokes the regulations for the Seventh Street drawbridge, mile 0.1, over the Brandywine River at Wilmington, Delaware, because the bridge has been removed. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: January 26, 1984.

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

SUPPLEMENTARY INFORMATION: This action has no economic consequences. It merely revokes regulations that are now meaningless because they pertain to a drawbridge that no longer exists. Consequently, this action cannot be considered to be a major rule under Executive Order 12291. Furthermore, it has been found to be nonsignificant under the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-2-80), and does not warrant preparation of an economic evaluation. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (5 U.S.C. 605(b)). However, this action will not have a significant effect on a substantial number of small entities.

Drafting Information

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

List of Subjects in 33 CFR Part 117

Bridges.

§ 117.230 [Amended]

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by removing § 117.230(a) inclusive.

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

Dated: January 3, 1984.

W. E. Caldwell,

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

[FR Doc. 84-2238 Filed 1-25-84; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA Docket No. 107MD-5; A-3-PRL 25B-2]

Air Programs; Designation of Areas for Air Quality Planning Purposes; Approval of Redesignation of Attainment Status for the State of Maryland

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a change that the State of Maryland has requested in the Total Suspended Particulate (TSP) air quality designation of Election District Number Eight, Luke, Maryland. The redesignation would classify the area as "better than national standards" for TSP. This designation is used for the purpose of planning to attain and maintain TSP standards, and is required by Section 107 of the Clean Air Act (CAA). EPA is approving Maryland's requested change because the agency has found it to be justified by recent air quality data.

EFFECTIVE DATE: This action will be effective on March 26, 1984 unless notification is received by February 27, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of Maryland's request for the redesignation, along with associated support materials, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Branch (3AW10), Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106.

Maryland Air Management Administration, Maryland Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, MD 21201.

All comments submitted on or before February 27, 1984 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address stated above. Please reference the EPA docket number found in the heading of this notice in any correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. James B. Topsale, P.E. or Mr. Paul Racette at the address for EPA Region III, or telephone (215) 597-9377.

SUPPLEMENTARY INFORMATION: On September 7, 1983 the State of Maryland submitted a request to redesignate Election District Number Eight, Luke, Maryland for TSP in accordance with the requirements of section 107(d) of the Clean Air Act. The Election District Number Eight area, a part of the Cumberland-Keyser Air Quality Control Region, is currently designated as "cannot be classified" for TSP as cited in 40 CFR 81.321. The redesignation changes the classification to "better than national standards" for TSP.

EPA has reviewed the air quality data submitted by Maryland as part of this redesignation request, and has determined that the data is valid. Data for TSP indicates that during the eight quarter period of 1981 and 1982, there were no violations of either the 24-hour secondary TSP standard (150 $\mu g/m^3$) or the annual primary TSP standard (75 $\mu g/m^3$). Therefore, based on this air quality data, EPA approves the redesignation request for TSP.

EPA's approval modifies the list of attainment status designations in 40 CFR 81.321. Changing from "cannot be classified" to "better than national standards" the TSP designation of Election District Number Eight, Luke, Maryland. The public is advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days from today that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the direct final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

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

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

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.

Authority: Sec. 107, Clean Air Act (42 U.S.C. 7404).

Dated: January 19, 1984.

Alvin L. Alm,

Acting Administrator.

PART 81—[AMENDED]

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

Section 81.321 is amended by revising section (a) under the Cumberland-Keyser Interstate AQCR for TSP.

Subpart C—Section 107 Attainment Status Designations

* * * * *

§ 81.321 Maryland.

MARYLAND-TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
*	*	*	*	*
Cumberland-Keyser Interstate AQCR				
(a) Election District No. 8, Luke, MD.				x
*	*	*	*	*

[FR Doc. 84-2091 Filed 1-25-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6584]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

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

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special floor hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

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

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

management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

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

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Region II					
New Jersey: Bergen	River Edge, borough of	340068A	Feb. 9, 1973, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	June 18, 1976	Feb. 1, 1984.
New York:					
Herkimer	Ilion, village of	360308B	May 24, 1974, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Feb. 8, 1974 and June 11, 1976.	Do.
Oneida	Utica, city of	360558A	Oct. 2, 1974, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Apr. 24, 1975	Do.
Region III					
Pennsylvania:					
Chester	East Brandywine, township of	421476B	Nov. 21, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Oct. 18, 1974 and Apr. 30, 1976.	Do.
Do.	East Nantmeal, township of	421481B	Apr. 14, 1976, emergency; Feb. 1, 1984 regular; Feb. 1, 1984, suspended.	Dec. 20, 1974 and May 7, 1976.	Do.
West Virginia: Mercer	Princeton, city of	540128C	Mar. 6, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	July 19, 1974 and June 11, 1976 and July 28, 1978.	Do.
Region IV					
Georgia: Catoosa and Walker.	Fort Oglethorpe, city of	130248B	Oct. 18, 1974, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Mar. 8, 1974 and Oct. 22, 1976.	Do.
South Carolina: Charleston.	Meggett, town of	450040B	July 2, 1975, emergency; May 11, 1979, regular; Feb. 1, 1984, suspended.	Oct. 25, 1974 and May 11, 1978.	Do.
Region V					
Illinois:					
Calhoun	Unincorporated areas	170018B	Nov. 2, 1978, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Jan. 10, 1975 and Jan. 20, 1978.	Do.
Gallatin	....do	170900B	July 29, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Nov. 15, 1978	Do.
Jersey	....do	170312B	Apr. 12, 1974, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Dec. 27, 1974 and Jan. 27, 1978.	Do.
Mason	....do	170463B	Jan. 19, 1977, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Jan. 31, 1975 and Nov. 17, 1978.	Do.
Woodford	....do	170730B	Sept. 7, 1973, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Jan. 20, 1978	Do.
Ohio:					
Hamilton	Cleves, village of	390211B	Aug. 19, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984 suspended.	July 23, 1976 and Sept. 2, 1977.	Do.
Ottawa	Marblehead, village of	390748A	May 29, 1979, emergency; Feb. 1, 1984, regular; Feb. 1, 1984 suspended.	Apr. 18, 1975	Do.
Region VIII					
Colorado: El Paso	Manitou Springs, city of	080063B	May 29 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Mar. 29, 1974 and Feb. 21, 1975.	Do.
Region IX					
Nevada:					
Elko	Carlin, city of	320009B	Feb. 11, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	May 3, 1974	Do.
....do	Elko, city of	320010B	Aug. 2, 1974, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Feb. 1, 1974 and Aug. 20, 1976.	Do
....do	Unincorporated areas	320027B	June 23, 1978, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	July 11, 1978	Do.
Region X					
Oregon: Lane	Veneta, city of	410128B	Mar. 20, 1975, emergency; Feb. 1, 1984, regular; Feb. 1, 1984, suspended.	Mar. 22, 1974 and Jan. 16, 1976.	Do.

[1] Date certain Federal assistance no longer available in special flood hazard areas.

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

Issued: January 19, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84–2128 Filed 1–25–84; 8:45 am]

BILLING CODE 6718–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1180

Institute of Museum Services; Grants to Museums; Meetings of National Museum Services Board

AGENCY: Institute of Museum Services, National Foundation on the Arts and the Humanities.

ACTION: Final regulations.

SUMMARY: The Institute of Museum Services issues final regulations governing a program of Federal financial assistance for museum assessment. The regulations implement the Museum Services Act. They state eligibility conditions and other rules for the administration of the museum assessment program. The Institute of Museum Services also issues final regulations governing meetings of the National Museum Services Board pursuant to the Government in the Sunshine Act. These regulations make technical changes in the final regulations previously issued regarding these subjects.

EFFECTIVE DATE: These regulations are effective January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Sara E. Traut, Special Assistant to the Director, Institute of Museum Services, Room 510, 1100 Pennsylvania Ave., NW. Washington, D.C. 20506. (786–0536).

SUPPLEMENTARY INFORMATION:

1. General Background

The Museum Services Act ("the Act"), which is Title II of the Arts, Humanities and Cultural Affairs Act of 1976, was enacted on October 8, 1976 and amended on December 4, 1980.

The purpose of the Act is stated in Section 202 as follows:

> It is the purpose of [the Museum Services Act] to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups; to assist museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage, and to ease the financial burden borne by museums as a result of their increasing use by the public.

The Act establishes an Institute of Museum Services (IMS) consisting of a National Museum Services Board and a Director.

The Act provides that the National Museum Services Board shall consist of fifteen members appointed for fixed terms by the President with the advice and consent of the Senate. The Chairman of the Board is designated by the President from the appointed members. Members are broadly representative of various museums, including museums relating to science, history, technology, art zoos, and botanical gardens, of the curatorial, educational and cultural resources of the United States, and of the general public. In addition to the members appointed by the President, the following serve as members of the Board: The Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, and the Secretary of Education. The Board has the responsibility for establishing the general policies of the Institute. The Director is authorized, subject to the policy direction of the Board, to make grants under the Act to museums.

IMS is an independent agency placed in the National Foundation on the Arts and the Humanities (National Foundation). Pub. L. 97–100, December 23, 1981, Pub. L. 97–394, December 30, 1982).

The Act lists a number of illustrative activities for which grants may be made, including assisting museums to meet their administrative costs for preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public. Other activities are designed to aid museums in developing and maintaining professionally trained staff, carrying out certain conservation activities, developing and carrying out specialized museum programs for specific segments of the public, and cooperating with other museums in developing traveling exhibitions, meeting transportation costs for these exhibitions, and identifying and locating collections available for loan.

2. Need for These Regulations

Regulations for museum assessment program. Regulations governing the award of grants under the IMS general operating support (GOS) and special project programs were published in the **Federal Register** on June 17, 1983. 48 FR 27727. In addition to its GOS and special project programs, IMS administered a museum assessment program (MAP) during fiscal year 1981 and fiscal 1983. Under this program, grants are made to museums to assist them in carrying out institutional assessments and to enable them to obtain technical assistance in order to evaluate their programs and operations by generally accepted professional standards.

Final regulations governing the museum assessment program were published on June 29, 1981. 46 FR 33247. The program was administered pursuant to these regulations during fiscal years 1981 and 1983. Subsequent to the adoption of these regulations, the Institute of Museum Services was transferred from the Department of Education to the National Foundation on the Arts and the Humanities. Pub. L. 97–100; 97–394. This transfer has necessitated the revision of IMS regulations to reflect the new placement.

In particular regulations for MAP, contained in Title 34 CFR (relating to the Education Department), must be published in Part 1180 of Title 45 CFR which now contains other regulations of the Institute in its new organizational setting as part of the National Foundation. For the convenience of readers, IMS wishes all of its regulations to appear in the same portion of the Code of Federal Regulations. In addition, current MAP regulations make applicable to the MAP program certain provisions of the Education Department General Administrative Regulations (34 CFR Part 75). Because these regulations no longer apply to IMS, conforming changes must be made to the MAP regulations.

This document publishes the revised MAP regulations as a new Subpart D of Title 45 CFR Part 1180 and makes appropriate conforming changes. The changes are essentially technical and nonsubstantive. Thus, references to administrative functions are to the Director of IMS rather than the Secretary of Education.

In new § 1180.75(e) the following provisions of IMS grant regulations are made applicable to the MAP program: § 1180.5(a) (museums which may apply must be located in the fifty States of the Union, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, Guam or the District of Columbia); § 1180.5(c) (public or private nonprofit agency responsible for operating museum may apply on its behalf); § 1180.5(d) (Federally operated museums are ineligible); § 1180.15 (extension of grant period); § 1180.44 (applicability of civil rights laws); § 1180.47 (cooperation with evaluation by the Director); § 1180.51–.56 (compliance; grantee administration; accountability, maintenance or records; prohibition of subgrants).

The effect of these changes is to maintain the simplified procedures for

the program and to reduce the volume of applicable regulations, because provisions of the Education Department general regulations are made inapplicable.

Regulations governing meetings of the National Services Board

As previously indicated, meetings of the National Museum Services Board are conducted pursuant to the Government in the Sunshine Act. 5 U.S.C. 552b. Regulations governing these meetings were previously issued in 1980 and appear at 34 CFR Part 64, subpart G. As a result of the transfer of IMS to the National Foundation, these regulations are being reissued as subpart G of Part 1180 of Title 45 CFR with technical amendments reflecting the transfer. This reissuance will enable readers to find regulations pertaining to IMS in one place in the CFR. Section 1180.88 of the revised regulations provides that the General Counsel certification required by the Act will be issued by the attorney responsible for providing advice with regard to matters under the Government in the Sunshine Act rather than by the General Counsel of the Department of Education because IMS is no longer part of the Department.

3. Public Participation and Consideration by NMSB

At its meeting held on October 14, 1983, the National Museum Services Board considered a draft of the regulations set forth below and approved their publication in the **Federal Register.**

IMS has followed the practice of obtaining public participation in the development of its regulations and normally first publishes regulations in the form of a notice of proposed rulemaking inviting public comment. In the case of the instant regulations this practice is not being followed because the regulations in question have already been the subject of public participation and no substantive change is being made as a result of this reissuance. The amendments to the regulations are made to conform to an organizational change made by the Congress. The cross-references in the MAP regulations are basically to provisions or policies which previously applied to the MAP program. Moreover, in the case of the MAP program, it is necessary that final regulations be in place promptly to support the conduct of the program which is scheduled to commence early in the current fiscal year. Under these circumstances, it has been determined that resort to public participation procedures is not necessary and would be impracticable. See 5 U.S.C. 553(b).

4. Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

5. Regulatory Flexibility Act Certification

The Director certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

To the extent that the regulations affect States and State agencies they will not have an impact on small entities because States and State agencies are not considered to be small entities under the Regulatory Flexibility Act.

These regulations will affect certain museums receiving Federal financial assistance under the Museum Services Act. However, the regulations will not have a significant economic impact on the small entities affected because they do not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations impose minimal requirements to ensure the proper expenditure of grant funds.

List of Subjects in 45 CFR Part 1180

Museums, National boards.

(Catalog of Federal Domestic Assistance No. 43.301, Museum Services Program)

Dated: January 18, 1984.

Susan Phillips,

Director, Institute of Museum Services.

Dated: January 18, 1984.

C. Douglas Dillon,

Chairman, National Museum Services Board.

The Institute of Museum Services amends Part 1180 of Subchapter E in Chapter XI of Title 45 of the Code of Federal Regulations by adding new Subparts D and G to read as follows:

PART 1180—GENERAL REGULATIONS, STANDARDS AND GUIDELINES

* * * * *

Subpart D—Museum Assessment

Sec.

1180.70 Purpose of program.
1180.71 Eligibility.
1180.72 Allowable costs.
1180.73 Form of assistance; limitation of amount.
1180.74 Conditions of participation.
1180.75 Funding and award procedures.
1180.76 Responsibility.

Subpart E-F—[Reserved]

Subpart G—Meetings of the National Museum Services Board

General

1180.80 Scope.
1180.81 General rule.
1180.82 Application to NMSB committees.
1180.83 Record vote.

Announcement of Meetings

1180.84 Public announcement of meetings.
1180.85 Changes in time or place of meeting.
1180.86 Changes in subject matter of meeting.
1180.87 Publication of announcements.

Closed Meetings

1180.88 Reasons and procedures for closing meetings.
1180.89 Requests to close meetings.
1180.90 Materials related to closed portions of meetings.
1180.91 Opening of transcript or recording of closed meeting.

Appendix A

Authority: Museum Services Act (20 U.S.C. 961–68), as amended, and Pub. L. 97–100, 95 Stat. 1414; Pub. L. 97–394, 96 Stat. 1994; 5 U.S.C. 552b.

Subpart D—Museum Assessment

§ 1180.70 Purpose of program.

The Director of the Institute of Museum Services makes grants under this subpart to assist museums in carrying out institutional assessments. The grants enable museums to obtain technical assistance in order to evaluate their programs and operations by generally accepted professional standards.

§ 1180.71 Eligibility.

(a) A museum as defined in § 1180.3 may apply for assessment assistance under this subpart.

(b) A museum which receives a grant for assessment assistance under this subpart for a fiscal year may not receive another grant for assessment assistance in the same or a subsequent fiscal year.

§ 1180.72 Allowable costs.

A museum may use a grant under this subpart for expenses of institutional assessment, such as registration fees; surveyor honorariums; travel and other expense of a surveyor; and technical assistance materials.

§ 1180.73 Form of assistance; limitation on amount.

(a) The Director makes payments to a museum under this subpart in advance.

(b) The amount of a grant to a museum under this subpart may not exceed $600.00.

(c) The aggregate amount of the grants under this subpart may not exceed $240,000 for a fiscal year.

§ 1180.74 Conditions of participation.

The Director considers an application (on a form supplied by IMS) by a museum for a grant under this subpart for assessment assistance only if:

(a) The museum applies for assessment to an appropriate professional organization as defined in this section, and

(b) That organization notifies IMS that the application for the assessment assistance is complete and that the museum applying is eligible to participate.

An appropriate professional organization for purposes of this subpart means (1) the American Association of Museums or (2) other professional organizations that are determined to be capable of arranging for a program of assessment services for a category of museums are so designated by notice published in the **Federal Register.**

§ 1180.75 Funding and award procedures.

(a) The Director approves applications meeting the requirements of this subpart on a first-come, first-served basis, in the order in which it is determined by IMS that such requirements (including all application requirements) have been met, until a date in the fiscal year to be established by publication in the **Federal Register.**

(b) There are no selection criteria.

(c) Section 1180.16 (IMS share of the cost of a proposal) does not apply to grants under this subpart.

(d) A museum receiving assistance under this subpart need not submit a financial report or a performance report.

(e)(1) Except as provided in § 1180.71 and paragraph (b) of this section, Subparts A, B, and C of Part 1180 of Title 45 CFR do not apply to the Museum Assesssment Program.

(2) The following sections do apply to the Museum Assessment program:

Sections 1180.5(a); 1180.5(c); 1180.5(d); 1180.15; 1180.44; 1180.47; and 1180.51–1180.56.

§ 1180.76 Responsibility of a museum.

Except in unusual circumstances, a museum which receives a grant under this subpart must take the steps normally expected of it to complete the assessment process for which it has received assistance. Section 1180.13(i) (a criterion for evaluation of general operating support applications) applies to the use of funds under this subpart.

Subpart E–F [Reserved]

Subpart G—Meetings of the National Museum Services Board

General

§ 1180.80 Scope.

5 U.S.C. 552b, added to the United States Code by the Government in the Sunshine Act, Pub. L. 94–409 (1976), provides that collegial bodies which head Federal agencies must, with certain exceptions, hold their meetings in public. Section 552b applies to meetings of the National Museum Services Board ("NMSB"). The regulations in this document (Subpart G of Part 1180, Title 45 CFR) set forth procedures for the conduct of meetings of the NMSB in accordance with Section 552b.

§ 1180.81 General rule.

Unless properly closed under § 1180.88, every portion of every meeting of the NMSB is open to public observation. For the purposes of this document a "meeting" means the deliberations of at least the number of members of the NMSB required to take action on behalf of the NMSB, where these deliberations determine, or result in the joint conduct or disposition of official IMS business. (A "meeting" does not include deliberations required or permitted by subsections (d) or (e) of Section 552b.)

§ 1180.82 Application to NMSB committees.

This document applies to committees of the NMSB when they are authorized to make final policy decisions on the NMSB's behalf. This document does not apply to committees or informal working groups of the NMSB which are authorized to make recommendations or reports to the NMSB or to perform technical or ministerial functions on its behalf.

§ 1180.83 Record vote.

(a) Certain action of the NMSB with regard to meetings under these regulations may be taken only by "record vote." For purposes of this document, a vote of the NMSB is a "record vote" if—

(1) It carries by a majority of all those holding offices as NMSB members at the time of the vote;

(2) No proxies are counted toward the necessary majority; and

(3) The individual vote of each member voting is recorded.

(b) Within one day of a record vote to close, or withhold information about a meeting, or any record vote for this purpose that does not achieve the necessary majority, the NMSB makes available to the public a written record showing the vote of each member.

(c) The NMSB may take a vote with respect to matters governed by this part (without convening) by means of circulation of a written ballot, tally sheet, or other notation procedures.

Announcement of Meetings

§ 1180.84 Public announcement of meetings.

(a) Except as stated in paragraphs (b) and (c) this section, the NMSB makes a public announcement of each meeting at least one week before the meeting. The announcement covers:

(1) The time, place, and subject matter of the meeting;

(2) What portions of the meeting, if any, are to be closed to the public; and

(3) The name and phone number of the official designated to respond to requests for information on the meeting.

(b) The announcement may be made less than a week before the meeting it announces or after the meeting only if--

(1) The NMSB by record vote determines that agency business requires the meeting to be called on such short or after-the-fact notice and (2) a public announcement is made at the earliest practicable time.

(c) All or any portion of the announcement of any meeting may be omitted if the NMSB by record vote determines that the announcement would disclose information which should be withheld under the same standards as apply for closing meetings under § 1180.88.

§ 1180.85 Changes in time or place of meeting.

The time or place of a meeting of the NMSB that has been publicly announced as provided in § 1180.84 may subsequently be changed. However, the change must be publicly announced at the earliest practicable time.

§ 1180.86 Changes in subject matter of meeting.

The subject matter of any portion of any meeting of the NMSB that has been publicly announced as provided in § 1180.84 (or the determination whether any portion of any meeting so publicly announced will be open or closed) may subsequently be changed if—

(a) The NMSB determines by record vote that agency business so requires and that no earlier announcement of change was possible; and

(b) The NMSB publicly announces the change and the vote of each member on the change at the earliest practicable time. (Deletion or postponement of

agenda items are not subject to the requirements of this subsection.)

§ 1180.87 Publication of announcements.

Promptly following a public announcement required by these regulations, the NMSB submits, for publication in the **Federal Register**, a notice containing information regarding the announcement as required by Section 552b.

Closed Meetings

§ 1180.88 Reasons and procedures for closing meetings.

(a) The NMSB may, by record vote in accordance with Section 552b, close any portion of a meeting if it determines that the portion falls within one of the exceptions stated in 5 U.S.C. Section 552(c). (These exceptions are listed in Appendix A.)

(b) In making a determination under paragraph (a) of this section, the NMSB considers whether the public interest merits keeping the meeting open although an exception applies.

(c) The Board addresses requests for the certification required by Section 552b to the individual responsible for providing legal services to the Institute with respect to Section 552b.

(d) Within one day of a record vote closing a portion of a NMSB meeting, the NMSB makes available a full written explanation of the NMSB's action and a list of all persons it expects to attend the meeting and their affiliations.

§ 1180.89 Requests to close meetings.

A person who believes his or her interests may be directly affected by a meeting or a portion of a meeting may request the NMSB to close it to the public for a reason cited in paragraphs (5), (6), or (7) of Appendix A. Such requests are handled under procedures established by the NMSB in accordance with Section 552b. This information collection has been assigned OMB No. 3137–0005.

§ 1180.90 Materials related to closed portions of meetings.

If a portion or portions of any meeting of the NMSB are closed to the public—

(a) The presiding officer of the meeting (usually the Chairman of the NMSB) furnishes a statement setting forth the time and place of the meeting and the persons present (including staff).

(b) Except where the Act authorizes minutes to be kept, the NMSB makes a complete transcript or electronic recording adequate to record fully the proceedings of each portion of the meeting that is closed to the public.

(c) The NMSB maintains the presiding officer's statement, the certificate described in § 1180.88(c) as required by Section 552b, and the transcript, recording, or minutes of the meeting for at least two years after the meeting and at least one year after the NMSB completes consideration of any proposal, report, resolution, or similar matter discussed in any closed portion of the meeting.

§ 1180.91 Opening of transcript or recording of closed meeting.

(a) Except as stated in paragraph (b) of this section, the NMSB makes available for inspection the transcript, electronic recording or minutes of every portion of a very closed meeting on request to any member of the public. The transcript or recording is made available in an easily accessible place. The NMSB furnishes to any member of the public on request copies of the transcript (or of a transcription of the recording) disclosing the identity of each speaker. The NMSB charges for the copies or transcriptions no more than the actual cost of duplication or transcription.

(b) The NMSB withholds the transcripts or recording of the discussion of any agenda item if the Chairman of the NMSB (or a NMSB member designated by the Chairman) determines that the discussion contains information which should be withheld under the same standards which apply for closing meetings under § 1180.88. The NMSB releases the transcript or recording so withheld when the Chairman (or the Chairman's designee) determines that the grounds for withholding no longer apply.

Appendix A

A meeting may be closed if:

(1) It is likely to disclose matters that (i) are specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to the Executive Order;

(2) It is likely to relate solely to the internal personnel rules and practices of the IMS or another Federal agency;

(3) It is likely to disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552): Provided, That the statute (i) requires that the matter be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) It is likely to disclose trade secrets and commercial or financial information obtained from the person and privileged or confidential;

(5) It is likely to involve accusing any person of a crime, or formally censuring any person;

(6) It is likely to disclose personal information where the disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) It is likely to disclose investigatory law-enforcement records, or information which, if written, would be contained in such records, but only to the extent provided in 5 U.S.C. 552b(7);

(8) It is likely to disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) It is likely to disclose information, the premature disclosure of which (i) in the case of information received from an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (A) lead to significant financial speculation in currencies, securities, or commodities, or (B) significantly endanger the stability of any financial institution; or (ii) be likely to significantly frustrate implementation of a proposed IMS action unless the IMS has already disclosed to the public the content or nature of its proposed action or is required by law to make such disclosure on its own initiative before taking final action; or

(10) Is likely to specifically concern the IMS participation in a civil action or proceeding, or action in a foreign court or international tribunal, or an arbitration.

[FR Doc. 84–2230 Filed 1–25–84; 8:45 am]

BILLING CODE 7036–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 82–520]

Computation of Time; Clarification of the Term Holiday

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to clarify the term "holiday" for the purpose of computing time.

This action is taken to eliminate any confusion which may arise when a holiday is declared by the District of Columbia but not by the federal government.

DATES: Effective November 26, 1982.

FOR FURTHER INFORMATION CONTACT: Sue Preskill, Office of General Counsel, (202) 632–6444.

SUPPLEMENTARY INFORMATION: Through inadvertence, this document was not previously published in the **Federal Register.**

Order

In the matter of amendment of Rule 1.4 of the Commission's Rules.

Adopted: November 22, 1982.
Released: November 26, 1982.
By the Commission.

1. Commission Rule 1.4(d), 47 CFR 1.4(d), currently defines "holiday" for the purpose of computing time as including "Saturdays, Sundays, legal holidays or half holidays in the District of Columbia, and any other day on which the Commission's offices are closed prior to 5:30 p.m. The term 'business day' shall include all other days." In order to eliminate any confusion which may arise when a holiday is declared by the District of Columbia government but not by the federal government, we are hereby amending the rule to specify federal holidays, rather than District of Columbia holidays.

2. In addition, on occasion the Commission's offices open late, such as during inclement weather or during a lapse in funding. Ordinarily, persons computing deadlines are not able to anticipate late openings before they occur, and would not expect additional time for preparing filings. Therefore, unless otherwise specified by the Commission, such days will not be treated as holidays, as long as the offices officially open prior to 5:30 p.m. See 47 CFR 0.403.

3. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, 47 U.S.C. 154 (i), (j) 303(r). Because this amendment is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 do not apply.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

PART 1—[AMENDED]

Accordingly it is ordered that, effective November 26, 1982, § 1.4(d) of the Commission's Rules, 47 CFR § 1.4(d) is revised to read as follows:

§ 1.4 Computation of time.

* * * * *

(d) For purposes of this section, the term "holiday" shall include Saturdays, Sundays, federal holidays, and any other day on which the Commission's offices close prior to 5:30 p.m. The term "business day" shall refer to all other days, including days when the Commission opens later than the time specified in Rule 0.403.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 84-2122 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 31

[CC Docket No. 82-679; RM-4084]

Uniform System of Accounts for Class A and Class B Telephone Companies; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document is being issued to correct an error in the Report and Order in Docket 82-679, concerning the Uniform System of Accounts for Class A and Class B Telephone Companies, published on October 28, 1983 (48 FR 49843).

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughn, Chief, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1861.

Erratum

Released: January 12, 1984.

In the matter of Amendment of Part 31, Uniform System of Accounts For Class A and Class B Telephone Companies, of the Commission's Rules and Regulations to change the basis of depreciation and retirement procedures for the "Station connections—other" subclass of account 232, and to reclassify network channel terminating equipment, including subscriber pair gain equipment, located on customer premises, to account 221, "Central office equipment"; CC Docket No. 82-679 (RM 4084).

On October 26, 1983, the Commission released a Report and Order in the above captioned proceeding (See FCC 83-456) (48 FR 49843; October 28, 1983). An error contained in the Appendix is corrected below:

The word "not" was inadvertently omitted from the first sentence in Note C to Appendix item 5. The sentence should read as follows: "Provisional denials of service to stations for non-payment shall not be treated as stations disconnected unless the denials become final."

Federal Communications Commission.

Jack D. Smith,

Chief, Common Carrier Bureau.

[FR Doc. 84-2121 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 64

[CC Docket No. 83-427; FCC 83-565]

Access to Telecommunications Equipment by the Hearing Impaired and Other Disabled Persons

Correction

In FR Doc. 84-399 beginning on page 1352 in the issue of Wednesday, January 11, 1984, make the following correction on page 1368: In the first column, in the Table of Contents for Subpart F to Part 64, the section numbers listed as "68.601, 68.602, 68.603 and 68.604" should read "64.601, 64.602, 64.603 and 64.604" respectively.

BILLING CODE 1505-01-M

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47 CFR Part 97

[PR Docket No. 83-524; FCC 84-16]

Making Additional Frequencies Available to the Radio Amateur Civil Emergency Service During Declared National Emergencies

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This document amends the Amateur Radio Service Rules to make additional frequencies available to the Radio Amateur Civil Emergency Service (RACES) during declared national emergencies. Additional RACES frequencies are needed since, even in peacetime, the number of RACES frequencies are inadequate. The effect of this action is to assure that sufficient RACES frequencies would be available if the President invokes the war emergency powers.

EFFECTIVE DATE: March 26, 1984.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554.

List of Subjects in 47 CFR Part 97

Civil defense, Defense communications, Radio.

Report and Order

In the matter of amendment of the Amateur Radio Service Rules, Part 97, to make additional frequencies available to the Radio Amateur Civil Emergency Service during declared national emergencies (PR Docket No. 83-524).

Adopted: January 16, 1984.
Released: January 19, 1984.
By the Commission.

1. On May 26, 1983, the Commission adopted a Notice of Proposed Rule Making (48 FR 26647; June 9, 1983) proposing to make additional frequencies available to the Radio Amateur Civil Emergency Service (RACES) in the event of an emergency which causes the President to invoke certain war emergency powers, pursuant to Section 606 of the Communications Act of 1934, as amended. Also proposed were operational limitations on the additional frequencies so as to provide protection to the Government Radiolocation Service, to the Aeronautical Radionavigation Service and to Canadian radio stations. The restrictions that limited RACES operations to thirty days and to specific geographical areas were also proposed to be deleted. Nineteen comments were filed in this proceeding.

2. This proceeding originated in response to a request from the Department of Defense (DOD), through the National Telecommunications and Information Administration (NTIA) and the Interdepartmental Radio Advisory Committee (IRAC), for additional frequencies for RACES stations during a declared national emergency. DOD had reviewed the role of RACES in support of civil defense activities during a national emergency declared by the President and had concluded that additional RACES frequencies are needed under war emergency conditions. DOD said that since the presently available RACES frequencies have proven inadequate in peacetime, they would be completely unsatisfactory in wartime. In addition, DOD noted that although the number of amateur radio repeater stations have increased, they operate on frequencies which are not now available to RACES. Hence, DOD wanted the frequencies that repeaters operate on made available to RACES stations. For the same reason, DOD asked that frequencies used by high frequency (HF) nets also be made available to RACES stations. The deletion of the restriction on the use of certain RACES frequencies to the initial 30 days of the emergency and the areas where they could be used was proposed since those restrictions are no longer needed.

3. The comments generally supported the proposal to make additional frequencies available to RACES stations.[1] Robert N. Dyruff wanted all of the Amateur Radio Service frequencies made available to RACES. He also suggested that the RACES rules should be deleted in their entirety and replaced by a joint working arrangement between the Federal Emergency Management Agency, State Offices of Emergency Services and local organizations of amateur radio operators. The suggestions of Mr. Dyruff are so broad as to exceed the scope of this proceeding. In our Notice of Proposed Rule Making, we proposed to make the frequencies 146–148 MHz available for RACES operations. Several of the commenters, however, suggested that the repeater subband 144.50–145.50 MHz be included for RACES operation. In this connection, the American Radio Relay League, Inc. (ARRL) stated that this would make it unnecessary for anyone to alter existing equipment, especially repeaters, to operate on RACES frequencies during a declared emergency, since Amateur Radio Emergency Service (ARES) members could switch from ARES to RACES immediately without a shift in equipment.

4. We referred the matter of inclusing the subband 144.50–145.50 MHz to DOD (through IRAC). It interposed no objection. Therefore, since inclusion of these frequencies will bring more repeaters into RACES operation and will expand the potential for use of RACES stations in the future, we will include the 144.50–145.50 MHz subband in these final rules. Some commenters suggested that additional frequencies in the 6, 10, 40, and 75-meter bands be added for RACES operations. Those frequencies were not included in DOD's original request. Therefore, we have not included them in these final rules.

5. In our proposal, we stated that additonal amateur radio frequencies in the 10 MHz and 18 MHz frequency bands might also be considered if the United States ratified the final acts of the World Administrative Radio Conference (WARC), 1979. Although such ratification took place on September 6, 1983, it would not be appropriate to include those frequencies in this Report and Order since the Amateur Rules have not yet been amended to make those bands available for use in the Amateur Radio Service on a regular basis.

6. We will adopt the rules as proposed, with the inclusion of the additional 2-meter band frequencies. The thirty day limitation on the use of the frequencies is deleted since the use of amateur frequencies for RACES would undoubtedly be authorized beyond the thirty day period if an emergency continued beyond that time. Also, we have deleted the geographic limitations since to retain them could hinder emergency communications between the continental United States and the States of Hawaii or Alaska, or between the continental United States and U.S. possessions. These latter amendments are in keeping with our continuing efforts to eliminate unnecessary rules and restrictions. Finally, necessary corrections have been made to the table in § 97.185(b).

7. It is ordered, that Part 97 is amended as set forth in the Appendix hereto. This action is taken pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended. It is further ordered, that these rule amendments shall become effective March 26, 1984.

8. It is further ordered, that the Secretary shall cause a copy of this Report and Order to be published in the **Federal Register.**

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

10. Information in this matter may be obtained by contacting Maurice J. Depont, (202) 632–4964, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. Section 97.185 is revised to read as follows:

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

(b) In the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless otherwise modified or directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

[1] The late-filed comments of John A. Carroll are accepted and have been considered insofar as they relate to this proceeding.

Appendix

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. Section 97.185 is revised to read as follows:

§ 97.185 Frequencies available.

(a) All of the authorized frequencies and emissions allocated to the Amateur Radio Service are also available to the Radio Amateur Civil Emergency Service on a shared basis.

(b) In the event of an emergency which necessitates the invoking of the President's War Emergency Powers under the provisions of § 606 of the Communications Act of 1934, as amended, unless otherwise modified or directed, RACES stations and amateur radio stations participating in RACES will be limited in operation to the following:

FREQUENCY OR FREQUENCY BANDS—Continued

	Limitations
kHz:	
1800–1825	
1975–2000	1
3500–3550	
3930–3980	
3984–4000	
3997	2
7079–7125	
7245–7255	
14047–14053	
14220–14230	
14331–14350	
21047–21053	
21228–21267	
MHz:	
28.55–28.75	
29.237–29.273	
29.45–29.65	
50.35–50.75	
53.30	2
53.35–53.75	
144.50–145.71	
146–148	
220–225	4
420–450	3, 5, 6
1240–1300	3
2390–2450	3

(c) *Limitations.* (1) Use of frequencies in the band 1975–2000 kHz is subject to the priority of the LORAN system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 97.61 (Subpart C of this part pertaining to Technical Standards).

(2) For use in emergency areas when required to make initial contact with a military unit; also, for communications with military stations on matters requiring coordination.

(3) Those stations operating in the bands 420–450, 1240–1300 and 2390–2450 MHz shall not cause harmful interference to, and must tolerate any interference from, the Government Radiolocation Service; and also the Aeronautical Radionavigation Service in the case of the 1240–1300 MHz band.

(4) Those stations operating in the band 220–225 MHz shall not cause harmful interference to, and must tolerate any interference from, the Government Radiolocation Service until January 1, 1990. Additionally, the Fixed and Mobile Services shall have equal right of operation.

(5) In the band 420–430 MHz, no station shall operate North of Line A. Line A begins at Aberdeen, Washington, running by great circle arc to the intersection of 48° N., 120° W., thence along parallel 48° N., to the intersection of 95° W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45° N., 85° W., thence southward along meridian 85° W., to its intersection with parallel 41°N., thence along parallel 41° N., to its intersection with meridian 82° W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates.

(6) In the band 420–450 MHz and within the following areas, the peak envelope power output of a transmitter used in the Amateur Radio Service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer-in-Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

(i) Those portions of Texas and New Mexico bounded on the south by latitude 31° 45′ North, on the east by longitude 104° 00′ West, on the north by latitude 34° 30′ North, and on the west by longitude 107° 30′ West;

(ii) The entire State of Florida including the Key West area and the areas enclosed within a 200-mile radius of Patrick Air Force Base, Florida (latitude 28° 21′ North, longitude 80° 43′ West), and within a 200-mile radius of Eglin Air Force Base, Florida (latitude 30° 30′ North, longitude 86° 30′ West);

(iii) The entire State of Arizona;

(iv) Those portions of California and Nevada south of latitude 37° 10′ North, and the areas enclosed within a 200-mile radius of the Pacific Missile Test Center, Point Mugu, California (latitude 34° 09′ North, longitude 119° 11′ West).

(v) In the State of Massachusetts within a 160-kilometer (100 mile) radius around locations at Otis Air Force Base, Massachusetts (latitude 41° 45′ North, longitude 70° 32′ West).

(vi) In the State of California within a 240-kilometer (150 mile) radius around locations at Beale Air Force Base, California (latitude 39° 08′ North, longitude 121° 26′ West).

(vii) In the State of Alaska within a 160-kilometer (100 mile) radius of Clear, Alaska (latitude 64° 17′ North, longitude 149° 10′ West). (The Military Area Frequency Coordinator for this area is located at Elmendorf Air Force Base, Alaska.)

(viii) In the State of North Dakota within a 160-kilometer (100 mile) radius of Concrete, North Dakota (latitude 48° 43′ North, longitude 97° 54′ West). (The Military Area Frequency Coordinator for this area can be contacted at: HQ SAC/SXOE, Offutt Air Force Base, Nebraska 68113.)

[FR Doc. 84-2126 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-139F; Amdt. Nos. 172-88, 173-171, 179-33]

Conversion of Individual Exemptions Into Regulations of General Applicability

Correction

In FR Doc. 84-1303 beginning on page 2250, in the issue of Thursday, January 19, 1984, make the following corrections:

On page 2251, third column, § 173.245(a)(29), fourth line, change the semicolon to a period and remove the remainder of the paragraph; and in § 173.245(a)(31), fourth line, change the period to a semicolon and insert the following: "MC 306 constructed aluminum is authorized only for monoethanolamine *primary amyl alcohol.*"

* * * * *

On page 2252, second column, § 173.346(a)(10), third line "105A1100W" should read "105A100W".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 31230-255]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule prescribing 1984 and 1985 prohibited species catch limits for salmon in the Bering Sea and Aleutian Islands area foreign trawl fishery. These limits are prescribed under provisions of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) and are intended to reduce the incidental catch and unnecessary mortality of salmon while still allowing the foreign fisheries an opportunity to harvest their groundfish allocations.

EFFECTIVE DATE: February 24, 1984.

ADDRESS: Copies of the environmental impact statement and the regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) prepared for Amendment 3 to the FMP, which addresses this regulatory change, may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, 907–274–4563.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson (Regional Plan Coordinator, Alaska Region, National Marine Fisheries Service) 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

The FMP was developed by the North Pacific Fishery Management Council (Council) and is implemented by rules appearing at 50 CFR 611.93. Amendment 3 to the FMP was implemented July 4, 1983 (48 FR 24719, June 2, 1982), and established a five-year (1982–1986) schedule for reduction of prohibited species catch (PSC) limits for salmon, Pacific halibut, king crab, and Tanner crab in the foreign trawl fishery. The preamble to the proposed rule for Amendment 3 (48 FR 10383, March 11, 1983) discussed the need and justification for the amendment; it also discussed the procedure for apportionment of PSCs to foreign nations, considerations for adjustments of PSCs, exemptions to PSC regulations, and additional incentives to reduce the catch of prohibited species in foreign groundfish fisheries.

The rule implementing Amendment 3 indicated salmon PSC figures only for 1981,[1] 1982, and 1983, with the objective of achieving a 75 percent reduction from the 1981 salmon PSC level by 1986. A complete review of the salmon PSC program was to be conducted by the Council in 1983 to determine further reductions in salmon PSC levels for 1984 and 1985 for purposes of achieving the 1986 PSC limit. The Council conducted such a review at its May 1983 meeting and adopted a salmon PSC limit of 38,441 fish for 1984 and a limit of 27,957 fish for 1985. The 1986 PSC limit was unchanged and remains at 17,473 fish. When conducting its review, the Council considered the status of the salmon resource, the evidence to date that a 75 percent reduction of the salmon PSC limits is attainable and should not impede foreign groundfish operations, and the economic and technological reasonableness of the goal of 75 percent reduction by 1986.

The salmon PSC figures adopted for 1984 and 1985 reflect salmon PSC levels that were negotiated between representatives for those western Alaska residents who depend on the salmon resource and the Japanese trawl industry, the principle harvester of Bering Sea groundfish.

The proposed salmon PSC limits for 1984 and 1985 were published October 7, 1983 (48 FR 45804), and public comments on the proposed limits were invited until November 4, 1983. No comments were received. NOAA now approves and implements the 1984 and 1985 salmon PSC limits by inserting them into the implements the 1984 and 1985 salmon PSC limits by inserting them into the reserved portions of Table 2 in 50 CFR 611.93.

Classification

The NOAA Assistant Administrator for Fisheries (Assistant Administrator) has determined that this rule is necessary and appropriate for conservation and management of fishery resources and that it is consistent with the Magnuson Act and other applicable law. He has also determined that this rule will not have a significant impact on the quality of the human environment. The environmental impact statement (EIS) prepared for the original FMP also addressed Amendment 3 and consequently covered this action. The EIS was filed with the Environmental Protection Agency on November 20, 1981. Accordingly, neither a supplement to the EIS nor an environmental assessment is required. A copy of the EIS is available from the Council at the address listed above.

The Assistant Administrator has further determined that implementation of this rule will be carried out in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Alaska. The Alaska Office of Management and Budget has concurred in this determination.

The NOAA Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination was based on the information presented in the preamble to the proposed rule at 48 FR 45805 and on the regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) prepared by the Council for the regulatory flexibility analysis (RIR/FRFA) prepared by the Council for the rule implementing Amendment 3 to the FMP. You may obtain a copy of the RIR/FRFA from the Council at the address listed above.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities, therefore, no regulatory flexibility analysis is required under provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: January 23, 1984.

Carmen J. Blondin,

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

For reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et. seq.*, unless otherwise noted.

2. In § 611.93(c)(2)(ii)(E), Table 2 is revised to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

[1] An amendment to the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (46 FR 60002, December 8, 1981) established a chinook salmon PSC of 65,000 fish.

TABLE 2.—TARGET REDUCTION SCHEDULE OF SALMON PROHIBITED SPECIES CATCHES BASED ON THE AVERAGE 1977–80 FOREIGN TRAWL SALMON INCIDENTAL CATCH

Year	Total salmon [1]
Base No. 1977–80	80,000
Reduced catch levels:	
(1981)	69,893
(1982)	59,409
(1983)	48,925
(1984)	38,441
(1985)	27,957
(1986)	17,473

[1] Total salmon numbers are calculated on the assumption that 93 percent of the incidentally-caught salmon are chinook.

* * * * *

[FR Doc. 84-2208 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22

50 CFR Part 651

[Docket No. 31230-252]

Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder)

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

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to amend the final regulations implementing the Interim Fishery Management Plan for Atlantic Groundfish (Interim Plan). This rulemaking clarifies the definition of the cod end, and describes the method an authorized officer may follow when inspecting cod ends for compliance with regulated mesh size. This rule will eliminate differences or interpretation of the cod end definition contained in the regulations with regard to compliance and enforcement.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Peter Colosi, 617–281–3600 ext. 272.

SUPPLEMENTARY INFORMATION: NOAA issued final rules to implement the Interim Plan on October 4, 1982 (47 FR 43705). Since then, varying interpretations have occurred within the fishing community of the definition of "cod end" contained in the regulations. These varying interpretations could hinder NMFS' enforcement of the minimum mesh size requirement for cod ends. Therefore, NMFS has decided to clarify the cod end definition and the procedure an authorized officer will follow to measure cod ends and thereby eliminate confusion about the minimum cod end standards with which a fishing master and fishing vessel must comply. NOAA invited public comments on the proposed rulemaking for this action (48 FR 41797) from September 19, 1983, through October 19, 1983. No comments, either verbal or written, were received during this period. However, informal comments received after the comment period closed indicated that the procedure for measuring a cod end may still be unclear to those affected by it.

Therefore, the wording is further revised to express more clearly NMFS' intent in this procedure.

Classification

The Secretary of Commerce issues this final rule to clarify the meaning of §§ 651.2 and 651.20(d)(1) of the Interim plan regulations (47 FR 43705, October 4, 1982) for Atlantic Groundfish. Documents already submitted for the final Interim Plan regulations (see 47 FR 43709 at *Classification*) included an Environmental Impact Statement (EIS) and Regulatory Impact Review/ Regulatory Flexibility Analysis (RIR/ RFA). The RIR/RFA concluded that the regulations were non-major under Executive Order 12291 and assessed the economic impacts on small entities as significant under the Regulatory Flexibility Act. A final environmental impact statement (FEIS) was filed with EPA on June 11, 1982, concerning the final Interim Plan regulations which this final rule amends. This amendment does not alter the context of intensity of the impacts described in the original EIS and RIR/RFA, and therefore no additional analyses are necessary. This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 651

Fish, Fisheries, Reporting requirements.

Dated: January 23, 1984.

Carmen J. Blondin,

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

PART 651—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 651 is amended as follows:

1. The authority citation for Part 651 is as follows:

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

§ 651.2 [Amended]

2. In § 651.2 *Definitions*, remove the word "normally" from the definition of cod end.

3. In § 651.20 paragraph (d)(1) is revised to read as follows:

§ 651.20 Large-mesh area and gear limitations.

* * * * *

(d) * * *

(1) Cod end mesh sizes are measured when wet after use by a wedge shaped gauge having a taper of two centimeters in eight centimeters and a thickness of 2.3 millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size will be the average of the measurements of any series of 20 consecutive meshes. The mesh in the cod end will be measured at least 10 meshes from the lacings, beginning at the after-end and running parallel to the long axis, except that if the fish in the cod end extend into any other portion of the net, measurement will start at the uppermost portion of the net containing fish.

* * * * *

[FR Doc. 84-2208 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 40103-01]

Pacific Coast Groundfish Fishery

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

ACTION: Rule-related notice; fishery specifications for 1984; correction.

SUMMARY: This document corrects a footnote in Table 1, which lists 1984 specifications of ABC, and corrects a specification in Table 2, which lists 1984 specifications of OY and its components. These tables were included in the "Rule-related notice; fishery specifications for 1984" for the Pacific Coast Fishery that was published on January 9, 1984 (49 FR 1060). The erroneous specification in Table 2 was also incorrectly printed in the "Notice of preliminary fishery specifications and request for comment" that was published December 6, 1983 (48 FR 54671).

FOR FURTHER INFORMATION CONTACT: T. E. (Gene) Kruse, 213–548–2575.

The following corrections are made in FR Doc. 84–453 appearing on page 1061 in the issue of January 9, 1984:

1. Footnote 6 of "Table 1—1984 Specifications of ABC" should read "'Other fish' includes sharks, skates, ratfish, morids, grenadiers, jack mackerel, arrowtooth flounder, and, in the Eureka, Monterey, and Conception areas, Pacific cod. 'Other fish' is part of the 'other species' category listed in § 663.2."

2. In Table 2 under the species name "Shortbelly rockfish," the "DAH" specification "10.0" is corrected to read "3.4."

Dated: January 20, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-2210 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 31230-251]

Groundfish of the Gulf of Alaska; Correction

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

ACTION: Rule-related notice; 1984 initial specifications; correction.

SUMMARY: This document corrects a specification in Table 1 which lists 1984 initial apportionments of optimum yield (OY) for each species of groundfish in the Gulf of Alaska fishery among the domestic annual processing (DAP), joint venture processing (JVP), reserves, and total allowable level of foreign fishing (TALFF). This table was included in the Groundfish of the Gulf of Alaska rule-related notice; 1984 initial specifications that was published on January 9, 1984, at 49 FR 1061.

FOR FURTHER INFORMATION CONTACT: Janet Smoker, 907-586-7230.

The following correction is made in FR Doc. 84-241 appearing on page 1063 in the issue of January 9, 1984: In Table 1 under the species name "Pollock," in the Central area, the JVP specification "132,630" is corrected to read "132,620."

Dated: January 20, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-2209 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 18
Thursday, January 26, 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 COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Annual Survey of U.S. Direct Investment Abroad

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of consideration.

SUMMARY: This notice advises that a new survey, the BE–11 Annual Survey of U.S. Direct Investment Abroad, is now under consideration by this Bureau. The survey will be mandatory and will be conducted under authority of the International Investment Survey Act of 1976 (Pub. L. 94–472, Stat. 2059, 22 U.S.C. 3101–3108). It will further implement the President's responsibilities for collecting data on U.S. direct investment abroad under the Act; these responsibilities were delegated to the Secretary of Commerce, who redelegated them to the Bureau of Economic Analysis.

DATE: Any suggestions or recommendations concerning the proposed survey will received consideration if submitted in writing on or before March 15, 1984.

ADDRESS: Send suggestions or recommendations to: Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230. All responses to this notice will be available for public inspection from 8:00 a.m. to 4:00 p.m. in room 608, 1401 K Street NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, phone (202) 523–0657.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Bureau of Economic Analysis (BEA) plans to conduct a BE–11 Annual Survey of U.S. Direct Investment Abroad. As proposed, the survey would be mandatory and would be conducted under the authority of the International Investment Survey Act of 1976. The first year of coverage would be 1983. The survey will provide annual time series on important aspects of the operations of U.S. multinational companies and their foreign affiliates, including their services activities and international services transactions. A parallel BE–15 Annual Survey of Foreign Direct Investment in the United States has been conducted by BEA since 1977.

The U.S. Government needs current information on U.S. companies and their investment abroad in order to assess their economic significance and make informed policy decisions relating to them. The BE–11 survey should, to a significant degree, satisfy this need. Most U.S. companies with direct investment abroad are large, and their foreign activities are often a sizable share of their total activities. Thus, both domestically and internationally, these companies have an important and far reaching economic impact. The data also will be used by the Government in representing U.S. interests, including those of private companies, in international negotiations, both on a bilateral basis and before international groups such as the GATT and OECD. For example, the data to be obtained on the services activities of reporting companies can be used to assess the need for, and to conduct, negotiations to reduce international barriers to trade and investment in services. At present, the United States is actively supporting a move, under the General Agreement on Tariffs and Trade, to study the issue, with a view toward possible future negotiations.

The survey will collect data on selected items from BEA's periodic BE–10 benchmark surveys (or censuses) of U.S. direct investment abroad. The most recent benchmark survey, which covered 1982, is now being processed; the next benchmark survey will cover 1989. Between benchmark years, the annual survey will update and maintain the continuity of major items from the benchmark survey. However, the volume of data to be reported in the annual survey will be substantially reduced from that required in the benchmark survey. Because the proposed BE–11 survey would be largely an abbreviated version of the benchmark survey, the BE–11 survey would not be conducted in a year in which that survey is conducted.

Representatives from user agencies interested in international investment and services data have held several meetings to discuss the need for, and content of, the BE–11 survey. The meetings were chaired by the Office of Management and Budget (OMB). the agencies represented were the Departments of Commerce, State, Treasury, Labor, and Agriculture, the Federal Reserve Board, and the Office of the U.S. Trade Representative. As a result of the meetings, suggested reporting criteria and a preliminary list of data questions have been prepared and are summarized here.

As envisioned by the user agencies, a BE–11 report, consisting of a Form BE–11A, Form(s) BE–11B, and a Form BE–11C, as approprite, would be required each year of all nonbank U.S. Reporters who, at the end of their fiscal year covered by the report, had one or more nonbank foreign affiliates whose assets, sales, or net income (positive or negative) exceeded $3 million. A U.S. Reporter is a U.S. person that has U.S. direct investment abroad, i.e., that owns or controls, directly or indirectly, 10 percent or more of the voting securities of an incorporated foreign business enterprise or an equivalent interest in an unincorporated foreign business enterprise.

Proposed Form BE–11A would be rquired of each U.S. Reporter subject to the reporting requirement. This form would collect summary information on the U.S. Reporter itself. Items suggested for inclusion by the user agencies were a distribution of sales by 3-digit industry code; total assets, total liabilities, and total owner's equity; the portion of sales that are goods, the portion that are services, and, of total sales of services, the amount sold to U.S. persons, to foreign affiliates, and to other foreign persons; net income; property, plant, and equipment expenditures; total merchandise trade (exports and imports) with foreign affiliates and with other foreigners; and total employment and employee compensation.

Proposed Form BE–11B would be required for each of the U.S. Reporter's majority-owned nonbank foreign affiliates for which any *one* of the following—assets, sales, or net income (positive or negative)—exceeded $10

million. The most detailed information would be obtained only for these larger majority-owned affiliates. In addition to the necessary identification information, the data to be collected would include the affiliate's distribution of sales by 3-digit industry code; a summary balance sheet and income statement containing most major items; a composition of external financial, by transactor; a distribution of sales according to whether the sales were to affiliated or unaffiliated customers, whether they were of goods or of services, and, for sales of both goods and services, whether they were to persons in the affiliate's own country of location, to U.S. persons, or to other foreign persons; total U.S. merchandise trade (exports and imports) of the affiliate with the U.S. Reporter and with other U.S. persons; property, plant, and equipment expenditures; and total employment and employee compensation.

On proposed Form BE–11C, the U.S. Reporter would be required to list, and, in addition to identification information, provide a few data items for, each of its (a) minority-owned nonbank foreign affiliates for which any *one* of the following—assets, sales or net income (positive or negative)—exceeded $3 million and (b) each majority-owned nonbank foreign affiliate for which any *one* of the following—assets, sales or net income (positive or negative)—was more than $3 million but for which *all three* were less than $10 million. As proposed, the data items to be reported for these affiliates would consis* of the affiliate's total assets; total owner's equity; sales; net income; property, plant and equipment expenditures; total U.S. merchandise exports and imports; and total employment and employee compensation. Thus, for minority-owned affiliates and the smaller majority-owned affiliates, considerably less detail would be obtained than for the larger majority-owned affiliates.

The very smallest foreign affiliates—those that had asssets, sales, and net income (positive or negative) of $3 million or less—would be completely exempt from being reported in the BE–11 survey, as proposed. Also, U.S. Reporters and foreign affiliates that are banks would be exempt because extensive data on bank activities are already collected by other Government agencies.

The reporting requirements and exemption criteria proposed for Forms BE–11B and BE–11C are as recommended by the user agencies after extensive discussions. The agencies felt that, by limiting reporting on Form BE–11B to majority-owned foreign affiliates that exceeded the relatively high exemption level of $10 million, the reporting burden would be significantly reduced from that in the benchmark survey. Reports would be required for only about 8,000 of the 23,782 U.S.-owned nonbank foreign affiliates that were reported in the 1977 benchmark survey. The agencies noted, however, that, while overall coverage in value terms would be fairly high, the $10 million exemption level, together with the elimination of reporting by minority-owned affiliates, would entail a loss of valuable country detail, and some industries, notably the service industries, would be disproportionately affected. To allay these concerns, they proposed that the much more abbreviated, schedule-type form BE–11C be used to obtain at least a few items for the smaller majority-owned affiliates and for minority-owned affiliates. The agencies concluded that an exemption level above $10 million for the BE–11B would significantly reduce the usefulness of the reports for policy purposes. They also felt that the relatively few questions asked on the BE–11C were of a type that were easily answerable by respondents and of great use to policymakers.

Copies of the preliminary list of questions to be included in the survey, compiled by the user agencies and summarized above, are available upon request from the Office of the Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

For those companies who may benefit from automated submission of data, BEA plans to design the report forms to facilitate submission of the data on magnetic tape or disc rather than hard copy, in accordance with recent recommendations of the General Accounting Office.

To institute the mandatory reporting requirements for the BE–11 survey, the Commerce Department's rules and regulations, as contained in 15 CFR Part 806, must be amended. In the near future, a notice of proposed rulemaking regarding the BE–11 survey will be inserted in the **Federal Register** for public comment.

In response to the suggestions, recommendations, and comments received as a result of this notice of consideration and the forthcoming notice of proposed rules, BEA will prepare a draft of the forms and final rules for OMB approval. At that time, the general public will be given another opportunity to comment. However, BEA would appreciate receiving any major substantive comments on the survey during the current comment period so that such comments can be given the fullest consideration.

George Jaszi,

Director, Bureau of Economic Analysis.

[FR Doc. 84–2015 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–06–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

[Docket No. RM84–7–000]

Inquiry on Impact of Special Marketing Programs on Natural Gas Companies and Consumers

Issued: January 16, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing this notice of inquiry regarding the various innovative natural gas marketing plans, commonly referred to as special marketing programs. These plans are intended to relieve the pressures of oversupply being exerted on the applicants. The proposed plans previously approved by the Commission were limited to new loads or loads that would otherwise be serviced by alternative fuels, producer direct sale arrangements, off-system sales or other special gas marketing programs. However, the Commission is issuing in conjunction with this notice orders that modify three programs on rehearing to include as eligible purchasers other markets served by pipelines and local distribution companies under overrun, excess and other interruptible rate schedules. This notice of inquiry is being issued for the purpose of obtaining information and views to aid the Commission in determining what further action might be appropriate to increase the opportunity for gas-against-gas competition.

DATES: Requests to speak at the public hearing are due by 5:00 p.m., February 15, 1984; written comments by 5:00 p.m., February 22, 1984. The hearing will begin at 10:00 a.m., March 1, 1984.

ADDRESSES: Written comments and requests to speak should be submitted to the office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The hearing will be held at

Commission headquarters, 825 North Capitol Street, N.E., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Jack O. Kendall, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION: .

I. Introduction

The Federal Energy Regulatory Commission (Commission) is issuing this notice of inquiry in conjunction with three orders on rehearing modifying prior orders authorizing undertaking of innovative natural gas maketing plans by Tenneco Oil Company, Houston Oil & Minerals Corporation, Tenneco Exploration, Ltd., Tenneco Exploration II, Ltd., and TINCO, Ltd. (collectively referred to herein as Tenneco); Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company (collectively referred to herein as Columbia); and Transcontinental Gas Pipe Line Corporation (Transco).[1] These approved plans, as well as others still under review by the Commission, are referred to as special marketing programs and are intended to relieve the pressures of oversupply being exerted on the applicants. Originally, these programs were limited to new loads or loads that would otherwise be serviced by alternative fuels, producer direct sale arrangements, off-system sales or other special gas marketing programs. As modified on rehearing, the Commission is allowing these three programs to include as eligible purchasers other markets served by pipelines and local distribution companies (LDCs) under overrun, excess and other interruptible rate schedules. However, as the Commission believes that a healthy competitive environment is necessary if the public interest is to be best served, this notice of inquiry is being issued for the purpose of obtaining information and views that will be helpful to the Commission in determining to what extent, if any, it would be appropriate for the Commission to take action to increase the opportunity for gas-against-gas competition beyond that permitted in the rehearing orders on the Tenneco, Columbia, and Transco special marketing programs.

[1] *See* Tenneco Oil Company, Docket No. CI83–269–000 (November 10, 1983), 25 FERC ¶ 61,234; Transcontinental Gas Pipeline Corp., Docket Nos. RP83–11–000 and RP83–30–000 (November 10, 1983), 25 FERC ¶ 64,219; and Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company, Docket No. CP83–452–000 (November 10, 1983), 25 FERC ¶ 61,220.

II. Background

The enactment of the NGPA has had very profound effects on the price, production, and distribution of gas. The NGPA scheduled a series of phased wellhead price increases and the ultimate wellhead price deregulation of a large portion of domestically produced natural gas. Some categories of natural gas have already been freed from wellhead price regulation. This deregulation of some gas, combined with the relatively recent experience of shortages in the seventies, contributed to pushing up gas prices and spurring increased drilling activity, particularly developmental drilling, to increase production of gas. The NGPA also increased the availability of gas supplies to the interstate market by enhancing the movement into that market of already existing supplies in the intrastate markets. Another factor exerting significant upward pressure on gas prices and creating an additional incentive for increased gas production was the dramatic escalation of petroleum prices, which have more than doubled since the Iranian disruption of 1979.

The rapidly increasing cost and supply of gas was fueled because the deliverability-life of reserves attached to most pipelines is relatively short; therefore, some pipelines adopted aggressive gas acquisition programs in order to serve their future markets.[2] At the same time, the companies negotiated contracts based upon the maximum delivery capability of the wells and committed to high take-or-pay obligations.

While the intensified efforts on the part of pipelines to secure supplies began under the NGA in response to previous supply shortages, for more than two years after the NGPA's enactment interstate pipelines continued to compete vigorously for new gas. There was a general belief that oil prices would continue to rise and that there would be continued demand for natural gas since it was still on average underpriced. Producers, therefore, could obtain generous concessions on take-or-pay and other terms. Consequently, the pipelines' efforts in the late seventies and early eighties to insure themselves adequate supplies in the event of a supply shortfall have led to greater proportional takes by pipelines of higher-priced supplies, with an attendant increase in the cost of overall supplies.

The oil pricing assumption has now been proven false with the decline in oil product prices from the high level reached after the Iranian crisis. At the same time, the continued increase in gas prices has seriously undermined the competitive stance of natural gas with respect to alternate fuels in the industrial markets. In addition, further softening of demand for natural gas has occurred coincidentally with the rise in gas prices and supplies. As a result of heightened consumer conservation-awareness, residential gas consumption is substantially less than it was preceding the 1973 Arab oil embargo.[3] Industrial consumption also declined due to conservation and the installation of more fuel-efficient equipment, but the major factor was the slow down in the economy.

As a result of the anomaly of higher prices in conjunction with greater additions of new gas supply, a phenomenon began to develop in 1981 in which some interstate gas pipelines have had excess or surplus supplies of gas, particularly on an annual basis. In attempting to find ways to cope with increased prices and decreased demand by end-users and with producer pressure to continue to take gas supplies, pipelines have developed various innovative gas marketing programs which have been or are before the Commission for authorization. While sympathetic to the pipelines' efforts, the Commission believes it has the responsibility to consider the impact of these programs on the pipelines' existing customers and others. In some cases, the pipelines' attempts to alleviate problems for some customers have conflicted with the interests of others, thereby requiring the Commission to put restraints on the proposals. In particular, the Commission has been concerned with the inherent economic discrimination generally of these special marketing programs

[2] For some pipelines, a possible additional factor influencing them to seek new supplies may have been requirements in their outstanding debt instruments that they maintain certain reserves-to-production ratios. Historically, such clauses have generally been included in pipeline bond issuances and typically provide that, in the event the exhaustion of available gas supply occurs earlier than bond maturity, sinking fund payments will be proportionately increased so that all bonds will be retired by sinking fund date next preceding date of exhaustion. Therefore, if a pipeline's reserves decline, the company may risk accelerated repayment of debt instruments or may be unable to arrange financing necessary to attach new supplies or assure system reliability. Some pipelines actually experienced such difficulties during the gas shortages of the mid-seventies. Consequently, it is reasonable to assume that such concerns were at least partly responsible for some pipelines' efforts to acquire additional reserves in the years following the gas shortages.

[3] Between 1972 and 1982, residential use per customer declined by 17.9%. *Gas Facts*, American Gas Association, 1982.

against those system-supply customers of the applicant pipelines to whom the discounted gas would not be made available under the programs. Also, the Commission recognizes that many of the programs, if not restrained by the Commission, could result in lost load to competing pipelines with the result that the remaining customers of those other suppliers might face increased costs. These increased costs could be due to either their supplier's take-or-pay liability increasing or their assuming the burden of the fixed pipeline costs previously paid by those customers that left the system to take advantage of lower gas costs under a special marketing program.

For example, one way in which pipelines have attempted to relieve pressures of oversupply is to make off-system sales to non-traditional pipeline and distributor customers. After considering many applications, the Commission on April 25, 1983, issued a policy statement respecting off-system sales.[4] The Commission's policy is designed to insure that an interstate pipeline's on-system customers would not be harmed if sales were made by the pipelines to non-traditional customers. In order to achieve that goal, the policy statement requires an interstate pipeline to sell gas off-system at a rate which is the higher of the seller's system average load factor rate or its average section 102 (NGPA) acquisition cost based on the pipeline's most recent purchased gas adjustment filing. This rate is designed to provide adequate protection of existing customers by assuring that their costs will not rise as the result of off-system sales.[5]

Another way in which several pipelines have sought to relieve the pressures of oversupply is to establish special discount rate schedules (SDRs) which permit sales to industrial consumers who would otherwise use cheaper alternative fuels. The special rates are intended to help pipelines preserve their industrial markets and, consequently, avoid incurring prepayments under their take-or-pay clauses with producers. The pipelines argue that these sales would have the effect of lowering gas prices for all customers. However, in reviewing these applications, the Commission has given particular consideration as to whether such rate schedules, if implemented over a long-term basis, might result in subsidization by the pipelines' other customers, particularly residential and commercial customers.[6] Of course, the Commission recognizes that the ultimate authority to determine how much of the costs will be borne directly by the residential and commercial customers resides with the State regulatory commissions.

Several pipelines have requested authorization for other innovative marketing plans which raise some of the same issues as SDRs. These essentially place the pipeline in the position of a broker between the distributor and the producer. While these proposals vary in their procedures, they have certain similarities.[7] Generally, the pipeline identifies volumes of sales to particular distribution customers that the pipeline anticipates will be lost due to competition from less expensive fuel, but for the proposed marketing program. The pipeline then contacts the producers from which it purchases and declines to take the volumes which in its judgment it will not be able to sell. In return for a release from take-or-pay obligations for those volumes, the pipeline offers to arrange for the volumes to be purchased directly from the producer by the pipeline's customers that are designated in the plan as "eligible" purchasers. Under these various special marketing plans, the price of gas delivered under the program to eligible purchasers is generally lower than the delivered price of gas from system supply and, as well, only certain customers, who are generally price-sensitive, are allowed to purchase the discounted gas.

Reduction in gas costs to price-sensitive customers cannot alone provide sufficient justification for the approval of a special marketing program, since permitting only those purchasers that have alternate fuel use capability or which constitute new load to purchase the discounted gas, of course, constitutes economic discrimination. As indicated by the Transco and Columbia special marketing programs, the Commission will approve only those marketing proposals where there is a sound basis for concluding that, while some degree of economic discrimination among customers may be present, the program nevertheless would result in a net benefit to those direct and indirect customers of the pipeline that do not have access to the lower-cost gas marketing under the program.[8]

Of course, an important reason for approving any proposed special marketing program is the hope that it will lead ultimately, as the result of price competition at the wellhead, to non-discriminatory reduction in all users' gas costs. However, special marketing programs have not been operative long enough to determine whether they will exert downward pressure on gas prices generally. In the meantime, these programs must be viewed as short-term, experimental measures to be used only when the gas cost reduction for the eligible customers cannot be achieved without the economic discrimination against non-eligible customers—and then only when it can also be demonstrated that the marketing program will provide some meaningful net benefit to the non-eligible customers.

Besides insuring that the economic discrimination among customers generally inherent in special marketing programs is counter-balanced by some benefit of the programs to non-eligible customers, the other major concern of the Commission in reviewing any such proposal is to insure that, if approved, it will not present the potential for

[4] Statement of Policy on Off-System Sales, Docket No. PL83-2, issued April 25, 1983, 48 FR 20,124 (May 4, 1983).

[5] Where appropriate, the Commission has approved off-system sales, even though a pipeline's prices were not high enough to qualify at the time of its application, if its prices did qualify by the time the Commission determined that no other reasons for disapproving the off-system sales existed. In no case since issuance of the policy statement, however, has the Commission approved an off-system sale at a price below the selling pipeline's 100 percent load factor rate. *See, e.g.*, the Commission's action in Carnegie Natural Gas Co., Docket No. CP83-151-000, issued June 21, 1983 (23 FERC ¶61,394) and National Fuel Gas Supply, Docket No. CP83-217-001, issued Sept. 16, 1983).

[6] Special discount rate schedules have been filed by Consolidated Gas Supply Corporation (Docket No. CP83-410-000); Michigan-Wisconsin Pipe Line Company (Docket Nos. CP82-542 and RP82-80); Northern Natural Gas Company (Docket No. CP83-14); Columbia Gas (Docket No. CP82-245); and Northwest Gas (Docket No. CP83-138). Temporary certificates have been issued subject to refund by the Commission to Michigan-Wisconsin Pipe Line Company on October 29, 1982 (*see* 21 FERC ¶61,054) and Northern Natural Gas Company on May 27, 1983 (*see* 23 FERC ¶61,295). Columbia Gas and Northwest have both withdrawn their SDR filings.

[7] As discussed above, the Commission is issuing orders today in conjunction with this notice of inquiry which modify on rehearing special marketing programs for two interstate pipelines, Transco and Columbia, and a producer, Tenneco, that were approved by orders issued November 10, 1983. *See supra* note 1.

[8] Many producers currently are generally unable to sell new supplies to pipelines, and pipelines' purchases even under existing contracts have been reduced, often to below take-or-pay levels. Consequently, many producers presently are willing to sell gas to end users at prices below the prices of the pipeline system supplies available to those purchasers. This willingness is the basis for pipeline special sales programs, but it also is manifested in direct sales arranged by the producers themselves. One new form of direct producer sale is embodied in Tenneco Oil Company's special marketing program, Tenneflex, which was approved by the Commission on November 10, 1983. *See* 25 FERC ¶ 61,234. Tenneflex involves the sale of gas which has been contractually committed to and then released by a pipeline or local distribution company. Special issues raised by producer-sponsored special marketing programs are discussed below.

unacceptable adverse impacts on the applicant's competing suppliers. Therefore, the Commission must assure itself that the proposed program will not be inimical to the public interest by causing damage to the infrastructure of the natural gas distribution system and thereby impede the delivery of adequate supplies of natural gas to all consumers at the lowest reasonable cost in either the near or long term.

The orders issued to date by the Commission to approve, extend, or modify special marketing programs have included numerous conditions designed to insure the Commission's goal that any special program that it approves will not result in detriment to the applicant's non-eligible customers or the customers of gas suppliers that are in competition with the special marketing program applicant. Furthermore, in view of the importance of these objectives, the restrictions placed by the Commission on the operation of the special marketing programs already approved have been devised to err on the side of providing greater than necessary safeguards, as opposed to too little protection. However, the Commission at the same time firmly believes, as do many of those interested parties that have expressed their views on special marketing programs to the Commission, that it would be in the public interest to engender greater competition in the natural gas market in general but especially now when high gas prices for some time have remained essentially unresponsive to decreased demand.

In view of the above considerations, the Commission is issuing this notice of inquiry to solicit comments and information to aid in its further consideration as to what actions relating to special marketing programs may be appropriate in the future as a means of promoting price competition at both the natural gas wellhead and among pipelines and distributors. In this regard, the Commission requests that all interested parties express their views and any available documentary support for their positions regarding the special marketing programs that have been put before the Commission, both generally and with respect to those that already have been implemented or currently are under review by the Commission.

III. Request for Comments

The first orders issued by the Commission approving special marketing programs were designed to enable the pipeline applicants to retain or regain their marginal markets by allowing the pipelines to charge lower rates to their on-system customers that otherwise might not use natural gas and switch to other fuels or would use natural gas only in those instances where there were special price considerations. These initial programs permitted only very limited gas-against-gas competition. The Tenneco, Columbia, and Transco rehearing orders being issued with this notice, however, have modified those programs to permit competition for service provided under pipelines' and LDC's excess or overrun and other interruptible rate schedules.

The views expressed by interested parties, as well as the Commission's experience with operation of the special marketing programs to date, enabled the Commission to determine that the opportunity for competition among gas companies to at least this limited degree is desirable. While the Commission believes that additional competition should be encouraged, the information currently available to the Commission is not sufficient to provide a basis for evaluating with reasonble precision the potential impacts on gas suppliers and consumers that might arise from greater opportunity for gas-for-gas competition.

In view of the above consideration, the Commission is seeking comments in several respects with regard to the conditions and restrictions heretofore imposed on the operation of special marketing programs that require Commission approval. First, the Commission solicits comments as to whether in view of these currently utilized conditions it would be appropriate to permit companies with special marketing programs to compete for other pipelines' and LDCs' core market customers or, if not, whether the current conditions can be modified or new restrictions added so that such an expansion of opportunity for competition would be desirable. Second, the Commission requests comments as to whether any of the conditions applicable to the Transco, Columbia, and Tenneco marketing programs pursuant to the orders issued on rehearing of and modifying the November 10, 1983 orders approving those programs burden competition with greater restrictions than are necessary to adequately protect the interests that the conditions were designed to safeguard. A more specific discussion of the issues on which we request comments follows. Third, in addition the Commission requests comments as to whether there are other market-ordering measures that it should be considering as means of exerting downward pressure on gas prices generally.

Commenters should note that the Commission will also consider their views in determining whether the marketing conditions can, as presently formulated or with modification, embody the basic outline of a statement of general policy regarding the conditions under which a natural gas producer or pipeline could anticipate that a proposed special marketing program would find Commission approval. Even further, the comments and information received in this proceeding may enable the Commission to so refine the conditions applicable to these programs that they would provide the basis for proposing a generic rulemaking to either expand the blanket certificate program set forth in Subpart F of Part 157 of the Commission's regulations or adopt new regulatory provisions authorizing sefl-implementing programs under enumerated conditions.

A. Eligible Purchasers

As explained above, the there rehearing orders on the Tenneco, Transco, and Columbia marketing programs have modified these programs to the extent that not only user who otherwise would use alternate fuels or non-traditional gas supplies, but also users served by pipelines and LDCs under overrun, excess and other interruptible rate schedules are eligible to purchase gas under these programs. To what extent, if any, should the Commission expand its authorizations to include residential, commercial, process and feedstock uses and other users served under firm rate schedules? In particular, what would be the impact of such expanded competition on the following:

1. Those markets able and to take advantage of the competition;
2. Those markets unable to take advantage of the competition due to such reasons as unwillingness on the part of the sole supplier to provide transportation service, inability to align available supplies with particualr operations or requirements, or inadequate financial resources;
3. Those pipelines that are able and willing to transport the gas;
4. Those pipelines that are either unable or unwilling to transport the gas;
5. Those natural gas producers able and willing to price their supplies in order to successfully compete in the marketplace; and
6. Those natural gas producers either unable or unwilling to competitively price their supplies in either sales to pipelines or direct sales to end-users?

In addition, are there different competitive, operational or contractual circumstances in the intrastate *vis-a-vis* interstate markets that would warrant special consideration?

With regard to producers, is it possible that pipelines could discriminate between producers and thereby make it difficult for them to market their gas? If so, how? Would unlimited competition in the marketplace discriminate against certain classes of producers?

The Commission also requests comments on the general types of uses in a pipeline's or local distributor's core market which would be subject to any Commission expansion of the category of purchasers eligible to take advantage of the special marketing programs. For example, is a pipeline or local distribution company's core market the same as those users for which the pipeline or distributor has a service obligation? Are a pipeline's or distributor's service obligations likely to change in the future in response to the deregulation scheme under the NGPA and to supply and demand changes?

Further, the Commission requests comments regarding the extent to which filed rate schedules should be dispositive as to whether a particular market should be deemed to be served on an interruptible basis for purposes of determining whether that market is open to competition. This issue is relevant to both whether purchasers are currently eligible under the companion rehearing orders and, in the event the special marketing programs are expanded in the future, whether core markets are distinguished from other customers in terms of potential conditions imposed. In this regard, should the Commission consider potential factors that might result in markets currently served on an interruptible basis assuming firm service status in the future?

Another issue on which the Commission requests comments concerns the impact of special marketing programs on a pipeline's service obligations. When the Commission grants a certificate to a pipeline to serve particular customers, it requires the applicant pipeline to demonstrate that it is able and willing to serve the market. The pipeline must be able to demonstrate that it will maintain sufficient supplies under contract and that it has the facilities available to provide the certificate service. The service obligation of a pipeline at a minimum reflects the maximum service the firm customers can demand. When a new competitor enters a market previously served by only one supplier, the historical supplier continues to be subject to its outstanding obligation and must be prepared to serve a diverted customer's demands, when and if the customer returns to the historical supplier. As it now stands, a pipeline cannot be released from its obligations under an outstanding certificate absent a section 7(b) (NGA) abandonment authorization. What would be the impact of allowing competition for core markets on a pipeline's ability to meet its service obligations to the other core customers that remain on the pipeline's system? In addition, what impact, if any, would expanding the scope of gas-for-gas competition have on pipelines' gas acquisition programs and the maintenance and expansion of facilities? In this regard, the Commission observes that during the severe gas shortages of the seventies, the scope of a pipeline's service obligation became a major issue in many instances. Experience under the gas curtailment program demonstrated, that for purposes of allocation during a supply shortfall, the determinative factor was the nature of a consumer's end-use of gas, not whether it technically fell within a market reflected as interruptible in its supplier's rate schedule. The Commission would welcome any views as to how the service obligations of pipelines that existed prior to and during curtailment have been affected now and will be affected in the future by the current surplus environment.

Finally, comments are requested on whether pipelines or producers authorized to undertake special marketing programs may not pursue the full extent of the opportunities afforded them. What would be the impact of such reluctance on those eligible purchasers who are unable to take advantage of gas supplies authorized to be available under the programs?

B. Pricing Conditions

Under presently effective special marketing programs, NGPA categories or prices of gas released from a pipeline's system supply are restricted so that remaining customers are no worse off. As a general rule, the Commission has found that this objective requires that the weighted average cost of the total pool of gas released for special sales must equal or exceed the weighted average cost of the pipelines' system supply. This condition ensures that a pipeline's higher cost supplies will be included in the program and that its remaining customers will not be disadvantaged by the sale of lower cost supplies.

While this condition would appear to serve the Commission's purpose of limiting the amount and categories of natural gas that can be released for purposes of participating in the competitive market, other standards may more appropriately further those objectives. The Commission requests comments and suggestions on standards other than the WACOG standard to protect pipelines' core customers.

The Commission also requests comments regarding the varying abilities of pipelines to reduce their WACOGs for system supply by securing pricing concessions by their producer-suppliers and the manner in which such considerations should influence the Commission's evaluation of whether further opportunity for competition among gas suppliers would be desirable. In this regard, the Commission also specifically requests comments as to whether the WACOG test might create special difficulties for pipelines heavily reliant on Canadian imports or on imported LNG that would make pricing adjustments for those pipelines appropriate.

C. Kinds of Gas Qualifying

Currently, the Tenneco, Transco and Columbia special marketing programs are restricted to gas contractually committed to jurisdictional pipeline purchasers on or before November 10, 1983, the issue date of the orders authorizing the current programs. The Commission is interested in determining whether relieving this restriction would enhance gas-to-gas competition in the natural gas markets. For example, special marketing programs could be allowed to also include off-system, non-released gas; or expanded to include OCS gas regardless of where the markets are located. However, because some gas (primarily sections 104 and 106 gas) will not be deregulated in 1985 and 1987, it may be appropriate to exclude such gas from any expanded special marketing programs, thereby preserving its pricing advantages to a pipeline's core customers. Similarly, expansion of the special marketing programs to additional gas supplies could increase the potential for drainage, depending upon which producers are successful in marketing their gas supplies. The Commission requests comments and suggestions on all aspects of these observations.

D. Take-or-Pay and Minimum Bill Provisions

In the November 10 orders, the Commission required that producers offering gas into any special sales program must release the pipeline to which the gas was contractually obligated from take-or-pay liabilities, if any, for such volumes. This determination is based on the Commission's conclusion that the release from take-or-pay liability is a

principal benefit to on-system customers and should be a non-negotiable item in any formulation of a Commission-approved marketing plan. However, the Commission requests comments as to the impacts of take-or-pay requirements and under what circumstances, if any, it would be appropriate in approving any marketing program to omit entirely or at least relax the condition that a producer must credit all gas moved under the program against the releasing pipeline's take-or-pay liability to that producer.

The Commission also seeks comments on the crediting of volumes transported under a marketing program against purchasing customers' minimum commodity bill requirements. The question of commodity minimum bills imposed upon distributor customers by interstate pipeline tariffs is the subject of a pending notice of proposed rulemaking.[9] However, until such time as a final rule may be adopted in that proceeding, it is possible that the take-or-pay relief obtained from producers would not be flowed through to release distributors from minimum bill or minimum take requirements. Hence, the November 10 orders require that gas delivered by a pipeline to a distributor or a distributor's customers be credited against minimum bill tariff requirements, in order to protect remaining system supply customers of a distributor from bearing charges that do not reflect the cost relief accorded to a pipeline by a special marketing program approved by the Commission. However, the Commission invites comments as to any anticompetitive impacts of minimum bill requirements and whether this objective can be achieved in the absence of a requirement that a pipeline that transports direct sale gas must credit that gas against its customers' minimum bill liabilities.

E. Other Criteria

1. *Order of Sales.* The November 10 orders state that if more gas than can be sold is tendered for inclusion in a special marketing program, the gas representing the greatest cost relief to on-system customers should be sold first. This criterion, which applies to the Tenneco program as well as the Transco and Columbia marketing programs, is intended to maximize the benefits to on-system customers. This restriction is easiest to apply in cases, such as Transco's program, where all the gas is sold by the producers at a single price. However, when the price to special marketing customers is to be negotiated on a transaction-by-transaction basis, it is more difficult to assure that the cost relief, including both price concessions and take-or-pay relief, is the determining factor in deciding which transactions go forward. As a result, this criterion might be applied more broadly, under such circumstances, to require that NGPA section 107 gas be sold before section 102 or 103 gas. Comments are requested with respect to situations where the price of specially marketed gas is set on a transaction-by-transaction basis, as well as with respect to any other circumstances under which the sale of less expensive gas first might be justified.

2. *Equal Access for Producers.* It is also the Commission's position that a pipeline generally must offer equal access to all producers, consistent with the other special marketing program criteria, *viz*, the pipeline may first transport the gas for which it receives take-or-pay relief. The Commission recognizes, however, that inherent tension between direct sales arrangements and special marketing programs are inevitable. Therefore, the November 10 orders require the pipeline to transport gas sold by similarly situated producers on equal terms. The Commission is particularly concerned that a pipeline not grant a preference to its own production affiliate. However, comments are requested generally as to under what circumstances varying degrees of access to a special marketing program among producers would be appropriate.

IV. Request for Public Comment

The Commission invites interested persons to submit comments, data, views and other information concerning the matters set out in this notice. An original and 14 copies of such comments must be received by the Commission before 5:00 p.m., Wednesday, February 22, 1984. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM84–7–000.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

V. Public Conference

The Commission has determined to also provide an opportunity for the oral presentation of data, views and arguments on the matters discussed in this notice. A public hearing will be held in Washington, D.C., on Thursday, March 1, 1984. The hearing will be held at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., and will begin at 10:00 a.m., local time.

Requests to participate in the hearing must be received by February 15, 1984, and should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. Requests should reference Docket No. RM84–7 and should indicate the name of the person who will be making the presentation, a phone number at which that person may be contacted, and the amount of time requested for the presentation.

The number of the room in which the hearing will be held will be available in the Commission's Office of Public Information prior to the hearing on the morning of the hearing.

The hearing will not be a judicial or evidentiary-type hearing, and there will be no cross examination of persons presenting statements. The presentation will be made before a panel whose members will be designated by the Chairman of the Commission. Members participating on the panel before whom the presentations are made may ask questions. If time permits, they may also ask such relevant questions as are submitted to them by the participants. Other procedural rules relating to the hearing will be announced at the beginning of the proceeding. A transcript of the hearing will be made, and a copy of that transcript will be placed in the public file for Docket No. RM84–7–000 and made available for inspection at the Commission's Office of Public Information in Room 1000, 825 North Capitol Street, NE., Washington, D.C.

(Natural Gas Policy Act of 1978; 15 U.S.C. 3301–3432 (Supp. V 1981); Natural Gas Act, 15 U.S.C. 717–717w (1976 and Supp V 1981))

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2028 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[9] Elimination of Variable Costs from Certain Natural Gas Pipeline Minimum Commodity Provisions, 48 FR 39,238 (August 30, 1983).

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18 CFR Part 270

[Docket No. RM84–6–000]

Refunds Resulting From Btu Measurement Adjustments

Issued: January 19, 1984.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing a notice of inquiry to obtain public comment on refund procedures for refunds resulting from Btu measurement adjustments. The Commission requests comments on a number of procedures it could adopt to monitor refund payments and to insure these refund payments are passed through to customers served by interstate gas pipelines.

DATE: Written comments must be received on or before February 27, 1984.

ADDRESS: Comments must be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments must reference Docket No. RM84–6–000.

FOR FURTHER INFORMATION CONTACT: Nancy M. Rizzo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

On August 9, 1983, the United States Court of Appeals for the District of Columbia Circuit vacated the Commission's regulations in 18 CFR 270.204.[1] Those regulations described the method used to calculate the energy content of natural gas (measured in term of British thermal units (Btu's)) sold pursuant to the Natural Gas Policy Act of 1978 (NGPA).[2]

Sections 270.204 (a) and (b) required that the Btu content of the natural gas be determined on the basis of the quantity of Btu's that would result if the gas were at certain "standard test conditions." [3] Once the Btu content of the natural gas was determined on the basis of the test conditions prescribed by § 270.204 (a) and (b), § 270.204(c) permitted an adjustment to that determination to reflect the Btu's actually delivered to the pipeline system. The gas delivered to a pipeline almost never contains the amount of water vapor that would result at the "standard test conditions." [4] Thus, a given volume of gas contains a greater quantity of Btu's than the standard test conditions would indicate. As a result, the Commission's regulations permitted an adjustment to reflect the actual energy content of the gas delivered.

The D.C. Circuit Court of Appeals determined that this pricing methodology is inconsistent with the price adjustment methodology used under the Natural Gas Act (NGA). Under the NGA, the Commission required that Btu content be determined on the basis of the standard test conditions and it allowed adjustments to the price (expressed in $/Mcf) that incorporated this Btu content. Since the ceiling prices in the NGPA are expressed in $/MMBtu, the Commission believed that an adjustment for actual energy content of delivered gas was warranted. However, the court held that, by enacting the NGPA, Congress did not intend to alter the Btu pricing methodology used under the NGA and that the Commission had no authority to change this methodology.

As a result of the court's opinion lower payments should have been made for gas sold under the NGPA since December 1, 1978. Thus, any seller that priced its gas on the basis of the actual Btu content of the gas delivered to the pipeline was overpaid and must refund the overpayments.[5] Although the D.C. Circuit's decision may be appealed to the Supreme Court, at this time the D.C. Circuit's decision is effective because its mandate was issued on December 8, 1983. Accordingly, the Commission is required to adhere to that mandate and develop procedures to implement the court's decision.

III. Discussion

The Commission is issuing this Notice of Inquiry to obtain public comment on a number of procedures it could adopt to monitor the refund payments and insure these refunds are passed through on an equitable basis to customers served by interstate gas pipelines.[6] The Commission invites comments on these procedures and suggestions for alternative procedures. Based on the record developed, the Commission will initiate a Notice of Proposed Rulemaking.

Because the refunds may involve large dollar amounts, the Commission believes that these refund payments must be monitored. Interstate pipeline companies have the requisite information and records to determine which producers have been overpaid. The Commission is considering requiring the interstate pipelines to actively monitor these refunds and to file with the Commission refund reports for the refunds recovered. In addition, the Commission is considering permitting the pipelines to recover these refunds through billing adjustments to the producers' accounts, provided that interest is calculated pursuant to § 154.67(c) of its regulations.

The Commission notes that these procedures would not relieve the first sellers of their obligations under the NGPA and the Commission's regulations to make refunds. Rather, the Commission recognizes that the interstate pipelines have a responsibility to participate in recovering the large amount of refunds owed in this situation.

The Commission is also concerned with how the interstate pipelines should pass through these refunds to their respective customers.[7] The Commission could require each interstate pipeline to submit a refund plan. This refund plan could be reviewed and implemented on a pipeline-by-pipeline basis. While the refunds could be made on a "lump-sum" basis, in accordance with the refund provisions in the pipelines' respective tariffs, the Commission recognizes that because of the large sums involved, it

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[1] Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission (INGAA), 716 F.2d 1 (D.C. Cir. 1983). The court issued its mandate on December 8, 1983. On December 30, 1983, Chief Justice Burger denied, without prejudice, requests for stay of the mandate filed by the Commission and other parties. On January 17, 1984, the Commission filed a petition for writ of certiorari and a motion to stay the mandate with the United States Supreme Court.

[2] Rules Generally Applicable to Regulated Sales of Natual Gas, 45 FR 49,077 (July 23, 1980) (Order No. 93); Order Denying Reheairng and Clarifying Order No. 93, 46 FR 24537 (May 1, 1981) (Order No. 93–A).

[3] More specifically, § 270.204 of the regulations established the procedure and standard conditions for determining the Btu content of natural gas. The Btu content of a cubic foot of natural gas is the number of Btu's produced by the combustion, at constant pressure, of the amount of gas saturated with water vapor which would occupy a volume of 1.0 cubic feet at a temperature of 60° Fahrenheit and under a pressure equivalent to that of 30.00 inches of mercury at 32° Fahrenheit and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas when the products of combustion are cooled to the initial temperature of the gas and air, and when the water formed by combustion is condensed to the liquid state. 18 CFR § 270.204 (1983).

[4] At the prescribed standard test conditions, the gas would contain about 820 pounds of water vapor per million cubic feet (MMcf) of total gas. Under most actual pressure and temperature delivery conditions, it is physically impossible for the gas to contain 820 pounds of water vapor per MMcf of total gas. In fact, a large number of pipeline-producer gas purchase contracts specify that the producer shall not deliver gas to the pipeline containing more than 7 pounds of water vapor per MMcf of total gas.

[5] Section 270.101(e) imposes a general refund obligation on any person that receives a price in excess of the maximum lawful price under the NGPA. 18 CFR 270.101(e) (1983).

[6] These refund procedures will only be applicable to overpayments resulting from the Btu calculations that should have been made from December 1, 1978 to the effective date of the Commission's Interpretive Rule in Docket No. RM80–33–001, issued in conjunction with this Notice of Inquiry.

[7] The Commission recognizes that it does not have jurisdiction over the intrastate pipelines in this matter and requests comments on how to insure that intrastate pipelines will pass through these refunds to its customers.

may be more appropriate to amortize these amounts over some specific time period. The most appropriate method could depend, for example, on the amount of the refund, the number of jurisdictional customers affected by the refund, and the pattern in which the overpayments were assessed on the customers.

Also, the Commission has the option of using the general refund provisions applicable to the purchased gas adjustment (PGA) proceedings in § 154.38(d) to require the pass-through of refund amounts to the pipelines' jurisdictional customers. This procedure would require most pipelines to pass through the entire refund over a six month period. The Commission recognizes that this procedure may not be appropriate for two reasons. First, the pipelines will receive a substantial amount of money from these refunds accumulated over a period longer than six months. Second, a refund passed through over a six month period may not appropriately benefit all of a pipeline's customers due to the seasonal demand for natural gas.[8]

The Commission requests comments and suggestions on these and other aspects of implementing these refund procedures.

IV. Request for Public Comment

The Commission invites interested persons to submit comments, data, views and other information concerning the matters set out in this notice. An original and 14 copies of such comments must be received by the Commission on or before February 27, 1984. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washignton, D.C. 20426, and should reference Docket No. RM84–6–000.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washignton, D.C., 20426, during regular business hours.

List of Subjects in 18 CFR Part 270

Natural gas, Wage and price controls.

(Natural Gas Policy Act of 1978; 15 U.S.C. 3301–3432 (Supp. V 1981); Natural Gas Act, 15 U.S.C. 717–717w (1976 and Supp V 1981))

[8] Because a pipeline's summer customers are primarily industrial users and its winter customers are primarily residential users, a six month refund period could unfairly exclude one group.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2027 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Withdrawal of Proposed Customs Regulations Amendment Relating To Filing of Coastwise Cargo Declaration

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws a proposed amendment to the Customs Regulations relating to vessels in the coastwise trade which touch at an intermediate forign port or ports. The proposal would have amended the Customs Regulations by providing an alternative procedure so that a vessel operator may file the required coastwise cargo declaration for certification after the vessel's departure from the United States port of lading. Upon further review of the proposal in light of Customs law enforcement responsibilities, it has been determined not to proceed with the proposal.

DATE: Withdrawal effective January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Donald H. Reusch, Carriers, Drawback and Bonds Division (202–566–5708); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, the coastwise trade involves the transportation by vessel of merchandise or passengers between points in the United States embraced within the coastwise laws. These points include ports and places in the United States, its territorial waters, and nearly all of the territories and possessions of the United States.

The Customs Regulations provide that a certified coastwise Cargo Declaration must be used to identify the merchandise to be transported from the port of lading in the United States via the foreign port or ports to the subsequent ports in the United States. Under current procedures, this cargo declaration must be presented to Customs for certification and returned to the master of the vessel before the vessel can depart from the United States port of lading. Because this has on occasion prevented a vessel from departing timely, on April 18, 1983, Customs published a notice in the **Federal Register** (48 FR 16503) proposing to amend § 4.82(b) to provide alternative procedure which would permit a vessel to depart the port of lading in the United States before presentation of the coastwise Cargo Declaration to Customs for certification.

While the comments received in response to the notice were in support of the change, upon further review of the matter in light of Customs law enforcement responsibilities, it has been determined to withdraw the proposal.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84–2196 Filed 1–25–84; 8:45 am]

BILLING CODE 4820–02–M

19 CFR Part 146

Withdrawal of Proposed Customs Regulations Amendment Relating To Admission Into Foreign-Trade Zone of Merchandise From Customs Bonded Warehouse

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document withdraws the proposed amendment to the Customs Regulations to allow imported merchandise withdrawn from a Customs bonded warehouse to be admitted into a foreign-trade zone without restriction for use in manufacturing operations. That merchandise will continue to be restricted and must be exported from the United States, destroyed, or merely stored in a foreign-trade zone. It cannot be used to manufacture a product in a zone.

DATE: Withdrawal effective on January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Russell A. Berger, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, NW. Washington, D.C. 20229 (202–566–5856).

SUPPLEMENTARY INFORMATION:

Background

Foreign-trade zones ("zone") are established under the Foreign Trade

Zones Act of 1934, as amended (FTZA) (19 U.S.C. 81a–81u) and the general regulations and rules of procedure of the Foreign-Trade Zones Board contained in 15 CFR Part 400. Part 146, Customs Regulations (19 CFR Part 146), governs the admission of merchandise into a zone; manipulation, manufacture, or exhibition of merchandise in a zone; exportation of merchandise from a zone; and transfer of merchandise from a zone into the customs territory of the United States ("customs territory").

Foreign or domestic merchandise may be admitted into a zone for, among other things, manipulation, manufacture, assembly, or other processing, or for storage or exhibition, provided these operations are not otherwise prohibited by law. Normal customs entry procedures and payment of duty are not required for merchandise located in a zone unless and until the merchandise is removed from a zone and entered into the customs territory.

In response to a petition from a member of the public challenging the restrictive nature of § 146.25(d), Customs Regulations (19 CFR 146.25(d)), relating to the treatment of certain zone merchandise, Customs published a notice in the **Federal Register** on May 13, 1982 (47 FR 20627), proposing to amend that section of the regulations. As proposed, § 146.25(d) would have been amended to allow imported merchandise withdrawn from a Customs bonded warehouse to be admitted into a zone without restriction for use in manufacturing operations.

As presently written, § 146.25(d) specifies that merchandise entered for warehousing under section 557(a), Tariff Act of 1930, as amended (19 U.S.C. 1557(a)), and thereafter transferred to a zone shall have the status of "zone-restricted merchandise". This means that the merchandise may be taken into the zone only for the purpose of exportation, storage, or destruction. Consequently, such merchandise may not be used in the zone in manufacturing operations.

Discussion of Comments

A total of 24 comments were received in response to the notice, 20 of which favored the proposal. Those commenting favorably stated that adoption of the proposal will allow greater flexibility in distributing merchandise to a zone depending upon existing commercial needs and will generally enable more efficient and economical utilization of zones, which accords with Congressional intent to stimulate American business and labor by facilitating the conduct of any lawful activity in a zone.

Four commenters were opposed to the proposal. One commenter was opposed to the possibility of heretofore zone-restricted merchandise being used in a particular manufacturing operation in a zone. Another commenter objected to the proposal because it is contended that to increase manufacturing in zones only dislocates established small businesses and does not create jobs, but only transfers existing jobs into zones. Finally, two other commenters were opposed to the proposal on legal grounds, *i.e.*, construction of the statutory language of 19 U.S.C. 1557(a) in light of the Congressional intent (and the plain meaning of the language itself), the restriction pertaining to this type of zone merchandise which is contained in the fourth proviso to 19 U.S.C. 81c, and the rational correlation between 19 U.S.C. 1557(a) and 19 U.S.C. 1562 that would be destroyed if the proposal were adopted. Parenthetically, an internal Customs comment noted that adoption of the proposal could effectively defeat the 5-year maximum warehousing period prescribed by law.

Customs has carefully reviewed and considered each of the comments. Although the negative comments do constitute a minority of those received, Customs believes they have significant merit and point out persuasive legal impediments to adoption of the proposal. In addition, it is clear that administrative precedent, *e.g.*, Customs Service Decisions 79–204 and 81–88, has consistently held that merchandise transferred from a bonded warehouse to a zone may be admitted only in zone-restricted status.

Withdrawal of Proposal

In view of the foregoing, and after consideration of the comments received and further review of the matter, Customs has determined to withdraw the notice of proposed rulemaking published in the **Federal Register** on May 13, 1982 (47 FR 20627).

Drafting Information

The principal author of this document was Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, U.S. Cusoms Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner of Customs.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84–2197 Filed 1–25–84; 8:45 am]

BILLING CODE 4820–02–M

19 CFR Part 175

Receipt of Domestic Interested Parties Petition Concerning Tariff Classification of Assemblies of Color Television Receivers Which Include a Color Television Picture Tube

AGENCY: Customs Service, Treasury.

ACTION: Notice of receipt of domestic interested parties petition.

SUMMARY: Customs has received a petition from domestic interested parties requesting the reclassification of imported assemblies of color television receivers which include a color television picture tube. An imported color television picture tube included in each assembly of color television receivers is currently classifiable for duty purposes under the provision for television receivers and parts thereof, having a picture tube, color, in item 685.14, Tariff Schedules of the United States (TSUS, 19 U.S.C. 1202). The petitioners contend that the color television picture tube should be classified under the provision for television picture tubes, color, in item 687.35, TSUS, and thus, subject to a higher rate of duty. This document invites comments with regard to the correctness of the current classification.

DATE: Comments must be received on or before March 26, 1984.

ADDRESS: Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Simon Cain, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–2938).

SUPPLEMENTARY INFORMATION:

Background

A petition dated September 19, 1983, was filed with the Customs Service under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), by 4 labor organizations representing American workers engaged in the manufacture and production of color television picture tubes directly comparable to the imported color television picture tubes which are the subject of the petition. The petitioners contend that an imported color television picture tube, included in each assembly of color television receivers, which is currently classified by Customs as an unfinished article under the provision for television receivers and parts therefore, having a picture tube, assemblies (including kits

containing all parts necessary for assembly into complete receivers), color, in item 685.14, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), is more appropriately classified under the provision for television picture tubes, color, in item 687.35, TSUS. The current rate of duty for merchandise classified under item 685.14, TSUS, is 5 percent ad valorem and the current rate of duty for merchandise classified under item 687.35, TSUS, is 15 percent ad valorem.

The petitioners' claim for reclassification states that there is no legal basis for the existing tariff classification of items 685.11–685.14, TSUS, that such classification should be disregarded in duty classification determinations, and that the original tariff classifications enacted by Congress in 1962 are presently the only lawful classifications for television apparatus and parts thereof.

Alternatively, petitioners contend that the U.S. Customs Service improperly classified the color television picture tubes as part of a single article: "assemblies" (including kits) having a picture tube, from Mexico under item 685.14, TSUS. Petitioners contend that these color television picture tubes should be classified separately as products from Japan under item 687.35, TSUS.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on the petition and the correctness of Customs classification of these articles.

The domestic interested parties petition and all comments received in response to this notice will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between the hours of 9:00 a.m. to 4:30 p.m. on normal business days, at the Regulations Control Branch, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

George C. Corcoran, Jr.,

Acting Commissioner of Customs.

Approved: January 12, 1984.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 84-2195 Filed 1-25-84; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 14

[Docket No. R-84-1039; FR-1547]

Implementation of the Equal Access to Justice Act in Administrative Proceedings

AGENCY: Office of General Counsel, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: HUD proposes a regulation implementing 5 U.S.C. 504, as added by section 203(a) of the Equal Access to Justice Act, as it pertains to HUD. The Act requires Federal agencies that conduct certain adversary adjudications between October 1, 1981 and September 30, 1984 to award fees and other expenses incurred in connection with the proceeding to qualified parties which prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified, (2) special circumstances make an award unjust, or (3) the prevailing party engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. This proposed rule will establish procedures for the submission and consideration of applications for awards of fees and expenses in connection with adversary adjudications conducted by HUD.

DATE: Comment due Date: March 26, 1984.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Harold Levy, Office of General Counsel, Department of Housing and Urban Development, Room 9234, Washington, D.C. 20410, telephone 202/755-7260. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 203(a) of the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (the "Act"), amended title 5 of the United States Code by adding a new section 504, which provides for the award of fees and other expenses to parties which prevail over the Federal government in certain administrative adjudications under 5 U.S.C. 554. The act requires agencies to establish uniform procedures for the submission and consideration of applications for these awards. This proposed rule primarily follows the model rules issued on June 25, 1981 (46 FR 32900) by the Administrative Conference of the United States pursuant to its consultative role under section 504. Certain modifications have been made to adapt the model rules to the responsibilities and organization of the Department and to reflect consideration of the Department of Justice's final rule (28 CFR Part 24) issued on April 13, 1982 (47 FR 15774), implementing the Act for its proceedings.

The proposed rule is divided into three subparts. Subpart A contains general provisions setting forth the purpose of the rule, the terms used, proceedings covered, applicability to HUD proceedings, eligibility of applicants, standards for awards, and allowable fees and other expenses.

Subpart B specifies the information required as part of the application for award. Subpart C sets out the procedures for consideration of applications, review of decisions on fee applications, and payment of awards.

The Act applies only to adjudications under 5 U.S.C. 554, and thus does not apply to those Departmental proceedings not required by statute. Section 14.115(a) identifies the adversary adjudications which the Department is required by statute to conduct under 5 U.S.C. 554: all adjudications under the Interstate Land Sales Full Disclosure Act, Pub. L. 90-448, 15 U.S.C. 1701; and adjudications of alleged discrimination under Title VI of the Civil Rights Act of 1964, Pub. L. 88-352, 42 U.S.C. 2000d-2000d-5, the Rehabilitation Act of 1973, Pub. L. 93-112. 29 U.S.C. 701 and the Age Discrimination Act of 1975, Pub. L. 94-135, 42 U.S.C. 6101. Adjudications conducted before termination, reduction or limitation of assistance under section 111 of title I of the Housing and Community Development Act of 1974 are also required by statute to be

conducted under 5 U.S.C. 554. However, since the respondent in these proceedings would be a governmental entity and thus ineligible to receive an award under the Act (see § 14.120(b)(5)), these proceedings have been excluded from coverage under this rule.

Below is a discussion of the principal differences between the Department's proposed rule and the model rules issued by the Administrative Conference of the United States. References to regulation sections with the prefix § 14.- are to the HUD proposed rule; with the prefix § 0.- are to the Administrative Conference of the United States model rules; and with the prefix § 24.- are to the Department of Justice final rule.

Section 14.110 of the Department's proposed rule makes clear that, with respect to proceedings pending but not completed on September 30, 1984, eligible fees and expenses include those incurred both before and after that date. This provision is supported by the legislative history of the Act and is consistent with the Department of Justice's final rule and the model rules. (See § 24.104 of the Department of Justice's final rule and § 0.102 of the model rules.)

Section 14.115(a) simplifies the comparable language in § 0.103 of the model rules, which describes proceedings covered by the Act. This is a technical change to reflect the fact that the provision's substance is contained in a new § 14.50 and the Department is not engaged in either ratemaking or licensing pursuant to adjudicatory proceedings. Paragraph (b) of § 0.103 of the model rules states that an agency may designate a proceeding not listed in the rule as an adversary adjudication for purposes of the Act, and also states that the agency's failure to so designate a proceeding as an adversary adjudciation shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act. This paragraph of the model rules has been deleted from § 14.103 of the Department's rule, because the Department is not involved in a substantial number of adversary adjudications and members of the public have an opportunity both to comment on the proposed rule (including the Department's determination of the proceedings covered by the Act in this rulemaking) and to raise in any Departmental adversary proceeding not identified in the rule the issue of whether the rule should apply to that proceeding.

Section 14.120(b)(5) clarifies that governmental entities are not eligible to receive awards of attorney fees and other expenses under this rule. In testimony before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, Senator deConcini, a principal sponsor of the legislation, stated that governmental bodies were not intended to be covered by the Act. *House hearings before the Subcommittee on Courts, Civil Liberties and the Administration of Justice*, May 20 and June 24, 1980, 96th Cong., 2d Sess. at 31–32. Based on this testimony and the general Congressional intent reflected in the legislative history for the Act to benefit small businesses, the rule makes clear that governmental bodies are not eligible for awards under the Act.

Section 14.125(a) includes a sentence added by the Department of Justice in its final rule under the Act at 28 CFR 24.106(a), to the effect that no presumption arises that the agency's position was not substantially justified simply because the agency did not prevail. This is a clarifying change, and its addition comports with the legislative history of the Act. (*See*, e.g., H.R. Rep. No. 96–1418, 96th Cong., 2d Sess. at 14 (1980)).

The Department's proposed rule does not contain § 0.107(a) of the model rules, which states that the agency may adopt regulations providing that attorneys fees may be awarded at a rate higher than $75 per hour. The Department prefers instead to use the approach contained in § 0.107(b) of the model rules, under which any person may file with the Department a petition for rulemaking to increase the maximum rate for attorney fees. This provision (in §14.135) makes clear that in its rulemaking the Department will act on the basis of the statutory standard set forth at 5 U.S.C. 504(b)(1)(A). Section 14.135 of the Department's rule also simplifies paragraph (b) of § 0.107 of the model rules by cross-referencing the Department's general rulemaking procedures.

Section 0.109 of the model rules, delegating authority within an agency to take final action on matters pertaining to the Act, has been stricken from the Department's rule because it is the Department's policy to publish delegations of authority in the **Federal Register** as public notices rather than as provisions of rules which will become codified. This policy avoids the need for amendments to rules whenever a Departmental reorganization or change in delegation of authority occurs.

Section 14.200(b) modifies the comparable subsection of § 0.201 of the model rules by defining more precisely the Act's requirements for determining an applicant's net worth. It also includes a paragraph (c) not found in the model rules, requiring certain applicants, consistent with the Act, to provide information on the number of their employees and nature of their business. Both of these are technical, clarifying changes, and conform with similar changes found at 28 CFR 24.201 of the Department of Justice's final rule. Section 14.200(f) of the Department's rule modifies the language of § 0.201(e) of the model rules to conform the language of the Department's rule with that of § 24.201(f) of the Department of Justice's final rule. The change requires that the applicant or an authorized officer sign the application with respect to the eligibility of the applicant, and that the attorney of the applicant sign the application with respect to fees and expenses sought. In addition, the change requires an affirmation that the information provided (including all accompanying material) is not only true but also complete to the best of the signer's information and belief. The change helps assure care and accuracy by the applicant in its preparation of an application for an award.

Section 14.205 of the Department's proposed rule includes a paragraph (b) not found in § 0.202 of the model rules. The new paragraph conforms with 28 CFR 24.202(b) of the Department of Justice's final rule. The addition requires the submission of data which will enable the adjudicative officer to determine whether an applicant for an award has manipulated its net worth in order to establish eligibility for an award under the Act and the proposed rule. Section 14.205(c) includes a sentence indicating that disclosure of information in the net worth exhibit shall be subject to the provisions of the Privacy Act of 1974 and the Department's regulations thereunder.

Section 14.210 elaborates upon § 0.203 of the model rules in a manner consistent with 28 CFR 24.203 of the Department of Justice's final rule. The added provisions require that the attorney, agent, or expert witness submit an affidavit setting forth detailed information on the services performed, rates charged, and expenses incurred, and that information on comparable rates be included in the affidavit in order to justify the rates claimed. The change will help assure responsible and accurate reporting in the application and the submission of information useful in determining an appropriate award under the Act and the proposed rule.

Section 14.215(a) states that an application may be filed whenever the applciant has prevailed in the proceeding or in a significant and

discrete substantive portion of the proceeding, but in no case later than 30 days after the Department's final disposition of the proceeding or 30 days after the effective date of this Part, whichever is later. The latter exception has been added so that parties to proceedings which have reached final disposition before the effective date of this Part will not be precluded from filing an application under this Part.

Section 14.215(c) of the Department's rule simplifies the comparable provision of § 0.204 of the model rules. The model rules define "final dispositio" in terms of the latest of the date on which a decision on the merits by an adjudicative officer or intermediate review board becomes final, the issuance of an order disposing of any petitions for reconsideration, the last date upon which such a petition for reconsideration could have been filed, or the issuance of a final order or other resolution (such as settlement or voluntary dismissal) which is not subject to a petition for reconsideration. Section 14.215(c) conforms more closely with 28 CFR 24.204(b) of the Department of Justice's final rule. However, § 14.215(c) omits reference to "the date on which a petition for rehearing or reconsideration is disposed of" to reflect the absence of procedures for reconsideration of final agency decisions in the Department's review of appeals procedures applicable to the underlying adversary adjudications referred to in § 14.115(a) of the Department's rule.

A new § 14.300 has been added which does not appear in the model rules. The new section states that any provision of the Department's rules and regulations limiting or terminating the jurisdiction of an adjudicative officer upon the effective date of his or her decision in the underlying proceeding shall not affect his or her jurisdiction to render a decision under the Act. The addition is needed to preserve the jurisdiction of the adjudicative officer to render a decision under this Part after the decision in an adjudication under the Interstate Land Sales Full Disclosure Act. (See 24 CFR 1720.535(b).)

Section 14.310(a) of the Department's proposed rule modifies the same provision of § 0.302 of the model rules to conform the last sentence with the language of 28 CFR 24.302(a) of the Department of Justice's final rule. The model rules state that failure of agency counsel to file an answer or otherwise respond to the application within 30 days may be treated as a consent to the award requested. The Department's rule permits the adjudicative officer to make an award under the Act where agency counsel has failed to respond within the 30-day period only upon a satisfactory showing of entitlement by the applicant. The change is deemed necessary in order to avoid any implication that a failure by agency counsel to answer or contest the application for an award precludes a determination by the adjudicative officer of the eligibility of the applicant for an award under the Act.

The Department's rule deletes § 0.303 of the model rules. That section of the model rules allows the applicant to file a reply to the agency answer within 15 days, and states that if the reply is based on any alleged facts not already in the record of the proceeding, the applicant must include either supporting affidavits or a request for further proceedings. The deletion makes the rule consistent with the Department's applicable procedures in the underlying adversary adjudications.

Section 0.305 of the model rules provides that the applicant and the agency's counsel may agree on a proposed settlement of the award in accordance with the agency's standard settlement procedure. Section 14.320 of the Department's rule modifies this section to reflect that the Department has no single standard settlement procedure. Instead, the rule provides that any settlement would be arrived at in accordance with the settlement procedures applicable to the underlying proceeding.

Section 14.325 of the Department's rule adds a new paragraph (a). This paragraph provides that the adjudicative officer may on motion and for good cause shown grant extensions of time other than for filing an application for fees and expenses after final disposition in the adversary adjudication. This change conforms with 28 CFR 24.305(a) in the Department of Justice's final rule, and is consistent with § 14.310 of the Department's rule and § 0.302 of the model rules which contemplate the possibility of requests to the adjudicative officer for extensions of time to file responsive pleadings.

Section 14.330 of the Department's rule provides that the adjudicative officer shall issue an initial decision on the application within 30 days after completion of the proceedings on the application, and states that the decision must contain written findings and conclusions on the matters specified. The rule modifies § 0.307 of the model rules to substitute language from 28 CFR 24.306 of the Department of Justice's final rule to state more clearly the various issues on which the adjudicative officer is likely to be called upon to rule.

Section 14.335 of the Department's rule modifies § 0.308 of the model rules so that the procedures applicable to review of decisions of adjudicative officers under the Act parallel the Department's review or appeals procedures applicable to the underlying adversary adjudications. For example, the model rules state that if neither the applicant nor the agency counsel seeks review and the agency does not take review on its own initiative, then the initial decision on the application shall become a final decision of the agency within 30 days after it is issued; the Department's rule states that the initial decision will become a final decision of the Department in the same manner as a decision in the underlying proceeding becomes final.

Section 14.345 of the Department's rule modifies § 0.310 of the model rules to conform the section more closely with 28 CFR 24.309 of the Department of Justice's final rule. The model rules require the agency to pay the amount awarded to the applicant within 60 days unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or other party to the proceeding. The Department's rule does not contain this 60-day requirement. The change avoids the creation of any duty not found in the Act regarding payment of an award. Also, in identifying the submissions which must accompany a request for payment the section tracks more closely the language of the Act. If a court reviews a Departmental decision on a fee application pursuant to 5 U.S.C. 504(c)(2), then the applicant must submit a copy of the court's decision under § 14.345. Otherwise the applicant submits a copy of the final decision of the Department.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) 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.

This rule is listed at 48 FR 18056 as item S-3-82 in the Department's Semiannual Agenda of Regulations published on April 25, 1983, pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment has been made in accordance with 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190). The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act, Pub. L. 96-354), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, since the number of proceedings covered by the rule is extremely small.

The Catalog of Federal Domestic Assistance program numbers are 14.218, 14.219, 14.223, 14.225, 14.227, 14.228, 14.400, and 14.801.

List of Subjects in 24 CFR Part 14

Equal access to justice lawyers.

Accordingly, Title 24 of the Code of Federal Regulations is proposed to be amended by adding a new Part 14 to read as follows.

PART 14—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS

Subpart A—General Provisions

Sec.

14.50 Definitions.
14.100 Time Computation.
14.105 Purpose of these rules.
14.110 When the Act applies.
14.115 Proceedings covered.
14.120 Eligibility of applicants.
14.125 Standards for awards.
14.130 Allowable fees and expenses.
14.135 Rulemaking on maximum rates for attorney fees.
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Subpart B—Information Required From Applicants

14.200 Contents of application.
14.205 Net worth exhibit.
14.210 Documentation of fees and expenses.
14.215 When an application may be filed.

Subpart C—Procedures for Considering Applications

14.300 Jurisdiction of Adjudicative Officer.
14.305 Filing and service of documents.
14.310 Answer to application.
14.315 Comments by other parties.
14.320 Settlement.
14.325 Extensions of time and further proceedings.
14.330 Decision.
14.335 Agency review.
14.340 Judicial review
14.345 Payment of award.

Authority: Section 504(c)(1), The Equal Access to Justice Act, 5 U.S.C. 504(c)(1); Section 7(d), the Department of HUD Act, 42 U.S.C. 3535(d).

Subpart A—General Provisions

§ 14.50 Definitions.

As used in this Part:

(a) "Act" means section 504 of title 5, United States Code, as added by section 203(a) of the Equal Access to Justice Act, Title II of Pub. L. 96-481.

(b) "Adjudicative officer" means the hearing examiner, administrative law judge or other officer designated by the Secretary or other responsible Department official to preside over the underlying proceeding.

(c) "Adversary adjudication" means an adjudication under 5 U.S.C. 554 in which the position of the United States is represented by counsel or otherwise, but excludes an adjudication for the purpose of establishing or fixing a rate or for the purpose of granting or renewing a license.

(d) "Agency counsel" means:

(1) When the position of the Department is being represented, the one or more attorneys designated by the Department's General Counsel to represent the Department in a proceeding covered by this Part, and

(2) When the position of another agency of the United States is being represented, the representative as designated by that agency.

(e) "Department" means the Department of Housing and Urban Development, or (as the context requires) the organizational unit within the Department responsible for conducting an adversary adjudication subject to this Part.

(f) "Secretary" means the Secretary of Housing and Urban Development.

§ 14.100 Time Computation.

Time periods stated in this Part shall be computed in accordance with the Department's rules with respect to computation of time which apply to the underlying proceeding.

§ 14.105 Purpose of these rules.

The Act provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings before the Department (defined in the Act and this Part as "adversary adjudications"). An eligible party may receive an award when it prevails over an agency, unless the agency's position as a party in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this Part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards and the procedures and standards that the Department will use to make them.

§ 14.110 When the Act applies.

The Act and this Part apply to any adversary adjudication pending before the Department at any time between October 1, 1981 and September 30, 1984. With respect to proceedings pending but not completed on September 30, 1984, eligible fees and expenses include those incurred both before and after that date.

§ 14.115 Proceedings covered.

(a) The proceedings to which this Part applies are adversary adjudications conducted by the Department under:

(1) The Interstate Land Sales Full Disclosure Act, as amended, 15 U.S.C. 1701 et seq., pursuant to 15 U.S.C. 1715 and 24 CFR Part 1720;

(2) Section 602 of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, and 24 CFR Parts 1 and 2;

(3) Section 505(a) of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a, 28 CFR Part 41, and any applicable HUD regulations; and

(4) Section 305(a) of the Age Discrimination Act of 1975, 42 U.S.C. 6104(a), 45 CFR Part 90 and any applicable HUD regulations.

(b) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 14.120 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a prevailing party in the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this Subpart and in Subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act, 12 U.S.C. 1141j(a), with not more than 500 employees; or

(5) Any other partnership, corporation, association, or public or private organization, other than a governmental entity, with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. The net worth shall include the value of any assets which the applicant transfers at less than fair market value for the purpose of qualifying for eligibility under the Act. The applicant shall have the burden of proving that any assets which were transferred for less than fair market value immediately before the initiation of proceedings were not so transferred in order to qualify for eligibility under the Act. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this Part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant who participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 14.125 Standards for awards.

(a) As determined under to Subpart C, a prevailing party may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency as a party over which the applicant has prevailed was substantially justified or special circumstances make the award sought unjust. The burden of proof that an award should not be made to an eligible prevailing applicant is on the agency counsel, who may avoid an award by showing that its position was reasonable in law and fact. No presumption arises that the agency's position was not substantially justified simply because the agency did not prevail.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding.

§ 14.130 Allowance fees and expenses.

(a) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Department pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(b) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for the kind and quality of services furnished in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(c) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 14.135 Rulemaking on maximum rates for attorney fees.

Any person may file with the Department a petition for rulemaking to increase the maximum rate for attorney fees as provided in 5 U.S.C. 504(b)(1)(A)(ii), in accordance with 24 CFR Part 10. The Department will respond to the petition in accordance with 24 CFR 10.20(b).

§ 14.140 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in a proceeding before the Department and takes a position that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 14.200 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Department or other agencies in the proceeding that the applicant alleges was not substantially justified.

(b) The application shall also include a statement that the applicant's net worth as of the time the proceeding was initiated did not exceed $1 million if the applicant is an individual (other than a sole owner of an unincorporated business seeking an award in that capacity) or $5 million in the case of all other applicants, including their affiliates. This requirement and the submission requirement of § 14.205 apply to any applicant which is a public organization and which believes it qualifies for award under the Act and this Part. However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act, 12 U.S.C. 1141j(a).

(c) If the applicant is a partnership, corporation, association, or public or

private organization, or a sole owner of an unincorporated business, the application shall state that it did not have more than 500 employees at the time the proceeding was initiated, giving the number of its employees and describing briefly the type and purpose of its organization or business.

(d) The application shall itemize the amount of fees and expenses for which an award is sought.

(e) The application may also include any other matters that the applicant wishes the Department to consider in determining whether and in what amount an award should be made.

(f) The application shall be signed by the applicant or an authorized officer with respect to the eligibility of the applicant and by the attorney of the applicant with respect to fees and expenses sought. The application shall contain or be accompanied by a written verification under oath or affirmation under penalty of perjury that the information provided in the application and all accompanying material is true and complete to the best of the applicant's or authorized officer's information and belief.

§ 14.205 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 14.120(f) of this Part) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the assets and liabilities of the applicant and its affiliates (if any), and is sufficient to determine whether the applicant qualifies under the standards of the Act and this Part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) The net worth exhibit shall describe any transfers of assets from, or obligations incurred by, the applicant or any affiliate, occurring in the one-year period before the date on which the proceeding was initiated, that reduced the net worth of the applicant and its affiliates below the applicable net worth ceiling. If there were no such transactions, the applicant shall so state.

(c) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant which objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(1)-(9)), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Department's established procedures under the Freedom of Information Act, 24 CFR Part 15. In either case, disclosure shall be subject to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and the Department's procedures implementing the Privacy Act of 1974 at 24 CFR Part 16.

§ 14.210 Documentation of fees and expenses.

(a) The application shall be accompanied by full and itemized documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought.

(b)(1) The documentation shall include an affidavit from any attorney, agent, or expert witness representing or appearing on behalf of the party, stating the actual time expended and the rate at which fees and other expenses were computed and describing the specific services performed.

(2) The affidavit shall itemize in detail the services performed. In order to establish the hourly rate, the affidavit shall state the hourly rate at which the attorney, agent or expert witness bills and is paid by the majority of clients during the relevant time periods. If no hourly rate is paid by the majority of clients because, for instance, the attorney or agent represents most clients on a contingency basis, the attorney or agent shall provide information about two attorneys or agents with similar experience, who perform similar work, stating their hourly rate.

(c) The documentation shall also include a description of any expenses for which reimbursement is sought and a statement of the amounts paid and payable by the applicant or by any other person or entity for the services provided. Vouchers, receipts, and other substantiation for any expenses paid or payable shall be provided.

(d) The adjudicative officer may require the applicant to provide additional substantiation for any expenses claimed.

§ 14.215 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Department's final disposition of the proceeding or 30 days after the effective date of this Part, whichever is later.

(b) If review is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition by the Department of the underlying controversy.

(c) For purposes of this rule, final disposition by the Department means the later of (1) the date on which the final agency decision is issued, or (2) the date of final resolution of the proceeding without a final agency decision, such as settlement or voluntary dismissal, which is not subject to further agency review.

Subpart C—Procedures for Considering Applications

§ 14.300 Jurisdiction of adjudicative officer.

Any provision in the Department's rules and regulations other than this Part which limits or terminates the jurisdiction of an adjudicative officer upon the effective date of his or her decision in the underlying proceeding shall not in any way affect his or her jurisdiction to render a decision under this Part.

§ 14.305 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 14.205(c) for confidential financial information.

§ 14.310 Answer to application.

(a) Within 30 days after service of an application, counsel representing the agency against which an award is sought may file an answer to the application. Agency counsel may

request an extension of time for filing. If agency counsel fails to answer or otherwise fails to contest or settle the application, the adjudicative officer upon a satisfactory showing of entitlement by the applicant may make an award for the applicant's fees and other expenses under the Act.

(b) If agency counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by agency counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of agency counsel's position. If the answer is based on any alleged facts not already in the record of the proceeding, agency counsel shall include with the answer either supporting affidavits or a request for further proceedings under § 14.325.

§ 14.315 Comments by other parties.

Any party to a proceeding other than the applicant and agency counsel may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 14.320 Settlement.

The applicant and agency counsel may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded, in accordance with the settlement procedure applicable to the underlying proceeding. If a prevailing party and agency counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 14.325 Extensions of time and further proceedings.

(a) The adjudicative officer on motion and for good cause shown may grant extensions of time other than for filing an application for fees and expenses after final disposition in the adversary adjudication.

(b) Ordinarily, the determination of an award will be made on the basis of the written record of the underlying proceeding and the filings required or permitted by the foregoing sections of this Part. However, on request of either the applicant or agency counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(c) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 14.330 Decision.

The adjudicative officer shall issue an initial decision on the application within 30 days after completion of proceedings on the application. The decision shall include written findings and conclusions on such of the following as are relevant to the decision: (a) The applicant's status as a prevailing party; (b) the applicant's qualification as a "party" under 5 U.S.C. 504(b)(1)(B); (c) whether the agency's position as a party to the proceeding was substantially justified; (d) whether special circumstances make an award unjust; (e) whether the applicant during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the matter in controversy; and (f) the amounts, if any, awarded for fees and other expenses, with reasons for any difference between the amount requested and the amount awarded. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 14.335 Departmental review.

Either the applicant or agency counsel may seek review of the initial decision on the fee application, or the Secretary (or his or her delegate, if any) may decide to review the decision on his or her own initiative, in accordance with the Department's review or appeals procedures applicable to the underlying proceeding. If neither the applicant nor agency counsel seeks review and the Secretary (or his or her delegate, if any) does not take review on his or her own initiative, the initial decision on the application shall become a final decision of the Department in the same manner as a decision in the underlying proceeding becomes final. Whether to review a decision is a matter within the discretion of the Secretary (or his or her delegate, if any).

§ 14.340 Judicial review.

Judicial review of final agency decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 14.345 Payment of award.

An applicant seeking payment of an award shall submit a copy of the final decision granting the award to: Director, Office of Finance and Accounting, Room 2202, Department of Housing and Urban Development, Washington, D.C. 20410, with a copy to: Associate General Counsel for Equal Opportunity and Administrative Law, Room 10244, Department of Housing and Urban Development, Washington, D.C. 20410. A statement that review of the underlying decision is not being sought in the United States courts, or that the process for seeking review of the award, if initiated, has been completed, must also be included.

Dated: January 18, 1984.

Samuel R. Pierce, Jr.,

Secretary of Housing and Urban Development.

[FR Doc. 84-2152 Filed 1-25-84; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 5-84]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: In the Notice section of today's **Federal Register**, the Department of Justice proposes to exempt four new records systems from certain provisions of the Privacy Act, 5 U.S.C. 552a: The Office of Intelligence Policy and Review, Policy and Operational Records System (JUSTICE/OIPR-001); the Office of Intelligence Policy and Review, Foreign Intelligence Surveillance Act Records System (JUSTICE/OIPR-002); the Office of Intelligence Policy and Review, Litigation Records System (JUSTICE/OIPR-003); and the Office of Intelligence Policy and Review, Domestic Security/Terrorism Records System (JUSTICE/OIPR-004). These records systems must be exempted from sections of the Privacy Act since, in most cases,

disclosure of the existence of records pertaining to an individual could compromise ongoing investigations by revealing the fact of an investigation, as well as jeopardizing sources and methods of investigation. In addition, access to individual records could result in the disclosure of sensitive criminal investigative, foreign intelligence or classified information. Further, it is necessary to exempt these systems to ensure unhampered and effective collection and analysis of foreign intelligence and counterintelligence information and to protect the identities of confidential sources.

DATE: Comments must be submitted on or before March 26, 1984.

ADDRESS: All comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Vincent A. Lobisco, 202–633–4414.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

It is proposed to amend 28 CFR Part 16 by adding § 16.73 to read as follows:

§ 16.73 Exemption of Office of Intelligence Policy and Review Systems—Limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g):

(1) Policy and Operational Records System (JUSTICE/OIPR–001);

(2) Foreign Intelligence Surveillance Act Records System (JUSTICE/OIPR–002);

(3) Litigation Records System (JUSTICE/OIPR–003); and

(4) Domestic Security/Terrorism Investigations Records System (JUSTICE/OIPR–004).

These exemptions apply only to the extent that information in those systems is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(l) and (k)(2).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because release of the disclosure accounting would put the target of a surveillance or investigation on notice of the investigation or surveillance and would thereby seriously hinder authorized United States intelligence activities.

(2) From subsections (c)(4), (d), (e)(4)(G), (e)(4)(H), (f) and (g) because these provisions contemplate individual access to records and such access would compromise ongoing surveillances or investigations and reveal the sources and methods of an investigation.

(3) From subsection (e)(2) because, although this office does not conduct investigations, the collection efforts of agencies that supply information to this office would be thwarted if the agency were required to collect information with the subject's knowledge.

(4) From subsections (e)(3) and (e)(8) because disclosure and notice would provide the subject with substantial information which could impede or compromise an investigation. For example, an investigatory subject could, once made aware that an investigation was ongoing, alter his manner of engaging in intelligence or terrorist activities in order to avoid detection.

Dated: December 20, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

[FR Doc. 84–2148 Filed 1–25–84; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

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 (hereinafter 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 inspection frequency for inactive operations and compliance reviews. 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 must be received by 4:30 p.m., February 27, 1984 to 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., February 10, 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, N.W., 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 explantation 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 December 28, 1983, Ohio submitted regulatory amendments to revise the inspection frequency requirements for inactive operations and to revise the provision concerning compliance reviews.

Specifically, the proposed amendments include the following revisions to Ohio rule 1501:13–14–01 *Inspections:*

(1) Paragraph (A) is revised to include definitions for "inactive coal mining and reclamation operation," "active coal mining and reclamation operation," and "compliance review technician";

(2) Paragraph (C) is revised to require such partial inspections of inactive operations as are necessary to ensure effective enforcement;

(3) Paragraph (D) is revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation;

(4) Paragraph (J) which provided that the operator may accompany the chief during any inspection is proposed to be deleted; and

(5) Paragraph (K) concerning compliance reviews would be designated as paragraph (J) and revised to conform to the Federal rule at 30 CFR 840.16.

In addition, Ohio has made several non-substantive editorial changes to rule 1501:13–14–01.

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 consistent with 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 rule would not have a significant econimic 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 insure 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.

Accordingly, 30 CFR Part 935 is proposed to be amended as set forth herein.

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

Dated: January 19, 1984.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 84–2231 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD3–83–72]

Anchorage Ground; Delaware River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: At the request of the U.S. Army Corps of Engineers, Philadelphia District, the U.S. Coast Guard is proposing a change to a portion of the eastern boundary of Anchorage 12 on the Delaware River at Gloucester, NJ. A marginal wharf being constructed in the Delaware River by Holt Hauling and Warehousing Systems, Inc., under U.S. Army Corps of Engineers permit NAPOP–R–83–0047, encroaches slightly upon a portion of the eastern boundary of Anchorage 12. The purpose of this proposed rule making is to bring the regulatory description of Anchorage 12 in line with actual usable anchorage ground.

DATES: Comments must be received on or before March 12, 1984.

ADDRESSES: Comments should be mailed to Commander (mpv-p), Third Coast Guard District, Governors Island, New York, NY, 10004. The comments will be available for inspection and copying at the Port Safety Section office, Building 301, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) K. L. King, Commander (mpv-p), Third Coast Guard District, at (212) 668–7179.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3–83–72) and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The drafters of this notice are Lieutenant (junior grade) K. L. King, project officer for Commander (mpv-p), Third Coast Guard District, and Mrs. M. A. Arisman, project attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulation

The southern portion of the existing Anchorage 12 on the Delaware River at Gloucester City, NJ, has been narrowed by approximately one hundred feet due to the construction of a marginal docking wharf at the Holt Hauling and Warehousing Systems, Inc. facility in Glocester, NJ. This construction was permitted by U.S. Army Corps of Engineer's permit NAPOP–R–83–0047. In order to accurately depict existing conditions in the anchorage and provide a two hundred and fifty foot safety buffer between ships in the anchorage

and ships moored alongside the Holt wharf, the Coast Guard proposes to change a portion of the eastern boundary of Anchorage 12 as currently described in 33 CFR 110.157(a)(13). This proposed rule will move the eastern boundary of Anchorage 12 in the viciinity of the new wharf westward up to a maximum of three hundred and fifty feet.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since this minor change to a portion of the boundary of Anchorage 12 will not impact upon business competition, the operation of State or local governments, or the regulations of other programs or agencies. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulations, and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulation

PART 110—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by revising § 110.157(a)(13) to read as follows:

§ 110.157 Delaware Bay and River.

(a) * * *

(13) Anchorage 12 between Gloucester and Camden. On the east side of the channel adjoining and on the upstream side of Anchorage 11, from Gloucester to Camden, bounded as follows: Beginning at a point on the east edge of the channel at latitude 39°54'16"; thence northerly along the edge of the channel to latitude 39°56'32.5"; thence 133°, 283 yards to a point on a line 100 feet west of the established pierhead line; thence southerly along this line to latitude 39°54'34"; thence 196°16", 882 yards to latitude 39°54'08.5"; thence 354°36', 267 yards to the point of beginning. The area between New York Shipbuilding Corporation Pier No. 2 and the MacAndrews and Forbes Company pier, Camden, shall be restricted to facilitate the movement of carfloats to and from Bulson Street, Camden. The area in front of the Public Service Electric and Gas Company pier shall be restricted to facilitate the movement of vessels to and from the pier. Should the anchorage become so congested that vessels are compelled to anchor in these retricted areas, they must move immediately when another berth is available.

* * * * *

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05–1(g))

Dated: January 10, 1984.

W. E. Caldwell,

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

[FR Doc. 84–2232 Filed 1–25–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD3 83–041]

Drawbridge Operation Regulations; Barnegat Bay, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Ocean County New Jersey, the Coast Guard is considering a change to the regulations governing the Mantoloking (County Route 528) highway drawbridge at Mantoloking, NJ to prmit the number of openings to be limited on all weekends and holidays occurring from Memorial Day to Labor Day. This proposal is being made because periods of peak vehicular traffic frequently coincide with peak vessel openings. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 12, 1984.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. Comments may also be hand-delivered to this address.

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

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

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

Discussion of Proposed Regulations

Vehicular traffic across the Route 528 bridge at Mantoloking generally peaks during the spring and summer recreational season on weekends and holidays due mainly to motorists travelling along the barrier beach of New Jersey. Generally, a traffic "back-up" occurs in the vicinity of the bridge because vehicles reaching the eastern terminus of Route 528 must turn onto Route 35, a two-lane, heavily congested roadway along the barrier beach. Motorists also turn from Route 35 onto Route 528. Since the Matoloking bridge is less than ¼ mile from Route 35, frequent bridge openings only compound traffic congestion. As a possible means of remedying traffic congestion over and in the vicinity of the bridge, the Coast Guard (at the request of Ocean County) is proposing that the bridge only be required to open on the hour and half-hour between 9 a.m. and 6 p.m. on weekends and holidays from Memorial Day to Labor Day.

Bridge openings logs from 1979 through June 1982 show that from Memorial Day to Labor Day, 72 percent of openings for vessels (on weekends and holidays) occurred between 9 a.m. and 6 p.m. The overwhelming majority of these openings amounted to over two openings per hour and on one occasion numbered 14 openings in a one hour period.

On July 2, 1982, the Commander Third Coast Guard District (by Public Notice 3–470) issued temporary regulations to evaluate potential scheduled openings. This notice implemented 20-minute, spaced openings on weekends and holidays from July 1, 1982 through August 31, 1982 between 10 a.m. and 2 p.m. Though the results of this action were not conclusive, the Coast Guard believes that proposal of these

regulations is warranted. The bridge spans Barnegat Bay, a heavily travelled waterway which provides access in either direction to the Atlantic Ocean. The waterway under the bridge is also part of the New Jersey Intracoastal Waterway.

The scheduled openings are being proposed from 9 a.m. to 6 p.m. since vehicular traffic counts (from 1 July to 31 August 1982) show that traffic peaks within this period, and because 72 percent of openings for vessels occur between these hours. The proposed regulations provide for openings on the hour and half-hour because the 20-minute openings (during the evaluation period) did not appear to allow sufficient time for vehicular traffic to clear before another bridge opening was necessary. Additionally, responses to the temporary regulations favored half-hourly openings. No draft economic evaluation has been done because no known marine-related entities are expected to be adversely affected by these regulations.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by relettering the existing § 117.220 (n), (o), (p), (q) and (r) as (o), (p), (q), (r) and (s), respectively and adding a new § 117.220 (n) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.220 New Jersey Intracoastal Waterway and tributaries; bridges.

* * * * *

(n) The draw of the County Route 528 bridge across Barnegat Bay, mile 6.3 at Mantoloking shall open on signal at all times except from Memorial Day through Labor Day from 9 a.m. to 6 p.m. on Saturday, Sunday, and Federal holidays, the draw need only open on the hour and half-hour. The draw shall open at all times as soon as possible for a public vessel of the United States, a vessel in distress, or for a vessel with tow.

* * * * *

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

Dated: January 4, 1984.

W. E. Caldwell,

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

[FR Doc. 84–2239 Filed 1–25–84; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD 13–84–01]

Drawbridge Operation Regulations; Lake Washington Ship Canal, Washington

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of Seattle, the Coast Guard is considering a change to the regulations governing all of the highway drawbridges across the Lake Washington Ship Canal, in Seattle, Washington, by requiring that the draws of the Ballard, Fremont Avenue, University, and Montlake Boulevard bridges shall open on signal from 11:00 p.m. to 7:00 a.m. if at least one-hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue drawbridge. This proposal is being made to allow more efficient use of drawtenders during nighttime hours. This action should accommodate the needs of vehicular traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before March 12, 1984.

ADDRESS: Comments should be submitted to and are available for examination from 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Thirteenth Coast Guard District, Room 3564, 915 Second Avenue, Seattle, Washington 98174. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: John E. Mikesell, Chief, Bridge Section, Aids to Navigation Branch (Telephone: (206) 442–5864).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Thirteenth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are: John E. Mikesell, project officer, and Lieutenant Aubrey W. Bogle, project attorney.

Discussion of the Proposed Regulations

Existing operating regulations for the City of Seattle's highway drawbridges across the Lake Washington Ship Canal provide, in part, that the bridges shall open on signal from 12 midnight to 8:00 a.m., if at least one-hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue Drawbridge. The proposed change would advance by one hour the time period during which one-hour notice for openings is required. The proposed change would provide that the bridges shall open on signal from 11:00 p.m. to 7:00 a.m., if one-hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue Drawbridge. The only noticeable effect of the change would be evidenced during the 11:00 p.m. to 12:00 midnight time period. Presently, the bridges open on call during this period. Under the change, one-hour notice would be required for openings.

A review of drawtenders logs for the four bridges, for the six-month period from April through October 1982, indicated that the bridges averaged twenty-one openings per month during the 11:00 p.m. to 12:00 midnight time period.

The City of Seattle maintains that the change would allow an extra hour during the morning closed periods for maintenance purposes on each of the Lake Washington Ship Canal bridges. Also, they maintain that they do not plan to reduce the level of service provided. The proposal would result in a savings of operating costs to the City of Seattle and, in the opinion of the City, would not unreasonably affect navigation on the waterway.

Other than the City of Seattle and a limited number of navigation interests, there are no known businesses including small entities, that would be affected by the proposed change. There are only minimal impacts on navigation or other interests. Therefore, an economic evaluation has not been prepared for this action. The City of Seattle would benefit because the proposed change allows more efficient use of drawtenders, thereby effecting savings in operating costs, and still provide for the reasonable needs of navigation.

The posting of a summary of the operating regulations and information on arranging bridge openings is a standard requirement for all drawbridges which do not have a drawtender in constant attendance. A paragraph requiring this action is included in the proposed change.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with § 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33 Code of Federal Regulations, by revising § 117.795(b)(2) and adding § 117.795(b)(3) to read as follows:

PART 117—DRAWBRIDGE OPERATING REGULATIONS

§ 117.795 Lake Washington Ship Canal; bridges.

* * * * *

(b) * * *

(2) Shall open on signal from 11:00 p.m. to 7:00 a.m., if at least one-hour notice is given by telephone, radiotelephone, or otherwise to the drawtender at the Fremont Avenue drawbridge.

(3) The owner of these bridges shall keep conspicuously posted on both upstream and downstream sides of each bridge, in a manner that it can be easily read from an approaching vessel, a summary of these regulations, together with a notice stating exactly how the drawtender or authorized representative of the bridge owner may be reached by telephone or otherwise.

* * * * *

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

Dated: January 11, 1984.

R. J. Copin,

Captain, U.S. Coast Guard, Acting Commander, 13th Coast Guard District.

[FR Doc. 84–2236 Filed 1–25–84; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 63

[CC Docket No. 84–28; FCC 84–19]

Blanket Section 214 Authorization for Provision by a Telephone Common Carrier of Lines for Its Cable Television and Other Non-Common Carrier Services Outside Its Telephone Service Area

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This item proposes to grant blanket Section 214 authorization for the provision of lines by a telephone common carrier for its cable television service or other non-common carrier service outside its telephone service area. Adoption of this proposal would reduce unnecessary regulatory burdens on telephone common carriers, promote competition, and reduce costs to consumers.

DATES: Comments are due on March 1, 1984. Reply comments are due on March 30, 1984.

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

FOR FURTHER INFORMATION CONTACT: Warren Lavey, Common Carrier Bureau, (202) 632–6910.

List of Subjects in 47 CFR Part 63

Cable television, Communications common carriers, Extension of lines.

Notice of Proposed Rulemaking

In the matter of blanket Section 214 authorization for provision by a telephone common carrier of lines for its cable television and other non-common carrier services outside its telephone service area; CC Docket No. 84–28; FCC 84–19.

Adopted: January 16, 1984.

Released: January 19, 1984.

By the Commission.

1. Introduction

1. Broadly interpreted, Section 214 of the Communications Act of 1934, 47 U.S.C. 214, requires carriers to obtain Commission authorization prior to construction, acquisition, or operation of any line. This requirement applies when a carrier's line is used for a common carrier service, and may apply when a carrier's line is used for a non-common carrier service. This section has been used to authorize cable television channels in some cases. Applications have been filed when a telephone common carrier or its affiliate seeks to construct, acquire, or operate a cable television channel.[1] The applicant may seek to determine what programming is to be carried (i.e., provide cable television service), or to make the facility available to others under tariff for transmission of material of the customer's choice (i.e., provide common carrier channel service). Also, the applicant may seek to provide cable television channels in the telephone carrier's telephone service area or outside that area. On the other hand, authorization is not required when an entity not affiliated with a telephone common carrier constructs, acquires, or operates a cable television channel and provides cable television service via that channel. Section 214 only pertains to the activities of common carriers. The provision of cable television service is not a common carrier activity.[2]

[1] *See* United States v. Southwestern Cable Co., 392 U.S. 157 (1968) (Commission has authority under the Communications Act to regulate cable television systems); General Telephone Co. of California, 13 FCC 2d 448 (1968), *aff'd sub nom.* General Telephone Co. of California v. Federal Communications Commission, 413 F.2d 390 (D.C. Cir.), *cert. denied*, 396 U.S. 888 (1969) (requirement of Section 214 authorization when telephone carriers construct, acquire, or operate channels for common carrier service to cable television systems); Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Systems, 21 FCC 2d 307 (1970) (Final Report and Order in Docket 18509), *aff'd sub nom.* General Telephone Co. of the Southwest v. United States, 449 F.2d 846, 854 (5th Cir. 1971) (requirement of Section 214 authorization when a telephone carrier constructs, acquires, or operates channels for service to a cable television system operated by the carrier or an affiliate); Elimination of the Telephone Company—Cable Television Cross-Ownership Rules for Rural Areas, 88 FCC 2d 564 (1981), *petition for review pending sub nom.* National Cable Television Association v. Federal Communications Commission, D.C. Cir. Case No. 82–1058 (filed January 14, 1982) (requiring telephone carriers to state in their applications for authority under Section 214 to construct, acquire, or operate channels for service to a cable television system operated by the carrier or an affiliate whether it relies on the rural exemption).

[2] Southwestern Cable, *supra* note 1, 392 U.S. at 164–72; Federal Communications Commission v. Midwest Video, 440 U.S. 689, 709 (1979).

2. Section 214 applications are reviewed by the Commission to determine whether "the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line * * *." 47 U.S.C. 214(a). The Commission annually processes about twenty applications of telephone common carriers or their affiliates seeking Section 214 authority to provide channels for their own cable television services outside their telephone service area. Service does not begin until these applications are granted. We know of no such application which was denied. It seems that the filing and processing of these applications impose unnecessary costs on consumers, carriers, and the Commission. It is costly for carriers to prepare these applications (see 47 CFR 63.01), and processing them imposes costs on the Commission. The time required to approve these applications may increase carriers' costs by impairing planning of construction and service, delaying revenues, and handicapping carriers in competition with non-carriers for cable service outside the carriers' telephone service areas. Processing time imposes additional costs on consumers, by delaying the provision of cable service in an area and lessening competition between carriers and non-carriers to provide cable service in an area. In *Eagle Telecommunications*,[3] we directed the staff to prepare a Notice of Proposed Rulemaking to reassess application of Section 214 to carriers proposing to provide channels for their own cable television service outside their telephone service areas.

3. We hereby propose to grant blanket Section 214 authorization, to the extent that such authorization is necessary, for provision by a telephone common carrier or its affiliate of channels for its cable television service outside the carrier's telephone service area. The proposal also covers under blanket Section 214 authorization other lines supplied by a carrier or its affiliate outside its telephone service area and used to provide non-common carrier services. For example, such lines may form a customer's private microwave system, or may be constructed and sold to a customer to link it to a telephone switching office.

II. Costs and Benefits of Blanket Authorization

4. Requiring prior authorization of a carrier's facilities under Section 214 can serve to limit duplicative, unnecessary, or inefficient facilities that would inflate the carrier's rate base and lead to higher charges to users of common carrier services.[4] We also have used scrutiny under Section 214 to enforce the policies of Title II of the Communications Act, such as nondiscrimination in common carrier services.[5] These reasons for regulatory scrutiny of a carrier's facilities do not pertain when a carrier constructs channels for its own cable television service or lines for a non-common carrier service outside its own telephone service area.[6] The cost of the facilities will not raise rates for common carrier services.[7] There may be some extent to which lines for one carrier's cable television service or other non-common carrier service in an area duplicate the common carrier facilities of another carrier serving that area. Yet, we know of no application under Section 214 denied for this reason, and we do not scrutinize the construction by non-carrier entities of lines for cable television service or other services to prevent such duplication.

5. We have used the requirement of Section 214 authorization to implement certain competitive policies regarding channels for cable television service.[8] However, these policies do not require a showing in line-specific applications that the public interest would be served by authorizing a carrier's channels outside its telephone service area used for its own cable television service. For example, we ordered that any authority to a telephone company to provide channels for common carrier cable service should be conditioned on a showing that the customer(s) had available pole attachment rights or conduit space at reasonable charges and without undue restrictions on the uses that may be made of the channels by the customer.[9] In addition, we required a carrier seeking to provide channels for its own cable television service in its telephone service area to show that it qualifies for the rural exemption or other good cause.[10] The blanket authorization proposed in this Notice would not impair the Commission's ability to implement these policies.[11]

6. In sum, we tentatively find that Section 214 filing procedures constitute an unnecessary regulatory burden when applied to carriers' lines used for their own cable television services or other non-common carrier services outside of their telephone service areas. We tentatively conclude, to the extent that any authorization is required by Section 214, that all such facilities serve the public convenience and necessity. As noted in paragraph 2 *supra*, this regulatory filing burden imposes costs on consumers, carriers, and the Commission. The Commission has the discretion to grant blanket Section 214 authorizations.[12] We propose to grant blanket Section 214 authorization, to the extent that such authorization is necessary, for provision by a telephone common carrier or its affiliate of lines for its cable television service or other non-common carrier service outside its telephone service area. The proposed rule change is shown in the attachment.

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[3] FCC 83-459 (released November 7, 1983).

[4] *See* Long-Range Regulation of AT&T's Basic Domestic Interstate Services, 48 FR 51340, 51344 & n.45 (November 8, 1983) (Notice of Inquiry).

[5] *Id.* at 51345.

[6] "The Commission has long recognized that particular market needs for telecommunications services may be met by means other than traditional common carrier offerings." Domestic Fixed-Satellite Transponder Sales, 90 FCC 2d 1238, 1246 (1982), *citing* General Mobile Radio Service, 13 FCC 1190, 1209–11 (1949); Above 890, 27 FCC 359 (1959); Domestic Fixed Satellite Service, 22 FCC 2d 86 (1970); Land Mobile Radio Service, 51 FCC 2d 945 (1975) *Aff'd sub nom.* National Association of Regulatory Utility Commissioners v. Federal Communications Commission, 525 F.2d 630 (D.C. Cir.), *cert. denied*, 425 U.S. 999 (1976).

[7] Under our decision in Second Computer Inquiry, 77 FCC 2d 384, 476, *reconsid.*, 84 FCC 2d 50 (1980), *Further reconsid.*, 88 FCC 2d 512 (1981), *aff'd sub nom.* Computer Communications Indus. Ass'n. v. Federal Communications Commission, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 103 S. Ct. 2109 (1983), a carrier's costs of providing lines for non-common carrier services and costs of providing such services must be entered on books of account separate from those for its common carrier services. Accordingly, such costs should not affect the revenue requirement for the carrier's common carrier services.

[8] *See* General Telephone Co. of the Southwest, *supra* note 1, 449 F.2d at 856–58.

[9] Applications of Telephone Companies for Section 214 Certificates for Channel Facilities Furnished to Affiliated Community Antenna Systems, *supra* note 1, 21 FCC 2d at 326; 47 CFR 63.57.

[10] Elimination of Telephone Company—Cable Television Cross-Ownership Rurals for Rural Access, *supra* note 3; 47 CFR 63.54–63.56.

[11] In Eagle Telecommunications, *supra* note 3, para. 15, we stated that a carrier applying to provide channels for its own cable television service in its telephone service area must "supply sufficiently detailed information as to its proposed service area to enable the Commission to know where the carrier contends there is no independent system under construction or in existence and consequently where it will be eligible for the rural exemption." We do not rely on information in other Section 214 applications to verify such claims; we do not receive Section 214 applications from non-carrier suppliers of channels. Rather, we rely on evidence brought forth by independent systems in response to such claims. *Id.*

[12] *See* Competitive Carrier Rulemaking, 77 FCC 2d 308 (1979) (Notice), 85 FCC 2d 1 (1980) (First Report), 84 FCC 2d 445 (1981), (Further Notice), 91 FCC 2d 59 (1982) (Second Report), *reconsid.*, FCC 83–69 (released March 21, 1983), 48 FR 46791 (October 14, 1983) (Third Report), 48 FR 52452 (November 18, 1983) (Fourth Report); Long-Run Regulation of AT&T's Basic Domestic Interstate Services, *supra* note 4, 48 FR at 51346.

III. Regulatory Flexibility Act Analysis—Initial Analysis

7. We conclude that the proposed change contained herein will have a positive economic impact on a substantial number of small entities, within the meaning of Section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b) (1982). We are issuing this Notice of Proposed Rulemaking to receive public comment on our intention to grant telephone companies proposing to provide lines for their own cable television services or other non-common carrier services outside of their telephone service areas blanket authorization under Section 214 of the Communications Act of 1934, 47 U.S.C. 214. Our objective is to compile a sufficient record to implement this proposal. The legal basis for this proposal is contained in paragraph 9.

8. The Commission proposes to extend its deregulatory program to the situations where telephone common carriers provide cable television services and other non-common carrier services outside of their telephone service areas. The proposed rule will apply equally to all telephone common carriers and their affiliates—small business entities as well as large corporations—and should aid all such carriers by eliminating costs and delay in the certification process. No alternative that could be considered would be less burdensome.

IV. Ordering Clauses

9. This proceeding is instituted pursuant to Sections 4(i), 4(j), 214 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 214 and 403, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

10. Comments must be filed on or before March 1, 1984. Reply comments will be due on or before March 30, 1984.

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally* § 1.1231 of the Commission's Rules, 47 CFR 1.1231. All relevant and timely comments and reply comments will be considered by the Commission. In reaching its decision, the Commission may take into account information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

12. In accordance with the provisions of 47 CFR 1.419(b), an original and six copies of all comments, replies, pleadings, briefs and other documents filed in this proceeding shall be furnished to the Commission. Members of the public who wish to express their views by participating informally may do so by submitting one or more copies of their comments, without regard to form (as long as the docket number is clearly stated in the heading). Copies of all filings will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its headquarters in Washington, D.C. 1919 M Street, N.W.

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 63—[AMENDED]

The proposed rulemaking would amend Part 63 of Chapter 1 of Title 47 of the Code of Federal Regulations by adding § 63.08 as follows:

§ 63.08 Lines outside of a carrier's telephone service area.

No telephone common carrier or its affiliate is required to file for authority pursuant to 47 U.S.C. 214 and 47 CFR 63.01 to provide lines for its own cable television service or for any other non-common carrier service outside of the carrier's telephone service area.

[FR Doc. 84-2123 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-11; RM-4555]

FM Broadcast Station in Burley, Idaho; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of FM Class C Channel 260 for Channel 252A at Burley, Idaho, and modification of the Class A license for Station KMVC(FM) in response to a petition filed by Mini-Cassia Broadcasting. The assignment could provide Burley with a first Class C assignment.

DATES: Comments must be filed on or before March 12, 1984, and reply comments must be filed on or before March 27, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Burley, Idaho) MM Docket No. 84-11; RM-4555.

Adopted: January 6, 1984.

Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Mini-Cassia Broadcasting [1] ("petitioner"), proposing the substitution of Class C Channel 260 for Channel 252A at Burley, Idaho, and modification of the license for Station KMVC(FM), Burley, to specify operation on Channel 260.

2. We believe that the petitioner's proposal warrants consideration. The channel can be assigned in compliance with the minimum distance separation requirements. In addition, we shall propose to modify the license of Station KMVC (Channel 252A) as requested by petitioner, to specify operation on Channel 260. However, in conforming

[1] Petitioner is also the licensee of Station KBAR(AM), Burley, Idaho.

with Commission precedent, should another party indicate an interest in the Class C assignment, then the modification could not be implemented. Instead, an opportunity for the filing of competing applications may be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C channel.

4. In order to provide a wide coverage area station for the Burley area, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Burley, Idaho	252A	260

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel, or consultant, as follows: M. Scott Johnson, Gardner, Carton & Douglas, 1875 Eye Street, N.W., Suite 1050, Washington, D.C. 20006–5472 (counsel for petitioner).

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), and 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding, contact Kathy Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examinaiton by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–2222 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–13; RM–4582]

FM Broadcast Station in Tuscola, Michigan; Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 269A to Tuscola, Michigan, in response to a petition filed by Robert A. Sherman. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Kathy Scheuerle, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Tuscola, Michigan) MM Docket No. 84–13; RM–4582.

Adopted: January 6, 1984.

Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rulemaking has been filed by Robert A. Sherman ("petitioner"), proposing the assignment of Channel 269A to Tuscola, Michigan, as its first local assignment. Petitioner expressed an interest in applying for the channel, if assigned.

2. The requested assignment can meet the mileage spacing requirements with a site restriction of 1.4 miles east to avoid short-spacings to Station WILS–FM (Channel 269A) in Lansing, Michigan, and Station WDBI–FM (Channel 269A) in Tawas City, Michigan.

3. Canadian concurrence must be obtained since the proposal is within 320 kilometers (200 miles) of the Canadian-U.S. border.

4. In view of the fact that the proposed assignment could provide a first local FM service to Tuscola, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Tuscola, Mich.		269A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. **Note:** A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner(s) of this proceeding: Robert A. Sherman, 1039 Divison, Port Huron, Michigan 48060.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Kathy Scheuerle, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in

the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 84-2220 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-9; RM-4621]

FM Broadcast Station in Bozeman, Montana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 260 to Bozeman, Montana, as that community's third broadcast service, in response to a petition filed by Charles Thompson.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bozeman, Montana) MM Docket No. 84-9; RM-4621.

Adopted: January 6, 1984.

Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Charles Joseph Thompson ("petitioner") proposing the assignment of Class C FM Channel 260 to Bozeman, Montana, as that community's third broadcast service. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a third FM service to Bozeman, Montana, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Bozeman, Mont.	229, and 236	229, 236, and 260.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (consultant to the petitioner)

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Noitce to this effect will be given as long as they are filed before they date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2225, Filed 1-25-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-12; RM-4608]

FM Broadcast Station in Hobbs, N. Mex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 275 to Hobbs, New Mexico in response to a petition filed by Smith Family Radio, Inc. The proposed assignment could provide a third FM commercial service to Hobbs, New Mexico.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Hobbs, New Mexico) MM Docket No. 84-12; RM-4608.

Adopted: January 6, 1984.
Released: January 18, 1984.
By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Smith Family Radio, Inc. ("petitioner"), proposing the assignment of Channel 275 to Hobbs, New Mexico, as that community's third commercial FM service.[1] Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. In MM Docket No. 83-754, we had proposed to assign Channel 275 to Roswell. However, to avoid a conflict we have changed that channel to Channel 293.

2. Concurrence of the Mexican government is required since Hobbs, New Mexico is located within 320 kilometers (199 miles) of the common U.S.-Mexican border.

3. In view of the fact that the proposed assignment could provide a third commercial FM service to Hobbs, New Mexico, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules with respect to the following community:

City	Present	Proposed
Hobbs, N. Mex.	231 and 239	231, 239, and 275.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (consultant to the petitioner).

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] Station KZOR(FM) (Channel 231) has recently been authorized to move from Humble City, NM to Hobbs where the channel has been assigned. No change in the Table of Assignments is necessary to reflect that change.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2221 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-14; RM-4601]

FM Broadcast Station in Cookeville, Tenn.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Class C FM Channel 234 for Channel 232A at Cookeville, Tennessee, and modification of the Class A license for Station WGSQ(FM), Cookeville, in response to a petition filed by Gallaher and Huffines. The assignment could provide Cookeville with its first Class C FM station.

DATES: Comments must be filed on or before March 12, 1984, and reply comments must be filed on or before March 27, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Cookeville, Tennessee) MM Docket No. 84-14; RM-4601.

Adopted: January 6, 1984.
Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is a petition for rulemaking filed by Gallaher and Huffines ("petitioner"), licensee of FM Station WGSQ (Channel 232A), Cookeville, Tennessee, requesting the substitution of Class C Channel 234 for 232A and modification of its license to specify operation on the Class C channel.

2. Petitioner acknowledges that if Channel 234 is assigned to Cookeville, it would be short-spaced by 8 miles to Channel 288A licensed to Station WSMT-FM, Sparta, Tennessee, due to the IF spacing requirements. However, petitioner indicates that to overcome the mileage conflict, it has entered into an agreement with Station WSMT-FM whereby, upon proper reimbursement, WSMT will relocate its transmitter to accommodate the proposal.

3. In this regard, petitioner notes that there is a pre-existing short-spacing on the co-channel between Station WSMT-FM at its present transmitter site, and Station WOWE, Rossville, Georgia.[1] Petitioner adds that such short-spacing would increase slightly once Station WSMT-FM relocates. However, it points out that since Station WSMT-FM was initially licensed in August 1964, it qualifies as a "grandfathered" station pursuant to the provisions of § 73.213 of the Rules, and thus is permitted to operate at less than the existing minimum distance separation requirements, citing *Bristol Broadcasting Company, 38 R.R. 2d 625 (1976).*

4. In support, petitioner asserts that if its proposal is adopted, it could enable Station WGSQ to expand its coverage in the market, as well as add an alternate voice to nearby communities such as Sparta.

5. A staff engineering study reveals that although the proposed assignment of Channel 234 to Cookeville would be 8.0 miles short-spaced to Station WSMT-FM (Channel 288A), Sparta, site restrictions of 2.7 miles southeast of Cookeville and 7.0 miles southeast of Sparta, in accordance with an agreement between the parties, would eliminate the short-spacing. As petitioner correctly notes, even though the proposed relocation of Station WSMT-FM's transmitter would slightly increase a pre-existing short-spacing (*i.e.,* 9 miles) on the co-channel to Station WOWE in Rossville, such operation would be permissible pursuant to the provisions of § 73.213 of the Rules pertaining to "grandfathered" stations whose spacings are below the minimum required separations.

6. On the basis of the foregoing, we shall propose the substitution of Class C Channel 234 for Channel 232A at Cookeville, Tennessee, and modification of Station's WGSQ's license to specify operation on Channel 234. However, in conformity with Commission precedent, as established in *Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976), should another interest in the assignment be shown, the proposed modification could not be permitted, and the channel, if assigned, would then be open to competing applications.

7. Since the management of Station WSMT-FM submitted a letter indicating its consent to relocate its transmitter facilities, upon proper reimbursement, in order to accommodate petitioner's proposal, issuance of an *Order To Show Cause* to that station is not necessary as it has thereby confirmed its willingness to relocate.

[1] Although licensed at Rossville, Georgia, Channel 288A is allocated to Chattanooga, Tennessee.

8. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Cookeville, Tenn	232A, 252A	234, 252A

9. The Secretary shall send a copy of this *Notice of Proposed Rule Making* by certified mail, return receipt requested, to Upper Cumberland Country Broadcasting Co., Inc., Radio Station WSMT–FM, P.O. Box 390, Sparta, TN 38583, and to WOWE, Inc., Radio Station WOWE–FM, c/o P.O. Box 1445, Haines City, FL 33844.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner of this proceeding, as follows: Michael H. Bader, Esq., Haley, Bader & Potts, 2000 M St., NW., Suite 600, Washington, D.C. 20036 (counsel for the petitioner).

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.
(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 305)

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

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended,and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by referene its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before they date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84–2219, Filed 1–25–84; 8:45 am]
BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 84–10; RM–4648]

TV Broadcast Station in Presque Isle, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 62 to Presque Isle, Maine, as that community's third television facility, in response to a petition filed by Allen Weiner.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations (Presque Isle, Maine) MM Docket No. 84–10; RM–4648.

Adopted: January 6, 1984.
Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition for rule making filed by Allen Weiner ("petitioner") proposing the assignment of UHF Television Channel 62 to Presque Isle, Maine, as that community's third television facility. The petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned.

2. Presque Isle (population 11,172),[1] in Aroostock County (population 91,331), is located in northern Maine approximately 355 kilometers (222 miles) northeast of Portland, Maine.

3. UHF Television Channel 62 can be assigned to Presque Isle consistent with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Commission Rules, provided there is a site restriction of 5.7 miles west to avoid short-spacing to unused Channel 62 in Shediac, New Brunswick, Canada.

4. Canadian concurrence is required for this proposal since Presque Isle is located within 400 kilometers (250 miles) of the common U.S.-Canadian border.

5. In view of the fact that Presque Isle could receive its third television service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Presque Isle, Maine	8, *10+	8, *10+, 62+

6. The Commission's authority to institute rule making proceedings, showings, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915 (consultant to the petitioner).

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(e)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comnments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this procededing or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested

[1] Population figures are from the 1980 U.S. Census, Advance Report.

parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2224 Filed 1-25-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-7; RM4612]

FM Broadcast Station in Mexico Beach, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 257A to Mexico Beach, Florida, in response to a petition filed by Betty N. Neisler. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before March 12, 1984, and reply comments must be filed on or before March 27, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mexico Beach, Florida); MM Docket No. 84-7, RM-4612.

Adopted: January 6, 1984.
Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Betty N. Neisler ("petitioner"), proposing the assignment of Channel 257A to Mexico Beach, Florida, as its first FM service. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in conformity with the minimum distance separation requirements of Section 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a first FM service to Mexico Beach, Florida, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Mexico Beach, Fla.		257A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner in this proceeding: Betty N. Neisler, Star Route—Box 114, St. George Island, East Point, Florida 32328.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions

by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 84-2234 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-8; RM-4620]

FM Broadcast Station in Bend, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 252A to Bend, Oregon, as that community's fifth broadcast service, in response to a petition filed by Charles Joseph Thompson.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Bend, Oregon) (MM Docket No 84-8 RM-4620).

Adopted: January 6, 1984.

Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Charles Joseph Thompson ("petitioner") proposing the assignment of Channel 252A to Bend, Oregon, as that community's fifth FM assignment. The petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the fact that the proposed assignment could provide a fifth FM service to Bend, Oregon, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Bend, Oregon.	231, 248, 264, and 289.	231, 248, 252A, 264, and 289.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served on the petitioner, as follows: Edward M. Johnson & Associates, Inc., One Regency Square, Suite 450, Knoxville, Tennessee 37915, (Consultant to the petitioner).

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

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

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2207 Filed 1-25-84 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 84-6; RM-4610]

FM Broadcast Station in Klamath Falls, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Channel 295 for Channel 296A at Klamath Falls, Oregon, and modification of the license for Station KKRB (FM) accordingly, in response to a petition filed by the licensee, Wynne Broadcasting Company, Inc.

DATES: Comments must be filed on or before March 12, 1984, and reply comments on or before March 27, 1984.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Klamath Falls, Oregon), [MM Docket No. 84-6 RM-4610].

Adopted: January 6, 1984.
Released: January 18, 1984.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on September 21, 1983, by Wynne Broadcasting Company, Inc. ("petitioner"), which seeks to substitute Class C Channel 295 for Channel 296A at Klamath Falls, Oregon, and to modify the license of Station KKRB (FM) to specify operation on Channel 295.

2. We believe the petitioner's proposal warrants consideration. Channel 295 can be assigned to Klamath Falls in compliance with the minimum distance separation requirements.

3. In accordance with our established policy, we shall propose to modify the license of Station KKRB (FM) to specify operation on Channel 295. However, if another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, if the Class C channel is assigned, an opportunity for the filing of a competing application must be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. Accordingly, in order to provide a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as it pertains to Klamath Falls, Oregon, as follows:

City	Channel No.	
	Present	Proposed
Klamath Falls, Oregon.	223, 258, and 296A.....	223, 258, and 295

5. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 12, 1984, and reply comments on or before March 27, 1984, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Wynne Broadcasting Company, Inc., c/o Robert J. Wynne, Vice President, Post Office Box 1450, Klamath Falls, Oregon 97601.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that §§ 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b) and 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in §§ 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It Is Proposed To Amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 84-2235 Filed 1-25-84; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 94

[PR Docket No. 84-27; RM-4351]

Eliminate the Developmental Classification of the 13.2 to 13.25 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has adopted a Notice of Proposed Rule Making which proposes to amend Part 94 to eliminate the developmental classification of the 13.2 to 13.25 GHz band. The proposal would enable private licensees to use this band on an equal basis with broadcast and common carrier licensees.

DATES: Comments are due by February 27, 1984 and replies by March 13, 1984.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joseph A. Levin, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

List of Subjects in 47 CFR Part 94

Private operational-fixed microwave, Radio.

Notice of Proposed Rule Making

In the matter of amendment of Part 94 of the Commission's rules to eliminate the developmental classification of the 13.2 to 13.25 GHz band; PR Docket No. 84-27, RM-4351; FCC 84-17.

Adopted: January 16, 1984.
Released: January 19, 1984.

By the Commission:

Background

1. Hughes Aircraft Company—Microwave Communications Products (Hughes) has petitioned the Commission to amend § 94.61(b) of the rules by eliminating footnote 16 which restricts the private use of the 13.2–13.25 GHz band to developmental operations.[1] The Hughes petition was supported by the American Telephone and Telegraph Company (AT&T) and M/A-COM, Inc.

2. Hughes is a manufacturer of radio equipment which has been type accepted by the Commission for use in the 13.2–13.25 GHz band. In its petition, Hughes indicates that use of these frequencies was originally limited to developmental systems because there was very little practical operating experience in the frequencies above 13 GHz. The developmental authorizations were intended to encourage development of equipment capable of operating in the 13.2–13.25 GHz band and to increase the use of these frequencies. In fact, the Commission's objective of encouraging development of equipment to be used in these frequencies has been satisfied, as evidenced by the significant number of systems which have been authorized in the 13.2–13.25 GHz band, the 12.7–13.2 GHz band, as well as in higher frequency bands. Hughes points out, however, that the footnote, which originally was intended to encourage use of this spectrum, now acts to inhibit its use by private licensees. This is especially important because this band is shared with the Television Auxiliary Broadcast Service (Part 74), the Local Television Transmission Service (Part 21), and the Point-to-Point Microwave Service (Part 21). Licensees in these three other services are authorized to use this frequency band on a primary basis, while private licensees are restricted to one-year developmental authorizations which can be cancelled by the Commission without a hearing. Hughes contends that the restrictions associated with developmental authorizations now serve as a serious deterrent to use of these frequencies by those eligible under Part 94 of our rules. This contention is supported by the Commission's license records which indicate that fewer than 10 percent of the licenses in the 13.2–13.25 GHz band are held by Part 94 eligibles.

3. In its support of the Hughes petition, M/A-COM points out the apparent inequity of limiting Part 94 eligibles to developmental authorizations, while granting authorizations without the developmental restrictions to eligibles in Parts 21 or 74. M/A-COM suggests that since the same equipment is used, regardless of the service, there is no logical rationale for retaining the developmental status for private service licensees.

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[1] *Petition for Rule Making,* RM-4351, filed January 13, 1983.

4. AT&T also filed comments in support of the Hughes petition. AT&T agrees with Hughes that the current availability of equipment for this band, knowledge of propagation characteristics in this band, and experience with non-restricted authorizations for broadcast and common carrier licensees in this band make the developmental restriction imposed on private licensees anachronistic. AT&T also points out that elimination of the developmental restriction would make this band a more likely possibility as an alternative location for licensees being displaced from the 12.2–12.7 GHz band by the new Direct Broadcast Satellite Service (DBS).[2]

5. No comments were submitted in opposition to the Hughes petition. The only area of disagreement among Hughes, AT&T and M/A-COM was the most appropriate means to eliminate footnote 16. Hughes is of the opinion that the proposed change is procedural in nature, and therefore is not subject to the formal notice and comment procedures of the Administrative Procedure Act. Hughes requested that the change be incorporated into the reconsideration of PR Docket 19671.[3] M/A-COM proposed that Gen. Docket 82–334 be used as the vehicle to make the proposed rule change.[4] M/A-COM stated that Docket 19671 is too controversial and should not be encumbered with any additional issues. In its reply to M/A-COM's comments, Hughes reiterated its preference and stated its belief that inclusion of this issue in Gen. Docket 82–334 is the more controversial alternative.

Proposal

6. Hughes, AT&T and M/A-COM all agree that the developmental provision for use of the 13.2–13.25 GHz band by Part 94 eligibles should be eliminated. They point out that the state of microwave radio technology has advanced to the extent that the developmental provision is now obsolete. In fact, based on the relatively small number of private microwave systems authorized in this band, it would appear that restricting private use to developmental systems is impeding rather than encouraging the use of this band. The majority of the systems authorized in the band are for primary authorizations to broadcast licensees. Therefore, we agree with Hughes and propose that footnote 16 in § 94.61(b) be eliminated. We believe this is in the public interest because it would enable private eligibles to be licensed to use the 13.2–13.25 GHz band on an equal basis with broadcasters and common carriers, and thus encourage more intensive use of the band. This is consistent with the Commission's mandate to encourage more effective use of radio in the public interest.[5]

Regulatory Flexibility

7. The Commission certifies that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 do not apply to the rules proposed in this *Notice of Proposed Rule Making* because they will not have a significant economic impact on a substantial number of small entities. The Secretary shall cause a copy of this *Notice of Proposed Rule Making*, including the above certification, to be published in the Federal Register, and to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 605(b) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et. seq.* (1981).

Procedural Matters

8. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding, must prepare a written summary of that presentation. On the day of that oral presentation, a witten summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231.

9. Authority for issuance of this *Notice of Proposed Rule Making* is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to the procedures set out in § 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before February 27, 1984, and reply comments on or before March 13, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and five copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street, N.W., Washsington, D.C.

11. For further information concerning this rule making contact Joseph A. Levin of the Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634–2443.

[2] *Report and Order*, Gen. Docket No. 80–603, FCC 2d 676, 47 FR 31555 (July 21, 1982).

[3] *Memorandum Opinion and Order*, Docket No. 19671, 48 FR 32578 (July 18, 1983).

[4] *Notice of Proposed Rule Making*, General Docket No. 82–334, 48 FR 6730 (Feb. 15, 1983), and *First Report and Order*, General Docket No. 82–334, 48 FR 50722 (November 3, 1983).

[5] Since the 13.2 to 13.25 GHz band is shared with broadcast and common carrier licensees, we believe it is appropriate that all interested parties be given an opportunity to comment on the proposed change. Therefore, we have not adopted Hughes' suggestion that the change be incorporated into Dockets 82–334 or 19671 without the formal notice and comment procedures specified in the Administrative Procedure Act.

Federal Communications Commission.
William J. Tricarico,
Secretary.

PART 94—[AMENDED]

§ 94.61 [Amended]

Appendix

47 CFR Part 94 of the Commission's Rules and Regulations is proposed to be amended to remove and reserve footnote (16) in § 94.61(b).

[FR Doc. 84-2125 Filed 1-25-84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 512 and 531

[General Orders 11, 16 and 38; Docket No. 84-2]

Amendment of Certain Regulations Governing Common Carriers by Water in the Domestic Offshore Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: This proposal would remove certain financial reporting requirements affecting vessel operating common carriers serving the trades between the continental United States and Puerto Rico and the U.S. Virgin Islands and make other rule changes. The proposal is made in response to a petition filed by Sea-Land Service, Inc., and is intended to alleviate the regulatory burden on carriers in the Puerto Rican trades.

DATES: Comments due on or before March 12, 1984. Replies to comments due April 25,1984.

ADDRESS: Comments (original and 15 copies) to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Commission (FMC) proposes to amend Parts 512, 531 and 502 of Title 46 of the Code of Federal Regulations. Part 512 (Commission General Order 11) requires the filing of certain financial reports by common carriers by water serving the domestic offshore trades.[1] Part 531 (Commission General Order 38) governs the publication, filing and posting of tariffs in these trades. Part 502 (Commission General Order 16) contains the Commission's Rules of Practice and Procedure.

Sea-Land Service, Inc. recently petitioned the Commission to institute a rulemaking to amend certain of its regulations applicable to the trades between the continental United States and Puerto Rico and the U.S. Virgin Islands. Two reasons are advanced as the basis for these proposed amendments. First, it is argued that sufficient competition exists in these trades to ensure reasonable rate levels without public utility type rate regulation. Second, due to the bifurcation of regulatory jurisdiction between the FMC and the Interstate Commerce Commission (ICC) in these trades, more stringent FMC regulation puts those carriers subject to its jurisdiction at a competitive disadvantage.[2] Essentially, the requested amendments would reduce the notice requirements applicable to general rate changes from 60 to 30 days and eliminate the need to submit financial data on an annual basis and in connection with general rate increases.

A Notice of filing of Sea-Land's petition was published in the **Federal Register** (48 FR 44091). Of the 22 parties that responded, 17 supported the granting of Sea-Land's petition while four were opposed. The remaining respondent did not address the specifics of the petition. Although generally supportive of Sea-Land's petition, the comments thus far received have not provided the Commission with a detailed record for assessing the impact of the proposal on Commission programs. The Commission is therefore instituting this proposed rulemaking, which would effect the relief sought by Sea-Land, to provide interested parties with that opportunity. The Commission will also consider alternative proposals which may reduce unnecessary regulatory burdens.

Relatively recent amendments to the Intercoastal Shipping Act (46 U.S.C. 843, *et seq.*) are the source of many of the Commission's regulations which Sea-Land proposes to change or eliminate. The two features of the 1978 amendments most relevant to Sea-Land's request are the strict scheduling constraints of sections 2 and 3 (46 U.S.C. 844 and 845) and the requirement of section 3 that:

> • • • the Commission shall, within one year after the effective date of this sentence, by regulation prescribe guidelines for the determination of what constitutes a just and reasonable rate of return or profit for common carriers in intercoastal commerce. 46 U.S.C. 845(a).

Section 3 also states that:

> After the regulations referred to in the preceding sentence are initially prescribed, the Commission shall from time to time thereafter review such regulations and make such amendments thereto as may be appropriate. *Id.*

Many of the regulations to which Sea-Land objects were promulgated either in implementation of the above-quoted statutory requirements or as a means of enabling the Commission to meet the procedural deadlines established by sections 2 and 3. These time limits require the Commission to adjudicate rate proceedings on the following schedule:

(a) *60 days*, from the filing date of a general rate increase/decrease, to decide whether to suspend and/or investigate and issue an order stating reasons for investigation and issues to be determined (30 days in all other cases);

(b) *60 days* after such effective date to complete hearings;

(c) *120 days* after such effective date to issue an Initial Decision;

(d) *180 days* after such effective date to issue a final decision (60 additional days if ordered by the Commission).

One of the issues raised by Sea-Land's proposal is whether, if adopted, it would allow the Commission to adhere to this statutorily imposed schedule. Therefore, consideration must be given to whether section 35 of the Shipping Act, 1916 (the Act), (46 U.S.C. 833a) gives the Commission the authority to grant the relief requested by Sea-Land and whether, if in doing so, its ability to provide effective regulation will be impaired. Although the Commission possesses considerable authority to amend its regulations, it cannot take actions which effectively amend the statute or which prevent adherence to statutory requirements.

As noted earlier, proposals for alternative revisions will also be considered. The procedure to be followed in this rulemaking will also allow for replies to comments in order that the matters proposed be fully and thoroughly considered by all interested parties. To that end, the Commission's

[1] The domestic offshore trades are generally those trades between the contiguous 48 states of the United States and non-contiguous states, territories and possessions. *See* 46 CFR 512.5(f), 514.5(d) and 531.3(a).

[2] The Commission has previously advised Congress of the problems caused by this bifurcation of regulatory responsibility. *See* Letter of January 21, 1983 from Chairman Alan Green, Jr. to Senator Packwood, Chairman of the Senate Committee on Commerce, Science and Transportation and to Congressman Jones, Chairman of the House Committee on Merchant Marine and Fisheries. However, no legislative solution appears imminent.

Bureau of Hearing Counsel is directed to participate in this proceeding to ensure appropriate input on the record by the Commission's own staff.

Specifically, the Commission requests all commentators to address the following matters:

1. If no financial data are submitted by carriers in the Puerto Rico/Virgin Islands trade, how can the Commission effectively review the reasonableness of a general rate increase prior to its effective date?

a. If this proposed rule is adopted, how will interested persons effectively exercise their statutory right to protest general rate increases?

b. What standard of reasonableness should apply to rate inquiries in order to accommodate the competitive realities of the U.S./Puerto Rico, Virgin Islands trade?

2. If the proposed rule were adopted, can an adequate system of general rate increase review operate within 60 days as required by the statute?

a. Assuming authority exists to establish a thirty-day review period as Sea-Land has proposed, can the requisite rate review be accomplished within thirty days?

3. If the Commission should order an investigation of a proposed general rate increase, can such an investigation be completed within 180 days as required by the statute in the absence of pre-filed financial data and supporting evidentiary materials by the carrier?

4. To what extent is port-to-port service competitive with intermodal service by carriers in the Puerto Rico/Virgin Island trades?

a. What are the regulatory requirements imposed on carriers subject to ICC jurisdiction in these trades?

b. What specific differences between ICC and FMC regulatory requirements, impose a competitive disadvantage on FMC regulated carriers?

c. Can the needs of shippers in this trade be adequately served if carriers offer only intermodal service subject to ICC jurisdiction?

Additional questions and issues which commentators view as important considerations should also be addressed in this proceeding. However, comments which advance proposals that ignore either the statutory requirements of the Intercoastal Shipping Act or the realities of conditions in the Puerto Rico/Virgin Islands trades are not helpful to the Commission.

List of Subjects in 46 CFR Parts 502, 512, and 531

Maritime carriers, Reporting and recordkeeping requirements.

PART 512—[AMENDED]

Therefore, pursuant to 5 U.S.C. 553, §§ 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 833(a) and 46 U.S.C. 841(a)), and section 3 of the Intercoastal Shipping Act (46 U.S.C. 845), it is proposed that Title 46 CFR be amended as follows:

§ 512.2 [Amended]

1. Section 512.2(a) is revised to read (new language in italices):

* * * * *

(a) All persons engaged in common carriage via cargo vessels in the domestic offshore trades (except persons engaged in intrastate operations in Alaska and Hawaii *and persons engaged in domestic offshore operations between the continental United States and Puerto Rico and the U.S. Virgin Islands)* and required by the Intercoastal Shipping Act, 1933, to file tariffs with the Commission, shall execute and file, in duplicate, Statement of Financial and Operating Data (designated as FMC Form No. 377 for tug and barge operators and FMC Form No. 378 for vessel operators) for each domestic offshore trade served with: Federal Maritime Commission, Bureau of Tariffs, 1100 L Street N.W., Washington, D.C. 20573.

* * * * *

2. Section 512.2(f) is amended by the addition of the following at the beginning of the introductory paragraph:

* * * * *

(f) * * * "Except those persons excepted from the requirement of § 512.2(a), * * *"

* * * * *

3. Section 512.2(g) is amended by the addition of the following language after the word "carrier" in the first line of the paragraph:

* * * * *

(g) * * * not otherwise excepted from the reporting requirements of § 512.2 (a) and (f).

PART 502—[AMENDED]

4. The first two sentences of § 502.67(a)(2) are amended to read (new language in italics):

§ 502.67 [Amended]

(a) * * *

(2) *Except with respect to those carriers excepted from the provisions of § 502.2(a) of Part 512,* no general rate increase or decrease shall take effect before the close of the sixtieth day after the day it is posted and filed with the Commission. A vessel operating common carrier (VOCC) *not so excepted* shall file, under oath, concurrently with any general rate increase or decrease testimony and exhibits of such composition, scope and format that they will serve as the VOCC's entire direct case in the event the matter is set for formal investigation, together with all underlying workpapers used in the preparation of the testimony and exhibits.

* * * * *

5. Section 531.10(c) is amended to read (new language in italics):

531.10 [Amended]

* * * * *

(c) *Except as otherwise provided in 46 CFR Part 512, section 512.2(a), carriers not otherwise excepted from the provisions of 46 CFR 512.2(a) and 502.67(a)(2) shall post and file* amendments changing rates, fares, charges, rules, or other tariff provisions, which constitute a general increase or decrease in rates, together with any supporting material required by 46 CFR Part 512 and 46 CFR 502.67, at least 60 days prior to their effective date. *Carriers excepted from the provisions of 46 CFR 512.2(a) and 502.67(a)(2) instituting any such amendment shall post and file such amendment at least 30 days prior to the effective date and no suppporting material otherwise required by 46 CFR Part 512 and 46 CFR 502.67 shall be required to be submitted.*

* * * * *

By the Commission.[1]

Francis C. Hurney,

Secretary.

[FR Doc. 84-2016 Filed 1-25-84; 8:45 am]

BILLING CODE 6730-01-M

[1] Commissioner Moakley would not issue this notice of Proposed Rulemking because he believes the relief sought by Sea-land is beyond the Commission's statutory authority to grant.

Notices

Federal Register
Vol. 49, No. 18
Thursday, January 26, 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

Soil Conservation Service

Belmont Flood Prevention RC&D Measure Plan, West Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Belmont Flood Prevention RC&D Measure, Pleasants County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505; telephone 304–291–4151.

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

The measure concerns a plan for flood prevention. The planned works of improvement includes approximately 2,000 feet of floodwater diversion ditch. Of this 2,000 feet, about 950 feet will be vegetated and 1,050 feet will be rock lined.

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

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review and Federal and federally assisted programs and projects is applicable)

Rollin N. Swank,

State Conservationist.

January 19, 1984.

[FR Doc. 84–2158 Filed 1–25–84; 8:45 am]

BILLING CODE 3410–16–M

Jackson County Fairgrounds Land Drainage RC&D Measure Plan, West Virginia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines. (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jackson County Fairgrounds Land Drainage RC&D Measure Plan, Jackson County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Morgantown, West Virginia 26505, telephone 304–291–4151.

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

The measure concern is land drainage. The planned works of improvement will be installed on a 10 acre site at the Jackson County Fairgrounds. Conservation practices include about 1,460 feet of subsurface drains, 476 feet of diversion ditch, 1,200 feet of vegetative waterway, and 1,326 feet of drainage ditch.

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

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

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Rollin N. Swank,

State Conservationist.

January 16, 1984.

[FR Doc. 84–2159 Filed 1–25–84; 8:45 am]

BILLING CODE 3410–16–M

CIVIL RIGHTS COMMISSION

Florida Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Florida Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 5:00 p.m., on February 24, 1984, at the Continental Building, 5th Floor Conference Room, 5915 Ponce DeLeon Blvd., Miami, Florida 33146. The purpose of this meeting is to discuss the update of the Advisory Committee report *Confronting Racial Isolation in Miami*

and the reorganization of the Commission on Civil Rights.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Teresa Saldise, at (305) 856–1365 or the Southern Regional Office at (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–2099 Filed 1–25–84; 8:45 am]

BILLING CODE 6355–01–M

Montana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12:00 p.m., on February 25, 1984, at the Great Falls Public Library, 301 Second Avenue North, Great Falls, Montana 59401. The purpose of this meeting is to discuss plans for a study of Montana jails, Civil Rights issues in Montana, and the reorganization of the Commission on Civil Rights.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Angela Russell, at (406) 638–2626 or the Rocky Mountain Regional Office at (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 20, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–2101 Filed 1–25–84; 8:45 am]

BILLING CODE 6355–01–M

Wyoming Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 12:00 p.m., on February 11, 1984, at the University of Wyoming, Knight Hall, Room 314, Laramie, Wyoming 82071. The purpose of this meeting is to discuss possible followup to the Advisory Committee's report *Access for Disabled to Wyoming's Higher Education,* and the reorganization of the Commission on Civil Rights.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson Fuji Adachi, at (307) 766–6182 or the Rocky Mountain Regional Office at (303) 837–2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. January 20, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–2100 Filed 1–25–84; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

[C–791–005]

Deformed Steel Bars for Concrete Reinforcement From South Africa; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on deformed steel bars for concrete reinforcement from South Africa. The review covers the period July 1, 1982 through December 31, 1982.

As a result of the review, the Department has preliminarily determined the aggregate net subsidy for the period to be zero percent *ad valorem.* Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Philip Otterness or Brian Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 47900) a countervailing duty order on deformed steel bars for concrete reinforcement ("rebars") from South Africa and announced its intent to conduct an administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of South African rebars. Such merchandise is currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated.

The review covers the period July 1, 1982 through December 31, 1982, and two programs: (1) Preferential railroad rates for shipments destined for export, and (2) the Export Incentive Program—Categories A, B, and D.

During the period of review, Cape Town Iron and Steel Works Limited ("CISCO") was the only know exporter of South African rebars to the United States.

Analysis of Programs

(1) Railroad Rate Differential

The South African Transport Services ("SATS") has maintained a rate schedule that povided lower rates for export shipments that met certain loading and point-to-point criteria. On April 1, 1982, SATS made the same rate available to all steel shipments, whether destined for export or not, that met these criteria. During the review period, SATS maintained this new rate structure.

Because CISCO has not been able to meet the full-trainload conditions needed for the lower rates, it has always paid the higher rates. We prelimarily determine that CISCO did not receive preferential railroad rates during the period of review.

(2) Export Incentive Program

In 1980, the South African Department of Industries, Commerce, and Tourism expanded and restructured its Export Incentive Program into four categories. Category C of this program was eliminated on April 1, 1982.

Category A is a rebate of import duties on raw materials that are re-exported after further processing. This rebate is deducted from income taxes to be paid. Category B is a credit against income taxes equal to 10 percent of the valûe-added component of exported merchandise if there is a South African import duty on such merchandise. Since CISCO had a tax loss for fiscal year 1982, it received no benefits under Categories A and B during the review period.

Category D is a deduction from taxable income of up to 200 percent of export market development expenses. CISCO handles all its exports through

agents and has no export market development expenses. Therefore, CISCO did not receive any benefit under Category D during the review period.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the aggregate net subsidy to be zero percent *ad valorem* for the period of review. The Department intends to instruct the Customs Service to assess countervailing duties of zero percent of the f.o.b. invoice price on all shipments entered, or withdrawn from warehouse, for consumption on or after August 17, 1982, the date of suspension of liquidation, and exported on or before December 31, 1982.

As provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero percent of the entered value on all shipments of this merchandise entered, on withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: January 20, 1984.

Alan F. Holmer,

Duputy Assistant Secretary, Import Administration.

[FR Doc. 84-2182 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-301-001]

Leather Wearing Apparel From Colombia; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Suspension Agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia. The review covers the period July 1, 1982 through June 30, 1983.

As a result of the review, we preliminarily find that Confecciones Amazonas Orinoco, a Colombian exporter of leather wearing apparel to the United States, has complied with the terms of the suspension agreement. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 9, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 26655) the final results of its last administrative review of the agreement suspending the countervailing duty investigation on leather wearing apparel from Colombia (46 FR 19963, April 2, 1981) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that review.

Scope of the Review

Imports covered by the review are shipments of Colombian men's, boys', women's, girls' and infants' leather coats and jackets and other leather wearing apparel (such as vests, pants and shorts), as well as parts and pieces thereof. Such merchandise is currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. The review covers the one exporter of Colombian leather wearing apparel to the United States, Confecciones Amazonas Orinoco ("CAO"), the signatory to the suspension agreement.

The review covers the period July 1, 1982 through June 30, 1983 and one program: The Tax Reimbursement Certificate Program ("CAT").

Analysis of Program

Under the CAT program, exporters of leather wearing apparel received tax certificates equal to a percentage of the domestic value-added content of each shipment. Since our last review, the value-added content as a percentage of total value declined slightly. Effective January 1, 1983 the CAT rate applicable to the value-added content increased from 12 percent to 15 percent.

CAO received no benefits under the CAT program for shipments entering the United States during the review period.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that CAO has complied with the terms of the suspension agreement for the period July 1, 1982 through June 30, 1983. The agreement can remain in force only so long as shipments covered by the agreement account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that CAO accounted for at least 85 percent of imports into the United States from Colombia during the review period.

Interested parties may submit written comments on these preliminary results within 30 days or the date of the publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review, includng the results of its analysis of any issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: January 19, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-2184 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

[C-791-008]

Steel Wire Rope From South Africa; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Suspension Agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on steel wire rope from South Africa. The review covers the period December 1, 1982, the date of suspension of the investigation, through June 30, 1983.

As a result of the review, we preliminarily find that Haggie Limited, the only known exporter of South African wire rope to the United States, has complied with the terms of the suspension agreement.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Philip Otterness or Brian Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 54130) a notice of suspension of the countervailing duty investigation regarding steel wire rope from South Africa. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted an administrative review of the suspension agreement.

Scope of the Review

Imports covered by the review are shipments of South African steel wire rope. Such merchandise is currently classifiable under items 642.1200, 642.1610, and 642.1650 of theTariff Schedules of the United States Annotated. The review covers the only known exporter of South African wire rope to the United States, Haggie Limited, which was the signatory to the suspension agreement.

The review covers the period December 1, 1982, the effective date of the suspension agreement, through June 30, 1983, and the following programs: (1) Perferential railroad rates for shipments destined for export; (2) Export Incentive Program—Categories A, B, and D; (3) the Iron/Steel Export Promotion Scheme; (4) the General Levy and Import Subsidy Scheme; and (5) an Industrial Development Corporation loan.

Analysis of Programs

(1) Railroad Rate Differential

The South African Transport Services, a government—owned corporation, maintains a rate schedule that provides preferential rates for container shipments destined for export. Haggie ships all of its wire rope for export in containers. During the period of review, Haggie paid the higher domestic rate for all shipments of wire rope, whether for export or for domestic use. This eliminated the differential, in accordance with the terms of the suspension agreement.

(2) Export Incentive Programs

In 1980 the South African Department of Industries, Commerce, and Tourism expanded and restructured its Export Incentive Program into four categories. Category C of this program was eliminated on April 1, 1982.

Category A is a rebate of import duties on raw materials that are re-exported after further processing. Haggie used only domestically produced wire rod during the review period and did not apply for Category A benefits.

Category B consists of a credit against income taxes equal to 10 percent of the value-added component of exported merchandise if there is a South African import duty on such merchandise. There is an import duty on wire rope. Under the program the value-added component is calculated by taking the average f.o.b. sales price per ton, increasing it by the rebate received under the Iron/Steel Export Promotion Scheme (*see* below), and subtracting the average raw materials costs. This figure is then multiplied by 10 percent to obtain the amount of the credit.

Category D consists of a deduction of taxable income of up to 200 percent of export market development expenses. Haggie is eligible for the full deduction of 200 percent.

Raggie has not yet filed its tax return for the period under review but, as part of the suspension agreement, agreed not to claim Category B and D benefits for exports of wire rope to the United States. In a subsequent review, after Haggie has filed its return, we will reexamine whether or not Haggie claimed Category B or D benefits for shipments made during the review period.

(3) Iron/Steel Export Promotion Scheme ("ISEPS")

The South African Rolled Steel Producers' Co-ordinating Council, a group of nine primary steel producers, introduced ISEPS in September 1972. The scheme pays to secondary steel exporters an amount equal to 19.5 percent of the f.o.b. value on all exports of secondary steel products that contain rolled, drawn, or forged steel and that meet a 25 percent value-added criterion. The scheme is funded by a 4 rand per metric ton levy on all purchases of primary steel. The primary producers pay the levy to the fund, but the government allows an upward adjustment to the government-controlled price of primary steel to compensate for the amount of the levy, shifting the charge to the secondary producers.

Haggie did not make any claims for ISEPS benefits on shipments of wire rope that entered the United States, or were withdrawn from warehouse, for consumption on or after April 30, 1983 through June 30, 1983, in accordance with the terms of the suspension agreement.

(4) The General Levy and Import Subsidy Scheme ("GLISS")

Haggie did not receive any benefits from GLISS for shipments of wire rope that entered the United States, or were withdrawn from warehouse, for consumption on or after April 30, 1983 through June 30, 1983.

(5) Industrial Development Corporation Loan

In 1975, the Industrial Development Corporation, a corporation created by the South African government to support industrial expansion and modernization, granted Haggie a loan of 1,500,000 rand at 9% interest. This loan was for construction at a Haggie plant to increase wire rope production. Haggie made the final payment on this loan contemporaneous with the April 30 renunciation date specified in the suspension agreement for the majority of programs, and has not taken out any new loans under this program. However, any further government loans given at concessional rates may be grounds for termination of the suspension agreement.

We found no other benefits received by Haggie during the review period.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that Haggie Limited has complied with the terms of the suspension agreement for the period December 1, 1982 through June 30, 1983.

The agreement can remain in force only so long as shipments covered by the agreement account for at least 85 percent of exports of such merchandise to the United States. Our information indicates that Haggie Limited accounted for 100 percent of imports into the United States of wire rope from South Africa during the review period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: January 19, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-2183 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held February 9, 1984, 9:30 a.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Avenue, NW., Washington, D.C. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

Agenda

1. Opening remarks by the Subcommittee Chairman.
2. Presentation of papers or comments by the public.
3. Review of the Senate's Export Administration Act legislation and the foreign availability provisions.
4. Test cases for foreign availability certification.
5. Foreign availability management issues.
6. Data base, parameters, equipment, and schedule.
7. New Business
8. Action items underway.
9. Action items due at next meeting.

The meeting will be open to the public with a limited number or seats available. For further information or copies of the minutes contact Margaret A. Cornejo (202) 377-2583.

Dated: January 20, 1984.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 84-2181 Filed 1-26-84; 8:45 am]

BILLING CODE 3510-DT-M

Bryn Mawr College; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-284. Applicant: Bryn Mawr College, Bryn Mawr, PA 19010. Instrument: Pulsed Nuclear Magnetic Resonance Spectrometer, CPS-2 with Accessories. Manufacturer: Spin-Lock Ltd., Canada. Intended use: See notice at 48 FR 39973.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a coherent pulse at a frequency of 22.5 Megahertz. The National Bureau of Standards advises in its memorandum dated November 14, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2188 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois at Urbana-Champaign; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-79. Applicant: University of Illinois at Urbana-Champaign, Urbana, IL 61801. Instrument: Analytical ZAB-HF Mass Spectrometer and Accessories. Manufacturer: VG Analytical Instruments Limited, United Kingdom. Intended use: See notice at 47 FR 57982.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time the instrument was ordered (October 21, 1982).

Reasons: The foreign instrument provides a guaranteed resolution of 60,000 (10 percent valley) in the Fast Atom Bombardment (FABMS) mode. The National Institutes of Health advises in its memorandum dated April 29, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered. We know of no other domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured at the time the foreign instrument was order.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2189 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Minnesota Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-296. Applicant: University of Minnesota, Minneapolis, MN 55455. Instrument: Surface Forces Apparatus. Manufacturer: Anutech Proprietary Limited, Australia. Intended Use: See notice at 48 FR 40932.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Resaons: The foreign instrument is capable of measuring small forces (in micronewton range) with a separation resolution of ±1.0 angstrom. The National Bureau of Standards advises in its memorandum dated November 8, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use. We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2190 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Minnesota; Decision on Applicaton for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-245. Applicant: University of Minnesota, Minneapolis, MN 55455. Instrument: MS25 Gas Chromatograph/Mass Spectrometer and Accessories. Manufacturer: Kratos Analytical Instruments, United Kingdom. Intended use: See notice at 48 FR 33508.

Comments: None.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2) of the regulations, at the time the foreign instrument was ordered (March 3, 1983).

Reasons: The foreign instrument provides a static resolution greater than 7500 (10 percent valley) and is capable of MS/MS type of analysis with collision induced metastable mapping or B1E scanning. The National Bureau of Standards advises in its memorandum dated November 3, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic manufacturer both willing and able to provide an instrument with the required features at the time the foreign instrument was ordered. As to the domestic availability of instruments § 301.5(d)(2) of the Regulations provides:

> * * * In determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case * * *

Among other things, this subsection also provides:

> * * * If a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument.

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purposes of comparison with the foreign instrument. Where an applicant, as in this case, received no response to a formal request for quotation sent to the Nuclide Corporation (the only known domestic manufacturer of comparable magnetic sector mass spectrometers) it is apparent that the domestic manufacturer was either not willing or not able to produce an instrument of equivalent scientific value to the foreign instrument. Accordingly, the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-2186 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; St. Joseph's Hospital and Medical Center, et al.

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with Subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-267R. Applicant: St. Joseph's Hospital and Medical Center, 703 Main Street, Paterson, N.J. 07503. Instrument: Osseous Implant Kit. Original notice of this resubmitted application was published in the **Federal Register** of August 26, 1983.

Docket No.: 84-36. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550.

Instrument: Streak Camera. Manufacturer: John Hadland, Ltd., United Kingdom. Intended use: Studies of plasmas heated to near 1 keV electron temperature. The research goal of these experiments is to compare the results of code calculations with the experimental data. The experiments will test the understanding of the physics of matter at these elevated temperatures. Application received by Commissioner of Customs: December 8, 1983.

Docket No.: 84–37. Applicant: Oklahoma State University, Geology Department, 151 Physical Sciences II, Stillwater, OK 74078. Instrument: Terrain Conductivity Meter, Model EM 34–3. Manufacturer: Geonics, Inc., Canada. Intended use: Evaluation of electrical anomalies in earth materials and identification of changes which are related to fluid type in earth materials, e.g. contaminant plumes associated with wastes contamination. Application received by Commissioner of Customs: December 8, 1983.

Docket No.: 84–38. Applicant: North Carolina State University, P.O. Box 5935, Raleigh, NC 27650. Instrument: Mass Spectrometer, Model MAT 251 and Accessories. Manufacturer: Finnigan MAT, West Germany. Intended use: Studies of marine sediments and sedimentary rocks in the following areas: (1) Paleoceanography history, (2) Diagenetic effects—inorganic and organic, (3) Bioturbation and mixing studies and (4) Stratigraphy. To accomplish these studies marine carbonates, carbonate micro-fossils, sedimentary organic carbon, sedimentary organic nitrogen, sedimentary sulfur, and sedimentary sulfides and pyrite are analyzed isotopically. Application received by Commissioner of Customs: December 12, 1983.

Docket No.: 84–39. Applicant: University of Miami, Rosenstiel School of Marine & Atmospheric Science, 4600 Rickenbacker Causeway, Miami, FL 33149. Instrument: Combined Resonant Column & Torsional Triaxial Apparatus. Manufacturer: Sieken, Inc., Japan. Intended use: Research to obtain data for use as inputs to various numerical codes used by the U.S. Navy for detective acoustics. Tests will be performed with the following objectives:

(a) To measure the dynamic shear modulus and the Coulomb-damping of sediments, rocks and ices at the frequency range of 0.1 to 1000 Hz and the shear strain range of 0.0000001 to 0.500.

(b) To measure the permeability of the sediments, rocks and ices.

(c) To simulate the acoustic waves, seismic waves and earthquake loadings in sediments, rocks and ices.

Application received by Commissioner of Customs: December 12, 1983.

Docket No.: 84–41. Applicant: Sandia National Laboratories, P.O. Box 5800, Albuquerque, NM 87185. Instrument: Electron Microscope, Model JEM–1200EX and Accessories. Manufacturer: JEOL, Japan. Intended use: Support of a large number of ongoing and anticipated materials science programs—ranging from growth and development of new semiconducting materials and devices, to the investigation of conducting and superconducting organic compounds, to investigation of new transition metal and rare earth compounds, and the development of devices (electrodes, energy conversion devices, and electronic devices) based upon them. Application received by Commissioner of Customs: December 12, 1983.

Docket No.: 84–42. Applicant: NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135. Instrument: Cathode Life Test Triode Assemblies. Manufacturer: Siemens A.G., West Germany. Intended use: Evaluation of the instrument's potential for stable operation at high emission current densities, possibly up to 4 A/cm², for 100,000 hours or more by endurance life testing. Application received by Commissioner of Customs: December 12, 1983.

Docket No.: 84–43. Applicant: The Toledo Hospital, 2142 N. Cove Blvd., Toledo, OH 43606. Instrument: Electron Microscope, Model H–600–2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: Study of the ultrastructural pathology of kidneys, skeletal muscles, peripheral nerves, malignant and benign tumors, and micro-organisms. X-ray dispersive analysis for elemental content and image analysis of pathologic specimens. Education—training of residents, medical students, technicians and medical technology students.

Application received by Commissioner of Customs: December 15, 1983.

Docket No.: 84–44. Applicant: Yale University, Kline Chemistry Laboratory, P.O. Box 6666, New Haven, CT 06511. Instrument: Microcalorimeter, Model DASM–4. Manufacturer: USSR Academy of Sciences, USSR. Intended use: Research on the thermodynamics of biochemical and biological processes encompassing a wide range of systems including:

(1) Differential scanning calorimetry (DSC) study of the phase transitions occurring in model and biological membranes, and the thermal unfolding of proteins.

(2) Use of differential scanning calorimetry in the quantitative study of cellular metabolism and the process known as phagocytosis,

(3) Study of protein-ligand interactions by means of DSC. Training of postdoctoral and undergraduate students seeking to obtain experience in calorimetry applied to biochemistry.

Application received by Commissioner of Customs: December 15, 1983.

Docket No.: 84–45. Applicant: Naval Air Development Center, Street Road and Jacksonville Road, Warminster, PA 18974. Instrument: Electron Microscope, Model JEM–100CXII with Accessories. Manufacturer: JEOL, Japan. Intended use: Examination of polymers (epoxies, thermoplastics) and metals (aluminum, titanium and steel) to gain a better fundamental understanding of how microstructural features of engineering materials affect their properties.

Application received by Commissioner of Customs: December 15, 1983.

Docket No.: 84–46. Applicant: University of Southern California, University Park MC–1147, Los Angeles, CA 90089–1147. Instrument: Electron Microscope, Model JEM–1200EX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use: Investigations of biological materials with the following objectives:

To determine the effects of extracellular matrix on epithelial determination and differentiation into secretory ameloblasts.

To determine the precise time and localization of hormonally-regulated mesenchyme-epithelial interactions in congenic murine strains of mice.

The determination of the medial edge epithelial cells of embryonic secondary palatal shelves to differentiate into a unique phenotype if instructed and maintained by signals derived from adjacent ectomesenchyme.

To investigate enamel gene expression during vertebrate tooth development in a number of selected vertebrates ranging from elasmobranchs to philosophers.

Application received by Commissioner of Customs: December 15, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2185 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–DS–M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No: 83–297. Applicant: University of Washington, Seattle, WA 98195. Instrument: Model 2103 Cs^{+} Colliding Beam Polarized Ion Source and Accessories. Manufacturer: ANAC Ltd., New Zealand. Intended use: See notice at 48 FR 40932.

Comments: None.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a high-intensity polarized beam current (hydrogen or deuterium anions; H^{-} or D^{-}) with an output energy of 10–50 thousand electron volts. The National Bureau of Standards advises in its memorandum dated October 28, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2187 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–DS–M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83–237. Applicant: University of Washington, Seattle, WA 98195. Instrument: Titanium Product System for Osseointegration. Manufacturer: Bofors Nobelpharma, Sweden. Intended use: See notice at 48 FR 31684.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The instrument is necessary to the intended research based upon the principle of Osseointegration. The National Institutes of Health advises in its memorandum dated September 15, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Action Director, Statutory Import Programs Staff.

[FR Doc. 84–2192 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–DS–M

University of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83–264. Applicant: University of Wisconsin, Madison, WI 53706. Instrument: Spectropolarimeter for Circular Dichroism and Optical Rotatory Dispersion. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use: See notice at 48 FR 38869.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides measurement of circular dichroism spectra and high frequency switching (50,000 times per second) between left- and right-circularly polarized light. The National Institutes of Health advises in its memorandum dated November 2, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–2191 Filed 1–25–84; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Issuance of Letter of Authorization; Western Geophysical Co. of America

Notice is hereby given that on January 20, 1984 the National Marine Fisheries Service issued a Letter of Authorization under the authority of Section 101(a)(5) of the Marine Mammal Protection Act of 1972 and 50 CFR Part 228, Subpart B—Taking of Ringed Seals Incidental to On-Ice Seismic Activities to the following: Western Geophysical Co. of America, 351 E. International Airport Road, Anchorage, Alaska 99502–1591.

This Letter of Authorization is valid for 1984 and is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR Part 228, Subparts A and B).

Issuance of this letter is based on a finding that the total level of taking will have a negligible impact on the ringed seal species or stock, its habitat and its availability for subsistence use.

This Letter of Authorization is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 20, 1984.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-2217 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

Issuance of Permit; Acuaticland, S.A.

On October 19, 1983, Notice was published in the **Federal Register** (48 FR 48493) that an application had been filed with the National Marine Fisheries Service by Acuaticland, S.A., Zoo Delfinario Elche, Sanches-Ferrar Gestoria, Obispo-Tormo 7, Eliche (Alicante), Spain, for a permit to take four (4) Atlantic bottlenose dolphin (*Tursiops truncatus*) and four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 19, 1984, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above taking to Acuaticland, S.A., subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 330 Whitehaven Street, NW., Washington, D.C.

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 S. Ferry Street, Terminal Island, California 90731.

Dated: January 20, 1984.

Carmen J. Blondin,

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

[FR Doc. 84-2218 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The North Pacific Fishery Management Council's Plan Maintenance Team for salmon will meet at 1 p.m., Sunday, January 29, 1984, at the Baranof Hotel in Juneau. The meeting room will be posted in the lobby of the hotel. The Team will review various salmon management proposals for 1984; review the status of chinook stocks and consider whether or not the fishery management plan for salmon will need to be amended. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Jim Glock, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: January 23, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84-2216 Filed 1-25-84; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Draft Guidance on Written Guarantees

Correction

In FR Doc. 84–1628 beginning on page 2502 in the issue of Friday, January 20, 1984, make the following correction:

On page 2503, column one, the **DATES** line should read "Written comments must be received by February 21, 1984."

BILLING CODE 1505-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday and Wednesday, 14 and 15 February 1984.

Times: 0830–1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Initiative—Equipment Upgrade Program will meet for classified briefings and discussions and to summarize the findings to be included in the final report. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84-2202 Filed 1-25-84; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday, 22 February 1984.

Times: 0830–1700 hours (Closed).

Place: The BDM Corporation, McLean, Virginia.

Agenda: The Army Science Board Ad Hoc Subgroup on Intelligent Robotics will meet for proprietary and classified briefings and discussions and final report preparation. This study addresses robotics applications for the U.S. Army. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (1 and 4) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified and proprietary and nonproprietary matters to be discussed are so inextricably intertwined so as to preclued opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84-2204 Filed 1-25-84; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday and Thursday, 22 and 23 February 1984.

Times: 0830–1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board 1984 Summer Study Panel on Technology to Improve Logistics and Weapon Support for Army 21 will hold its kick-off meeting for classified briefings and discussions addressing this study effort. Briefings will cover logistics research and development; ammunition and Petroleum, Oil, and Lubricants (POL); and handling and distribution doctrine. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may

be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–2199 Filed 1–25–84; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday, Wednesday, and Thursday, 21–23 February 1984.

Times: 0830–1700 hours (Closed).

Place: U.S. Army Aviation Systems Command, St. Louis, Missouri.

Agenda: The Army Science Board Ad Hoc Subgroup on the Army's LHX Aircraft Program will meet for proprietary and classified briefings and discussions with contractors addressing preliminary designs for the LHX. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1 and 4) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified and proprietary and nonproprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–2201 Filed 1–25–84; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Tuesday and Wednesday, 28 and 29 February 1984.

Times: 0830–1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and future space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and Title 5, U.S.C. Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The Army Science Board Administrative Officer, Sally A. Warner, may be contacted for further information at (202) 695–3039 or 697–9703.

Sally A. Warner,

Administrative Officer.

[FR Doc. 84–2200 Filed 1–25–84; 8:45 am]

BILLING CODE 3710–08–M

Privacy Act of 1974; Publication of a Notice for a System of Records

Correction

In FR Doc. 84–1118 appearing at page 2006 in the issue of Tuesday, January 17, 1984, insert the System identification number "AO 319.01DACA" before the System name.

BILLING CODE 1505–01–M

DEPARTMENT OF EDUCATION

Innovative Programs for Severely Handicapped Children; Grant Applications

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Application Notice Establishing the Closing Date for Transmittal of Certain Fiscal Year 1984 Noncompeting Continuation Grant Applications.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and the closing date for transmittal of noncompeting continuation grant applications for certain programs administered by the Office of Special Education and Rehabilitative Services.

Organization of Notice: This notice contains two parts. Part I includes a list of the programs covered by this notice. Part II contains the individual application announcements for each program.

Instructions for Transmittal of Applications: Applicants should note specifically the instructions for the transmittal of applications included below:

Transmittal of Applications: To be assured of consideration for funding, applicants for noncompeting continuation awards should be mailed or hand delivered on or before March 19, 1984.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: Applications must be addressed to the Department of Education, Application Control Center, Attention: (insert appropriate CFDA Number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or.

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Hand-delivered applications must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building, 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Application Forms: Application forms and program information packages will be mailed by January 27, 1984 to grantees who are eligible to apply for noncompeting continuation grant support under this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 50 double-spaced or 25 single-spaced pages in length. The Secretary further urges that applicants not submit information that is not requested.

Part I.—List of Program Application Announcements Published in This Notice

CFDA No.	Program title	Closing date
84.086X	Innovative Programs for Severely Handicapped Children—Severely Handicapped Projects.	Mar. 19, 1984.
84.086Y	Innovative Programs for Severely Handicapped Children—Deaf-Blind Projects.	Mar. 19, 1984.

Part II—Application Notices

84.086X Innovative Programs for Severely Handicapped—Severely Handicapped Projects

Applications are invited for noncompeting continuation demonstration projects under the Innovative Programs for Severely Handicapped Children program—Severely Handicapped Projects.

Authorization for this program is contained in Section 624 of Part C of the Education of the Handicapped Act. (20 U.S.C. 1424)

Applications may be submitted by public or nonprofit private agencies, organizations, or institutions which operate a center or provide a service which meets one or more of the purposes of Part C of the Education of the Handicapped Act.

The purpose of the program is to support model projects which develop or demonstrate new, or improvements in existing methods, approaches, or techniques which would contribute to the adjustment and education of severely handicapped children.

Available Funds: It is estimated that approximately $1,695,000 will be available for support of noncompeting continuation grants in fiscal year 1984. This estimate does not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

84.086Y Innovative Programs for Severely Handicapped Children—Deaf-Blind Projects

Applications are invited for noncompeting continuation demonstration projects under the Innovative Programs for Severely Handicapped Children program—Deaf-Blind Projects.

Authorization for this program is contained in Section 624 of Part C of the Education of the Handicapped Act.

(20 U.S.C. 1424)

Applications may be submitted by public or nonprofit private agencies, organizations, or institutions which operate a center or provide a service which meets one or more of the purposes of Part C of the Education of the Handicapped Act.

The purpose of the program is to support model projects which develop or demonstrate new, or improvements in existing methods, approaches, or techniques which would contribute to the adjustment and education of deaf-blind children.

Available Funds: It is estimated that approximately $925,000 will be available for support of noncompeting continuation grants in fiscal year 1984. This estimate does not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Applicable Regulations: Regulations applicable to these programs include the following:

(a) Regulations governing the Auxiliary Activities Program (34 CFR Part 315); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT: R. Paul Thompson, Special Needs Section, Office of Special Education Programs, Switzer Building, Room 4615, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 426-6590.

(20 U.S.C. 1424)

(Catalog of Federal Domestic Assistance, Number 84.086, Innovative Programs for Severely Handicapped Children)

Dated: January 23, 1984.

Madeleine Will,

Assistant Secretary.

[FR Doc. 84-2223 Filed 1-25-84; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Literacy Awareness Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: February 16-17, 1984, 9:00 a.m. to 5:00 p.m.

ADDRESS: National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Helen Banks, Administrative Assistant, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004; (202/376-8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee is open to the public. The proposed agenda includes:

Preparation and development of final draft of Literacy Report.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on January 18, 1984.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 84-2205 Filed 1-25-84; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Correction

In FR Doc. 84-1550, beginning on page 2289 in the issue of Thursday, January 19, 1984, the date appearing in the second and third lines of the second

paragraph in the third column on page 2289 should have read, "January 27, 1984."

BILLING CODE 1505-01-M

Privacy Act of 1974; Proposed Revision to Existing Systems of Records

AGENCY: Department of Energy.

ACTION: Proposed Revisions to Two Existing Systems of Records (DOE–33 and DOE–35) subject to the Privacy Act of 1974, Pub. L. 93–579, (5 U.S.C. 552a).

SUMMARY: Federal agencies are required by the Privacy Act of 1974, Pub. L. 93–579 (5 U.S.C. 522a), to publish notice in the **Federal Register** of a revision to a system of records and of any new or intended use of information maintained in a system of records. The Department of Energy (DOE) proposes to revise DOE–33 Personnel Medical Records and DOE–35 Personnel Radiation Exposure Records. Records of exposure to chemical agents and physical stress and related data currently maintained in DOE–33 would be transferred to DOE–35, which would be redesignated as "Personnel Exposure Records."

DOE also proposes to establish a new routine use of the revised DOE–35 that would permit the disclosure of exposure records to the recognized or certified collective bargaining agent of the affected employee. Public comment is sought on the proposed revisions and new routine use of DOE–35, as required by subsection (e)(11) of the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 522a.

DATE: Written comments must be received on or before February 27, 1984.

ADDRESS: Comments and requests for further information should be directed to any of the following:

David E. Patterson, Director, Office of Operational Safety, U.S. Department of Energy, Mail Stop EP–32, Washington, DC 20545, (301) 353–3157

Abel Lopez, Office of General Counsel, U.S. Department of Energy, 1000 Independence Ave., SW., Mail Stop GC–41, Washington, DC 20585, (202) 252–8618

Carole J. Gorry, Acting Chief, FOI and Privacy Acts Activities Branch, U.S. Department of Energy, 1000 Independence Ave., SW., Mail Stop MA–232.1, Washington, DC 20585, (202) 252–6025

SUPPLEMENTARY INFORMATION:

DOE occupational safety and health policy, as stated in DOE 5483.1A and DOE 3790.1, requires that occupational safety and health protection for DOE and DOE contractor employees be consistent with protection afforded private industry employees by the Occupational Safety and Health Act of 1970 (OSHA), Pub. L. 91–596, and the standards promulgated pursuant to OSHA, which include 29 CFR Part 1910. Currently, 29 CFR 1910.20, "Access to employee exposure and medical records," permits routine disclosure of these records to "a recognized or certified collective bargaining agent" for the bargaining unit employees which he/she represents. The routine use provisions of the DOE systems of records DOE–33 Personnel Medical Records and DOE–35 Personnel Radiation Exposure Records do not permit such routine disclosure (47 FR 14284, 4–2–82).

To conform to Departmental policy, and to be consistent with the OSHA routine disclosure requirements of 29 CFR 1910.20, DOE proposes to revise DOE–33 and DOE–35, and to establish a new routine use of DOE–35. To accomplish this, the portion of DOE–33 entitled, "Results of monitoring individuals for exposure to chemical agents (not covered in DOE–35) and physical stress and related data," would be transferred to DOE–35, and DOE–35 would be redesignated as "Personnel Exposure Records." The new routine use would permit disclosure of exposure records in DOE–35 to "a recognized or certified collective bargaining agent" for the bargaining unit employees which he/she represents. This routine use would grant the bargaining agents of DOE and DOE contractor personnel the same access to exposure records provided to the bargaining agents of private sector employees, and would be consistent with 29 CFR 1910.20(e)(2)(i), which states:

> Employee and designated representative access (i) Employee exposure records. Each employer shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, exposure records relevant to the employee consist of:
>
> (A) Records of the employee's past or present exposure to toxic substances or harmful physical agents;
>
> (B) Exposure records of other employees with past or present job duties or working conditions related to or similar to those of the employee;
>
> (C) Records containing exposure information concerning the employee's workplace or working conditions, and
>
> (D) Exposure records pertaining to workplaces or working conditions to which the employee is being assigned or transferred."

29 CFR 1910.20(c)(1) defines "*access*," as "the right and opportunity to examine a copy.

29 CFR 1910.20(c)(3) defines "*designated representative*," as "any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical record, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization."

29 CFR 1910.20(c)(5) defines "*employee exposure record*," as "a record containing any of the following kinds of information concerning employee exposure to toxic substances or harmful physical agents:

(1) Environmental (workplace) monitoring or measuring, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

(2) Biological monitoring results which directly assess the absorption of a substance or agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent;

(3) Material safety data sheets, or

(4) In the absence of the above, any other record which reveals the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent."

The Privacy Act requires that routine use disclosure of records be "compatible with the purpose for which the record was collected." It has been determined that the proposed routine use will be compatible, because (a) the employee exposure records are maintained for purposes of assessing and enhancing employee occupational safety and health and (b) the responsibilities of recognized or certified collective bargaining agents include assessing, monitoring, reporting on, and otherwise involving themselves in occupational safety and health matters for the bargaining unit employees which they represent.

DOE is submitting the Report required by OMB Circular A–108 concurrently with the publication of this notice. The text of the system notices is set forth below.

Issued in Washington, DC, this 20th day of January 1984.

William S. Heffelfinger,

Director of Administration.

DOE-33

SYSTEM NAME:

Personnel Medical Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The locations listed as items 1 through 21 in Appendix A of FR Vol. 47, No. 64, dated April 2, 1982 (47 FR 14284), and the following additional locations:

U.S. Department of Energy, Bendix Corporation, P.O. Box 1159, Kansas City, MO 64141
U.S. Department of Energy, Bettis Atomic Power Laboratory, P.O. Box 79, Pittsburgh, PA 15122
U.S. Department of Energy, Carbondale Mining Research Center, P.O. Box 2587, Carbondale, IL 62901
U.S. Department of Energy, Dayton Area Office, Mound Laboratory, P.O. Box 66, Miamisburg, OH 45343
U.S. Department of Energy, Kansas City Area Office, P.O. Box 202, Kansas City, MO 64141
U.S. Department of Energy, Knolls Atomic Power Laboratory, P.O. Box 1072, Schenectady, NY 12301
U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544
U.S. Department of Energy, Naval Petroleum Reserve, P.O. Box 11, Tupman, CA 93276
U.S. Department of Energy, Naval Reactors Facility, P.O. Box 2068, Idaho Falls, ID 63411
U.S. Department of Energy, Strategic Petroleum Reserve, 900 Commerce Road, East, New Orlean, LA 70123

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former DOE employees and DOE contractor employees. This system includes individuals admitted to or treated at Kadlec Hospital, Richland, prior to September 9, 1956.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical histories on employees resulting from medical examinations and radiation exposure. In cases of injury, description of injury occurrence and treatment. In addition, medical records of periodic physical examinations and psychological testing, blood donor program records, audiometric testing, routine first aid, and other visits. Also, hospital in-patient records and emergency room out-patient records for private patients at Kadlec Hospital.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act, 5 U.S.C. 7901; Executive Order 12009; Occupational Safety and Health Act of 1970 (OSHA), Pub. L. 91-596 (as implemented by 29 CFR 1910.20 (45 FR 35277, May 23, 1980)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Physicians, U.S. Department of Labor, various state departments of labor and industries, and contractors use information (a) to ascertain suitability of an employee for job assignments with regard to health; (b) to provide benefits under Federal programs or contracts, and (c) to maintain a record of occupational injuries or illnesses in the performance of regular diagnostic and treatment services to patients. A record from this system of records may be disclosed to officials of the National Institute of Occupational Safety and Health for the purpose of conducting an epidemiologic study of workers at DOE's Portsmouth Gaseous Diffusion Plant at Piketon, OH. Additional routine uses listed in Appendix B of FR Vol. 47, No. 64, dated April 2, 1982 (47 FR 14284).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts, magnetic tapes, paper, computer disc, and microfilm.

RETRIEVABILITY:

By name, social security number, and plant area.

SAFEGUARDS:

Active records are maintained in locked file cabinets in locked buildings. Inactive records are maintained in locked storage vaults.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are rendered illegible and destroyed by maceration, shredding, or burning, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, U.S. Department of Energy, Deputy Assistant Secretary for Environment, Safety, and Health, EP-30, Washington, DC 20585.

Field Offices: The managers and directors of field locations identified as items 2 through 21 in Appendix A of FR Vol. 47, No. 64, dated April 2, 1982 (47 FR 14284), are the system managers for their respective portions of the system.

NOTIFICATION PROCEDURES:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Chief, Freedom of Information and Privacy Acts Activities Branch, Department of Energy (Headquarters), or the Privacy Act Officer at the appropriate address identified as items 1 through 21 in Appendix A of FR Vol. 47, No. 64, dated April 2, 1982 (47 FR 14284), in accordance with DOE's Privacy Act regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Applicable location or locations where individual is or was employed, full name of requester, social security number, employer(s), and time period.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

The individual who is the subject of the record, physicians, medical institutions, Office of Workers Compensation Programs, military retired pay systems records, Federal civilian retirement systems, pay and leave records, Office of Personnel Management retirement life insurance and health benefits records system, and the Office of Personnel Management personnel management records system.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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SYSTEM NAME:

Personnel Exposure Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The locations listed as items 1, 3, 4, 6 through 18 in Appendix A of FR 47, No. 64, dated April 2, 1982, (47 FR 14284), and the following additional locations:

U.S. Department of Energy, Amarillo Area Office, Pantex Plant, P.O. Box 1086, Amarillo, TX 79105
U.S. Department of Energy, Brookhaven Area Office, Upton, NY 11973
U.S. Department of Energy, Dayton Area Office, Mound Laboratory, P.O. Box 66, Miamisburg, OH 45342

U.S. Department of Energy, Environmental Measurements Laboratory, 376 Hudson Street, New York, NY 10014
U.S. Department of Energy, Idaho Health Services Laboratory, CF-690, INEL and Computer Science Center, Idaho Falls, ID 83401
U.S. Department of Energy, Kansas City Area Office, P.O. Box 202, Kansas City, MO 64141
U.S. Department of Energy, Knolls Atomic Power Laboratory, P.O. Box 1072, Schenectady, NY 12301
U.S. Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87544
U.S. Department of Energy, Naval Reactors Representative Office, Building 195, Charleston Naval Shipyard, Charleston, SC 29408
U.S. Department of Energy, Naval Reactors Representative Office, P.O. Box 21, Groton, CT 06340
U.S. Department of Energy, Naval Reactors Representative Office, Mare Island Naval Shipyard, P.O. Box 2053, Mare Island, CA 94592
U.S. Department of Energy, Naval Reactors Representative Office, Newport News Shipbuilding and Dry Dock Company, P.O. Box 973, Newport News, VA 23607
U.S. Department of Energy, Naval Reactors Representative Office, Norfolk Naval Shipyard, P.O. Box 848, Portsmouth, VA 23705
U.S. Department of Energy, Naval Reactors Representative Office, P.O. Box 1687, Pascagoula, MS 39567
U.S. Department of Energy, Naval Reactors Representative Office, Pearl Harbor Naval Shipyard, P.O. Box 128, FPO San Francisco, CA 96610
U.S. Department of Energy, Naval Reactors Representative Office, Portsmouth Naval Shipyard, Building 178, P.O. Box 2008, Portsmouth, NH 03801
U.S. Department of Energy, Naval Reactors Representative Office, Puget Sound Naval Shipyard, P.O. Box 1A, Bremerton, WA 98314
U.S. Department of Energy, New Brunswick Laboratory, D-350, 9800 South Cass Avenue, Argonne, IL 60439
U.S. Department of Energy, Pinellas Area Office, P.O. Box 11500, St. Petersburg, FL 33733
U.S. Department of Energy, Puerto Rico Office, P.O. Box BB, San Juan, PR 00935
U.S. Department of Energy, Rocky Flats Area Office, P.O. Box 928, Golden, CO 80401
U.S. Department of Energy, Sandia Area Office, P.O. Box 5800, Albuquerque, NM 87115
U.S. Department of Energy, Shippingport Branch Office, P.O. Box 11, Shippingport, PA 15077

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE personnel, contractor personnel, and any other persons having access to certain DOE facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

DOE and contractor personnel and other individuals' radiation exposure records, and other records in connection with registeries of uranium, transuranics, or other elements encountered in the nuclear industry. Results of monitoring individuals for exposure to chemical agents and physical stress and related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Department of Energy Organization Act, including authorities incorporated by reference in Title III of the Department of Energy Organization Act; 5 U.S.C. 7901; Executive Order 12009; Occupational Safety and Health Act of 1970 (OSHA), Pub. L. 91-596 (as implemented by 29 CFR 1910.20 (45 FR 35277, May 23, 1980)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

U.S. Navy uses these records to monitor radiation exposure of Navy and other personnel at Navy facilities.

NRC uses these records to monitor radiation exposure of contractor personnel. DOE and its contractors and consultants, other contractors, and organizations, including U.S. Department of Labor, various State departments of labor and industries use these records to monitor radiation exposure of personnel.

Department of Defense (DOE) uses these records for the limited purpose of identifying DOD and DOD-contractor personnel exposed to ionizing radiation during nuclear testing, and for conducting epidemiologic studies of radiation effects on individuals so identified.

National Academy of Sciences and Center for Disease Control (and appropriate management personnel of the Department of Health and Human Services) use these records for conducting epidemiologic studies of the effects of radiation on individuals exposed to ionizing radiation.

A record from this system of records may be disclosed to officials of the National Institute of Occupational Safety and Health for the purpose of conducting an epidemiologic study of workers at DOE's Portsmouth Gaseous Diffusion Plant at Piketon, OH.

A record from this system of records may be disclosed to a recognized or certified collective bargaining agent for the bargaining unit employees which he/she represents, for the purposes of assessing, monitoring, reporting, or otherwise becoming involved in employee safety and health matters.

Additional routine uses 1, 2, 4, 7, 8, 9, and 10 listed in Appendix B of FR 47, No. 64, dated April 2, 1982 (47 FR 14284).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts, paper records, index cards, magnetic tapes, punched cards, microfilm, and disc.

RETRIEVABILITY:

By name, alphanumeric code, and social security number.

SAFEGUARDS:

Active records are maintained in locked file cabinets, locked safes, guarded areas, and secured buildings, with access on a need-to-know basis.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE 1324.2, "Records Disposition." Records within the DOE are rendered illegible and destroyed by maceration, shredding, or burning, as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters, U.S. Department of Energy, Deputy Assistant Secretary for Environment, Safety, and Health, EP-30, Washington, DC 20585.

Field Offices: The managers and directors of field locations 3, 4, and 6 through 18 in Appendix A, of FR Vol. 47, No. 64, dated April 2, 1982 (47 FR 14284), and the additional locations listed above under system location are the systems managers for their respective portions of the system.

NOTIFICATION PROCEDURES:

a. Requests by an individual to determine if a system of records contains information about him/her should be directed to the Chief, Freedom of Information and Privacy Acts Activities Branch, Department of Energy (Headquarters), or the Privacy Act Officer at the appropriate address identified as items 1, 2, 4, and 6 through 18 in Appendix A of FR 47, No. 64, dated April 2, 1982 (47 FR 14284), in accordance with DOE's Privacy Act regulations (10 CFR Part 1008 (45 FR 61576, September 16, 1980)).

b. Required identifying information: Complete name, and geographic location(s) and organization(s) where requester believes such records may be located, date of birth, and time period.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

The subject individual, accident-incident investigation, film badges, dosimetry records, and previous employee records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 84-2058 Filed 1-25-84; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangements, European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval for the return of highly enriched uranium of United States origin contained in irradiated research reactor fuel for reprocessing and storage, as follows:

(1) From the RHF reactor, Grenoble, France, 150 kilograms of enriched uranium, to the DOE Savannah River facility; and

(2) From the FRM reactor, Munich, the Federal Republic of Germany, 20 kilograms of enriched uranium, to the DOE Idaho facility.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security. These arrangements for the return of U.S. origin highly enriched uranium (HEU) are consistent with U.S. non-proliferation policy in that they serve to reduce the amount of HEU abroad.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 23, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-2240 Filed 1-25-84; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-793, to the Physics Department, Etudes et Productions Schlumberger, France, 85 grams of thorium, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 23, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-2242 Filed 1-25-84; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-JA-340, to Japan Nuclear Fuel Conversion Co., Ltd., 10 grams of uranium, enriched to an average of 2.5% in U-235, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 23, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-2243 Filed 1-25-84; 8:45 am]
BILLING CODE 6450-01-M

International Atomic Energy Agreements; Civil Use; Proposed Subsequent Arrangements; International Atomic Energy Agency

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreement involve approval of the following sales:

Contract Number S-IA-128, to the International Atomic Energy Agency, Vienna, Austria, 5 grams of plutonium, 0.05 grams of uranium-233, and 1.5 grams of uranium-235, for use as standard reference materials;

Contract Number S-IA-129, to the International Atomic Energy Agency, Vienna, Austria, 12.035 grams of uranium, enriched to approximately 93% in U-235, and 19.35 grams of thorium, for use as standard reference materials.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 23, 1984.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 84-2241 Filed 1-25-84; 8:45 am]
BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

[Docket No. CAS-RM-79-112-C]

Recommendations for Energy Conservation Standards and Guidelines for New Commercial Buildings

AGENCY: Department of Energy.

ACTION: Notice of inquiry.

SUMMARY: The Department of Energy announces the completion of a research project entitled, "Recommendations for Energy Conservation Standards and Guidelines for New Commercial Buildings." The purpose of this project has been to develop improved design standards and guidelines that emphasize energy efficiency and advance the energy conservation design process for new commercial buildings. The Department has a statutory mandate to develop such standards as "energy performance standards." As defined by statute, an energy performance standard for a new building is a design requirement which prescribes an energy consumption goal and a method for calculating whether the design meets that goal. The recommendations provide a procedure for generating an energy conservation goal. Accordingly, they will be used in developing interim commercial building energy conservation standards to be used in the design of new Federal buildings and as voluntary guidelines for use by private sector architects and engineers.

Today's Notice is to solicit, from the general public, comments on the recommendations. The Department is particularly interested in receiving comments on the set of questions contained in this Notice. Once public comments are received and incorporated into the recommendations, the Department plans to issue a Notice of Proposed Rulemaking (NOPR). The NOPR will propose interim energy performance standards. The general public will again have the opportunity to comment at that time.

The draft recommendations were developed utilizing the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 90 as a framework. It was decided that the Department could best fulfill its obligations by improving on an existing standard, rather than creating an entirely new framework. Standard 90, entitled "Energy Conservation in New Building Design," was chosen because it is now the basis for energy codes in 40 States and numerous other jurisdictions. It is familiar to the user public, including engineers, architects, builders, and code officials. It provides the opportunity for meeting the standard from either a component performance approach or a whole buildings systems approach. It does not require the user to understand and utilize complicated main frame energy analysis codes. By definition, ASHRAE Standards are established to assist industry and the public by offering a uniform method of standards development. The creation of such standards is based on need, and conformance to them is voluntary.

The recommendations were developed under the management of Pacific Northwest Laboratory, in conjunction with an ASHRAE Special Projects Committee. Sections 4 through 9 provide a component performance standard with prescriptive levels for each of several components, such as the envelope; the lighting system; and, the heating, ventilating, and air-conditioning equipment and system. Section 10 provides an alternative to the application of the specific criteria of Sections 4 through 9. It provides a procedure which a building designer may use in determining design energy use based on an analysis of the total building rather than each of its components.

The draft recommendations and several technical support documents are available for public inspection at the DOE Headquarters in Washington, D.C. or at the nine DOE Regional Support Offices. Addresses for each are listed elsewhere in this Notice. Copies may be obtained by writing to the Hearings and Dockets Branch of the Office of Conservation and Renewable Energy.

DATES: Written comments must be received no later than April 25, 1984. A public meeting will be held on March 13, 1984 9:00 a.m., in Washington, D.C. at the Department of Energy, 1000 Independence Ave. SW., Room 1E-245. The purpose of the public meeting is to provide a briefing on the draft recommendations to interested parties and to allow the opportunity for oral comments.

ADDRESSES: Send written comments (5 copies) to: Hearings and Dockets Branch, Office of Conservation and Renewable Energy, Department of Energy, Docket Number CAS-RM-79-112-C, 1000 Independence Avenue SW., Room 6B-025, Washington, D.C. 20585, (202) 252-9319.

FOR FURTHER INFORMATION CONTACT:

Architectural & Engineering Systems Branch, CE-111, Department of Energy, Room GF-253, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-9837.

Richard F. Kessler, Office of General Counsel, GC-33, Department of Energy, Room 6B-158, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-9519.

SUPPLEMENTARY INFORMATION:

I. Background
II. Technical Approach
III. Summary of Revisions
IV. Questions for Public Comment
V. Availability of Documents
VI. Comment Procedures

I. Background

The Energy Conservation Standards for New Building Act of 1976, as amenmded (Act), 42 U.S.C. Sec. 6831 *et seq.*, requires the Department of Energy (DOE) to issue voluntary performance standards for the design of new commercial and residential buildings. Federal agencies are required to comply with the standards for the design of new Federal buildings. For non-Federal buildings, compliance is voluntary, and the standards serve only as voluntary guidelines.

As originally enacted, Title III of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1144 *et seq.*, required the Department of Housing and Urban Development (HUD) to develop, promulgate, implement and enforce compliance of the performance standards. On August 4, 1977, the Act was amended by Section 304(a), 42 U.S.C. Sec. 7154, of the Department of Energy Organization Act, Pub. L. 95-91, Stat. *et seq.*, which transferred from HUD to DOE the responsibility to develop and promulgate the standards. HUD retained its implementation responsibilities.

In November 1979, DOE published proposed energy performance standards in the **Federal Register**, 44 FR 68120 *et seq.* (November 28, 1979). The Notice was controversial and generated over 40,000 comments. The comments included technical and other substantive criticisms of the proposed standards. Many commenters expressed concern that the proposed standards were not technically practicable or economically achievable. Furthermore, many commenters stated that the proposed standards placed too great a reliance upon the use of a complex computer program which many commenters said they neither understood nor could afford to use.

Less than year after publication of the proposed standards, the Act was again amended by Section 326, 94 Stat. 1629, of the Housing and Community Development Act of 1980, Pub. L. 96-399 (October 8, 1980). This amendment

required that DOE promulgate interim standards by August 1, 1981, and extended the date for promulgation of a final rule of April 1, 1983. These interim standards were only to apply to new Federal buildings. Additionally, the statute require DOE to conduct demonstration projects in at least two geographical areas.

In August 1981, Congress again amended the Act. Subtitle D of Title 10 of the Omnibus Reconciliation Act of 1981, 97 Stat. 35 (August 13, 1981), amended the Act to create the term "voluntary performance standards"; eliminated the provision for a possible statutory sanction for noncompliance; added a provision that, except for Federal buildings, "voluntary standards will be developed solely as guidelines to provide technical assistance for the design and construction of energy efficient buildings"; and extended the time to meet the reporting requirement for the demonstration programs.

The legislative charges which have taken place since enactment of the Act in 1976 require a fundamental change in focus. DOE retains the responsibility for developing voluntary performance standards for all new buildings but these standards now serve a dual purpose. The performance standards serve one purpose for the Federal sector where the standards would set required performance levels for the design of Federal buildings only. However, the Act specifically directs that, expect for Federal buildings, voluntary performance standards" . . . shall be developed soley as guidelines for the purpose of providing technical assistance for the design and construction of energy efficient buildings", Section 304 (a)(4) of the Act. Accordingly, voluntary guidelines serve a second purpose for the private sector by providing sound technical information and examples of energy efficient design and construction practices.

The Act defines the term "voluntary performance standards" to mean:

> * * * An energy consumption goal or goals to be met without specification of the method, materials, and processes to be employed in achieving that goal or goals, but including statements of the requirements, criteria and evaluation methods to be used, and any necessary commentary." Section 303(a) of the Act.

As defied by the Act, the voluntary performance standards serve as an objective during the design stage. They do not apply to the operation, maintenance or energy consumption of a building once built. They operate by setting an energy consumption goal for a building; i.e., a quantified target of energy consumption at the design stage and a method to calculate whether a design meets the energy consumption goal.

Today's Notice provides recommendations for a new standards framework. Its intent is to solicit public comment on the recommendations so that the DOE might acquire additional background information prior to issuing a Notice of Proposed Rulemaking for interim energy performance standards. Therefore the Department is interested in any or all comments on the draft recommendations and the technical supporting documents.

II. Technical Approach

The current project began in 1980 when the Department contracted with the National Institute of Building Sciences (NIBS) to manage its standards program. The project resulted in a set of draft recommendations for improving Standard 90, but due to budget deferrals, inadequate supporting analyses were performed to serve as a basis for acceptance of the recommendations.

In 1982, with budgets restored, Pacific Northwest Laboratory (PNL), operated for DOE by Battelle Memorial Institute, as part of its DOE-Sponsored Commercial Buildings Energy Use and Design Program, assumed management of the project. The intent of this new effort was to fully evaluate the standard developed under the NIBS contract, refine those recommendations, and conduct the analysis necessary for public review of the proposed standard/guidelines.

The work was performed in conjunction and with the advice of the ASHRAE Special Project Committee #41 (SPC–41), and was supported by detailed engineering and economic analyses conducted by research and practicing architects and engineers.

The project had numerous goals, which are as follows:

1. To develop recommendations for a standard based upon ASHRAE Standard 90 that will result in energy-efficient design of commercial buildings. The sections of the resulting standard must:
   - provide component performance criteria that will result in the maximum energy savings practicable;
   - work together to ensure design of energy efficient buildings; and
   - provide the building designer with the maximum flexibility possible under a strict energy standard.
2. To develop recommendations for a standard that can serve as a basic framework for DOE's interim commercial buildings energy performance standard.
3. To develop recommendations for a standard that can be readily codified.
4. To develop a standard that encourages the use of renewable energy resources.
5. To develop recommendations for standard that is regionally equitable, i.e., that does not penalize one or more portions of the country because of climate, custom, or economic singularities.
6. To develop a standard that does not penalize any manufacturer or group of manufacturers.
7. To develop recommendations for a standard that is suited for the ASHRAE consensus review process.
8. To develop a well-documented data base that contains all the supporting analyses for development of the recommendations.
9. To provide case studies of estimated energy consumption in commercial buildings, that are designed in compliance with the recommendations.

DOE would like to receive comment from interested parties as to whether these goals were met in the proposed recommendations. If not, then an analysis of why the recommendations fail and specific recommendations for improvement are solicited and would be appreciated.

The project was managed through a series of 12 major meetings, where research was planned by the project participants, recommendations were proposed for improving the standard, and direction was provided for a series of energy and economic analyses.

The project comprised four major elements performed sequentially, but with considerable overlap. These elements were: 1) evaluation of the existing standard and identification of problem areas, 2) basic research to develop a scientific basis for developing improvements and fixes, 3) formulation of the recommendations, and 4) testing of the recommendations for energy conservation and economic effectiveness.

The proposed recommendations were evaluated through a series of analyses on 10 building types (each tested with 2–4 different HVAC systems) in 5–8 climate zones. The tests also included life-cycle cost analyses using energy consumption estimates made on the DOE–2.1B analysis tool, and cost estimates prepared by a practicing architectural/engineering firm.

III. Summary of Revisions

The current Standard 90 is composed of eleven major sections. Sections 1–3 cover purpose, scope and definitions,

Sections 4 through 9 define minimum requirements for exterior envelope (4), HVAC systems (5), HVAC equipment (6), service water heating (7), electrical distribution systems (8), and lighting power budgets (9). Section 10 is an alternative performance-based compliance procedure, and Section 11 treats requirements for buildings employing solar, wind, or other non-depletable energy sources. Section 10 is particularly important because it provides an alternative to the application of the specific criteria of Sections 4 through 9. It provides a procedure which a building designer may use in determining design energy use based on an analysis of the total building rather than each of its components.

The first three sections of the improved standard are introductory. They remain substantially unchanged except for some minor revisions to indicate the new scope, format and content.

The most significant changes to the standard occur in Sections 4 through 10 with most of the changes actually occurring in Sections 4 and 9. These revisions include major changes in format and substance adjustments.

Changes in Application and Configuration

One fundamental change from the base standard is in organization. The proposed standard would allow interaction among the requirements for different building systems, i.e. envelope compliance would now depend upon decisions made in the lighting design compliance procedure. The sections of the standard have been reordered to reflect this sequencing. The new numbering system is presented below, with the old section numbers following each section name in parentheses.

1.0 Purpose (1.0)
2.0 Scope (2.0)
3.0 Definitions (3.0)
4.0 Illumination Systems (9.0)
5.0 Exterior Envelope Requirements (4.0)
6.0 HVAC Systems (5.0)
7.0 HVAC Equipment (6.0)
8.0 Service Water Heating (7.0)
9.0 Auxiliary Systems and Equipment (8.0)
10.0 Energy Conservation in New Building Design by Systems Analysis (10.0)
11.0 Requirements for Buildings Utilizing Solar, Geothermal, Wind or other Non-Depleting Energy Sources (11.0)

Changes in Illumination System Requirements

The recommended procedure for illumination system compliance (Section 4) is based upon the Standard 90 lighting requirements, but it provides both significant energy savings and a simplified compliance verification. The major changes are listed below:

- In developing the lighting power budget for the building, the designer no longer must calculate a budget on a room-by-room basis, but rather on an activity-area-by-activity-area basis. For a large office building, only one calculation need be made for all of the office-type space, as opposed to Standard 90 in which a separate calculation must be made for each individual office. The room configuration factor is still applied, but on an average basis rather than on a room-by-room basis.
- Small rooms (90 watts or less) are exempted from the compliance requirements.
- Power densities are reduced by approximately 25% across almost all task activities.
- A 20% additional power allowance is made for all luminaires that are controlled by automatic daylighting and 10% is allowed for those controlled by occupancy sensors.
- Control requirements are more stringent to allow more economical use of illumination systems.

Changes in Exterior Envelope Requirements

The recommendations for upgrading the exterior envelope requirements are the most extensive of all the recommendations.

Standard 90's separate treatment of roof, floor, and walls is maintained. Roof and floor treatment is similar to the current standard but is tightened, with the allowable thermal transmittance decreasing as a function of increasing heating degree days. Relaxed transmittance is allowed for roofs with skylights where the energy benefits of daylighting can be assured through the use of automatic daylighting controls.

Treatment of wall design is completely different from Standard 90. It reflects the energy problems of buildings in warm climates and with significant internal heat gains, in which skin conductivity is no longer the primary issue. Walls must now meet three separate criteria: peak cooling, annual cooling, and annual heating. Compliance with each criterion is demonstrated through an equation as a function of (1) conductive load, (2) solar load through windows, and (3) internal lighting load modified for daylighting, with each of these factors summed around all building exposures. Climate, orientation, shading, building mass, and other important building-specific factors are included as coefficients in the equations. All relevant coefficients are provided in the standard as a function of building/climate-specific factors that are selected by the building designer. This approach is suited to either worksheet or microcomputer compliance procedures.

The results from the lighting compliance section are entered into the wall compliance procedure as a power density. Internal loads are considered in the envelope design, allowing the designer to integrate design of the lighting power budget under Section 4, then envelope compliance will be more difficult for the peak cooling and annual cooling criteria, but easier for the heating criterion. However, the designer may also opt for a daylighting approach to compliance (automatic controls required) and then is allowed significant credits for compliance with the peak cooling and annual cooling criteria (and penalties for the heating criterion).

Changes in HVAC and Service Hot Water Requirements

HVAC system and equipment and service hot water requirements are not radically changed, but rather reflect the continuing incremental technical improvements that have occurred over the past decade. The equipment efficiency requirements, mandated for January 1984 by Standard 90, remain unchanged. New minimum efficiency levels would be mandated for January 1988; these exhibit a 2-6% improvement over the 1984 levels. Insulation requirements for pipes and boilers are also strengthened.

The recommendations do require the designer to evaluate various system and control options (now recognized for their energy benefits) during the design process, including the use of Variable Air Volume systems (VAV), heat recovery, night setback, and reset control by exposure.

Summary

The overall effect of the recommendations shoud be to reduce energy consumption in commercial buildings, while allowing the building designer considerably more flexibility in demonstrating compliance than is possible under existing standards. This is especially true for envelope design, where the designer can optimize building configuration, orientation, glass-placement and shading factor to harmonize with the operation and

internal loads of the building. Daylighting is heavily emphasized, with energy credits given both in the lighting and envelope compliance procedures.

One of the real benefits of the standard is its instructive potential. The exterior envelope compliance procedure is very informative, specifically identifying the building's energy problems, and providing information to designers on what factors to adjust to improve envelope energy performance for cooling and heating problems.

Finally, the compliance process will be significantly altered. Lighting compliance has been greatly simplified, and much less work will be required for development of a building power budget. The exterior envelope compliance procedure is longer, reflecting the increased complexity necessitated by consideration of the real energy-related variables associated with commercial buildings. It is, however, well-suited to automation on a microcomputer or programmable calculator.

IV. Questions for Public Comment

As an effort to examine the interactions among building subsystems and determine how those interactions affect building energy use, the research project described above is one of the most comprehensive ever attempted either by the government or private sectors. The testing of the results indicates that the answers are consistent with the professional judgment and experience of the practitioners involved. DOE is interested in public comment on the recommendations in general, but is particularly interested in answers to the questions presented below. Answers to these questions and other comments, as appropriate, will be incorporated prior to the issuance of a NOPR for the interim voluntary standards.

Lighting

1. Lighting Quality: What are the major factors to be considered in the design of a good quality lighting system? How have these factors changed in the past decade and what new technologies have been developed that should be considered? Is there an accepted practical methodology that quantitatively measures both quantity and quality of lighting? How can the "mood" established by lighting be considered?

2. Future Building Lighting Needs: What information is available concerning the lighting of spaces which contain Visual Display Tubes? How should factors such as flicker convergence an glare be considered? How should an energy standard accommodate lighting design flexibility for future relocation of equipment and work areas in a building?

3. Lighting Design Issues: Should lighting design calculations be based on reflectance factors of 80/50/20, or should other factors be used, i.e., what data are available for typical reflection factors of total weighted ceiling, room, and floor cavities? Should design computations be based on point by point illuminance distributions rather than average illuminance? What procedures are available to handle such an approach? How much have new lighting technology gains (in the past ten years) affected lighting quality and quantity considerations? What new technologies are expected to be introduced in the next few years that will impact lighting energy consumption?

4. Heat Extraction Luminaires: The Illuminating Engineering Society recommends that designers consider the use of luminaires with heat removal and heat recovery capabilities. How do economic and energy conservation advantages of these luminaires change with different lamp/ballast/fixture systems?

Envelope Systems

1. The issues of energy flows in buildings with internal heat generation is far more complex than simply a matter of building skin conductivity. Have the major factors (under the building designers control) governing commercial building envelope energy flows been considered in the proposed recommendations? Recognizing that simplifications have been made in the recommendations in the interest of ease of use, has an appropriate balance between design flexibility and ease of use been achieved?

2. Whether or not skylights result in energy conservation depends upon an intricate balance between lighting, heating, and cooling load changes. Has an appropriate balance between complexity of the skylight energy balance, and ease of use of the recommendations been achieved?

3. Daylighting has been shown to substantially reduce energy consumption in buildings with significant lighting loads, and is recognized in both the Lighting and Envelope Sections of the recommendations. In the interest of reducing complexity, the form of daylighting considered is automatic switching of luminaires near windows. Are simplified calculation procedures available and tested that will handle more sophisticated daylight systems such as light shelves and roof monitors? Note that such systems may still be utilized by using the Secion 10 whole building analysis technique.

Mechanical Systems

1. Research and experience have indicated that the proper choice of mechanical system is one of the most important considerations in commercial building energy consumption. It does not appear possible, however, to recommend specific mechanical system configurations for specific uses because there are usually numerous exceptions to any rule. Are data available that would allow a classification system to help building designers choose the appropriate system type? Is a classification system available that treats the different system manufacturers in a fair and equitable manner?

Transportation Systems

1. In larger buildings, vertical transportation can account for a sizable proportion of building energy consumption. There does not appear to be a consensus standard or guideline that discusses how to design vertical transportation to be more energy efficient. Are such guidelines or standards available?

V. Availability of Documents

Copies of the draft recommendations and the technical support documents are available for inspection at the DOE Freedom of Information Office, Forrestal Building, Room 1E–090, 1000 Independence Avenue, SW., Washington, D.C., 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, and at each of the DOE Regional Support Offices, which are located at the following addresses:

U.S. Department of Energy, Boston Support Office, 150 Causeway Street, Room 700, Boston, Massachusetts 02114

U.S. Department of Energy, New York Support Office, 26 Federal Plaza, Room 3200, New York, New York 10278

U.S. Department of Energy, Philadelphia Support Office, 1421 Cherry St., Philadelphia, Pennsylvania 19102

U.S. Department of Energy, Atlanta Support Office, 1655 Peachtree NE., 8th Floor, Atlanta, Georgia 30309

U.S. Department of Energy, Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois 60439

U.S. Department of Energy, Dallas Support Office, P.O. Box 35228, 2626 W. Mockingbird Lane, Dallas, Texas 75235

U.S. Department of Energy, Kansas City Support Office, 324 East Eleventh Street, Kansas City, Missouri 64106
U.S. Department of Energy, Denver Area Office, P.O. Box 26247–Belmar Branch, 1075 South Yukon Street, Lakewood, Colorado 80226
U.S. Department of Energy, San Francisco Operations Office, 1333 Broadway, Oakland, California 94612

The documents may be obtained by making a written request to: Hearings and Dockets Branch, Office of Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Room 6B–025, Washington, D.C. 20585.

VI. Comment Procedures

All interested persons are invited to submit written comments to DOE. The correspondence should be mailed to the Hearings and Dockets Branch, Office of Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Room 6B–025, Washington, D.C 20585. Comments should be identified on the document and envelopes submitted to DOE with the designation "Recommended Standards/Guidelines for New Commercial Buildings". Five (5) copies should be submitted. All written comments and related information should be received by DOE no later than April 25, 1984 to receive consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination, pursuant to DOE's regulations on confidentiality (10 CFR Part 1004).

(Energy Conservation Standards for New Buildings Act of 1976, as amended, 42 U.S.C. Sec. 6831 *et seq.*; the Department of Energy Organization Act, 42 U.S.C. Sec. 7101 *et seq.*)

Issued in Washington, D.C., January 9, 1983.

Pat Collins,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 84–2237 Filed 1–25–84; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2232–047]

Federal Energy Regulatory Commission

Duke Power Co.; Application for Change in Land Rights

January 20, 1984.

Take notice that Duke Power Company, Licensee for the Catawba-Wateree Project, FERC No. 2232, on March 31, 1983, filed an application for approval of an easement affecting project land and waters at the Lake Hickory development of the project. The easement would enable Lake Hickory Development Corporation to construct and operate a sewer line that would discharge approximately 30,000 gallons per day of treated effluent into the waters of Lake Hickory. The application also includes a proposal by the Licensee for the lease of approximately 0.21 acre of land to Lake Hickory Development Corporation for the construction of a boat dock at Lake Hickory. The Lake Hickory development is located in Burke County, North Carolina.

Correspondence with the Licensee should be directed to: Mr. John E. Lansche, Legal Department, P.O. Box 33189, Charlotte, North Carolina 28242.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motion To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1983). 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 March 5, 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, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Deputy Director, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2071 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7532–000]

Farmers Irrigation District Project #2; Notice Suspending 120-Day Period for Action on Small Hydro Exemption

January 20, 1984.

Farmers Irrigation District filed an application for exemption for the proposed Farmers Irrigation District #2 Project No. 7532, to be located on Hood River in Hood River County, Oregon. The application was filed pursuant to Section 408 of the Energy Security Act of 1980, and § 4.101 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to insure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2072 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7548–000]

Geo-Bon #2 Hydro Project; Suspending 120-Day Period for Action on Hydro Exemption

January 20, 1984.

George Arkoosh filed an application for exemption for the proposed Project No. 7548–000, located on the Little Wood River in Lincoln County, Idaho. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.109 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2073 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–40–000]

Great Lakes Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

January 19, 1984.

Take notice that Great Lakes Gas Transmission Company (Great Lakes), on January 12, 1984, tendered for filing the following tariff sheets to its FERC

Gas Tariff, First Revised Volume No. 1, proposed to be effective November 1, 1983:

First Revised Sheet No. 6–B
Original Sheet No. 6–C
Original Sheet No. 6–D
Original Sheet No. 6–E
Original Sheet No. 6–F
Original Sheet No. 6–G
Original Sheet No. 6–H
Original Sheet No. 6–I
Original Sheet No. 6–J

Great Lakes states that the filed tariff sheets reflect alternate minimum bill provisions for resale customers to allow for (1) the reduction of the take or pay level from 75% to 50% for the contract year ended October 31, 1983, (2) the deferral for four years of any take or pay amounts for the contract year ended October 31, 1983 with the obligation to pay interest on such take or pay amounts, (3) a 50% take and pay obligation in lieu of the current 75% take or pay obligation for contract years ending October 31, 1985 and permitting make up of past deficiencies with any gas purchases above 50% of contract, (4) reinstatement of the 75% minimum bill level after November 1, 1985, (5) make up of all take or pay gas within the contract term, plus one year if required, and (6) clarification of the *force majeure* provisions to reflect the above minimum bill revisions.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin, and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 26, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2074 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7390–000]

Harder Farms, Inc. and Scott Ranch; Suspending 120-Day Period for Action on Small Hydro Exemption

January 20, 1984.

Harder Farms, Inc. and Scott Ranch have jointly filed an exemption application for the proposed Little Palouse Falls Project No. 7390, located on Palouse River in Franklin, Whitman and Adams Counties, Washington. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.101 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2075 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–200–000]

Idaho Power Co.; Filing

January 19, 1984.

The filing Company submits the following:

Take notice that on January 10, 1984, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the company's 1st Revised FERC Electric Tariff, Volume No. 1 (supersedes Original Volume No. 1) during November, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company—Supplement 25
Montana Power Company—Supplement 22
Sierra Pacific Power Company—Supplement 23
Portland General Electric Company—Supplement 18
Pacific Power & Light Company—Supplement 10
Southern California Edison Company—Supplement 16
San Diego Gas & Electric Company—Supplement 13
Washington Water Power Company—Supplement 14
Los Angeles Water & Power Company—Supplement 15
Los Angeles Water & Power Company—Supplement 15
City of Burbank—Supplement 15
City of Glendale—Supplement 15
City of Pasadena—Supplement 15

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on before February 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2076 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–144–000]

K N Energy, Inc.; Request Under Blanket Authorization

January 20, 1984.

Take notice that on December 20,1983, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP84–144–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that K N proposes to add a sales tap to its mainline system and to reassign currently authorized contract demand volumes of natural gas to the proposed tap at the request of Producers Gas Equities, Inc. (Producers), under the authorization issued in Docket Nos. CP83–140–000 and CP83–140–001 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.

K N states that it proposes to add a sales tap in the Southeast quarter of Section 14, Township 8, Range 19, in Rooks County, Kansas, to add the proposed sales tap to the "Group A" delivery points under its present service agreement with Producers and to reassign the 12,700 Mcf per day contract demand volumes presently assigned to the "Group A" delivery points so as to allow only part, or all, of said contract demand volumes to be used at any of the "Group A" delivery points, including the point proposed herein. K N indicates that the combined total volumes at all of the "Group A" delivery points, including the proposed point, would not exceed 12,700 Mcf on any one day and that no increase in Producers' existing contract demand volumes would be required

under this proposal. It is indicated that the quantities of natural gas to be delivered at the proposed delivery point would be approximately 8,000 Mcf per year (22 Mcf per day).

K N states that its current sales to Producers were authorized in Docket No. CP73-224 and that the rate schedule applicable to all of the "Group A" delivery points is its CD-1 rate schedule. It is indicated that the subject proposal would have no impact on K N's peak day and annual deliveries and would not affect service to any other existing customer of K N Producers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commisson, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2077 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7530-000]

Little Wood Ranch Hydro Project; Suspending 120-Day Period for Action on Hydro Exemption

January 20, 1984.

William Arkoosh filed an application for exemption for the proposed Project No. 7530-000, located on the Little Wood River in Lincoln County, Idaho. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.109 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2078 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-19; Docket No. ST82-157-001]

Odessa Natural Co.; Extension Reports

January 20, 1984.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commended on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. Three other symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations. A "G(HS)" indicates transportation, sale or assignments by a Hinshaw pipeline; a "G(LT)" indicates transportation by a local distribution company, and a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before February 14, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 3285.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to particpate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST82-157-001 *	Odessa Natural Co., P.O. Box 3986, Odessa, TX 79760	El Paso Natural Gas Co	12-23-83	C	12-23-83
ST82-198-001 *	Dow Pipeline Co., P.O. Box 4286, Houston, TX 77210	Entex, Inc	12-19-83	C	02-04-84
ST82-214-001	Monterey Pipeline Co., 1700 Commerce Bldg., New Orleans, LA 70112	Texas Eastern Transmission Corp	12-21-83	C	03-24-84
ST82-230-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Peoples Natural Gas Co	12-16-83	B	03-17-84
ST82-242-001	United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001	El Paso Natural Gas Co	12-21-83	C	03-29-84
ST82-247-001	Mountain Fuel Supply Co., 180 East First South St., Salt Lake City, UT 84139.	Utah Gas Service Co	12-23-83	B	04-01-84
ST82-248-001	Natural Gas Pipeline Co. of America, 122 S. Michigan Ave., Chicago, IL 60603.	Channel Industries Gas Co	12-16-83	B	03-18-84
ST82-264-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	United Gas Pipe Line Co	12-20-83	G	03-24-84
ST82-414-001	Texas Eastern Transmission Corp., P.O. Box 2521, Houston, TX 77252	United Gas Pipe Line Co	12-28-83	G	04-01-84
ST82-443-001	Seagull Energy Corp., 1100 Louisiana, 20th Floor, Houston, TX 77002	El Paso Natural Gas Co	12-16-83	C	03-29-84
ST83-257-001	Delhi Gas Pipeline Corp., Fidelity Union Tower, Dallas, TX 75201	Bridgeline Gas Distribution Co	12-05-83	D	03-14-84

* These extension reports were filed after the date specified by the Commission's Regulations, and shall be the subject of a further Commission order.

Notes.—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.

[FR Doc. 84-2079 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5805-001]

Pacific Power & Light Co. and City of Bandon, Oregon; Surrender of Preliminary Permit

January 20, 1984.

Take notice that Pacific Power & Light Company and the City of Bandon. Permittees for the Eden Ridge Project No. 5805, have requested that this preliminary permit be terminated. The preliminary permit was issued on May 10, 1982, and would have expired on May 30, 1985. The project would have been located on the South Fork Coquille River in Coos County, near Powers, Oregon.

Pacific Power & Light Company and the City of Bandon filed the request on December 19, 1983, and the surrender of the perliminary permit for Project No. 5805-000 is deemed accepted as of that date, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2080 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-28-002]

Panhandle Eastern Pipe Line Company; Change in Tariff

January 19, 1984.

Take notice that on January 16, 1984 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Forty-Eighth Revised Sheet No. 3-A
Twenty-Fifth Revised Sheet No. 3-B
Tenth Revised Sheet No. 3-C.1
Tenth Revised Sheet No. 3-C.2
Tenth Revised Sheet No. 3-C.3

An effective date of March 1, 1984 is proposed.

Panhandle states that on December 14, 1983 it filed with the Commission a Stipulation and Agreement in Panhandle's pending rate proceeding in Docket No. RP82-58. Panhandle anticipates that the Commission will have approved the Stipulation and Agreement by March 1, 1984. Therefore, the proposed revised tariff sheets submitted hearwith reflect rate adjustments computed in accordance with the Stripulation and Agreement dated December 14, 1983, and the General Terms and Conditions of Panhandle's FERC Gas Tariff, Original Volume No. 1.

These revised tariff sheets reflect a net increase in the commodity PGA rate adjustment of 41.01¢ per Dt. This adjustment includes: (1) 17.82¢ per Dt. increase in the projected purchased gas cost; (2) a 20.03¢ per Dt. increase in the surcharge to recover the current deferred account balance at November 30, 1983 and related carrying charges; (3) a 9.79¢ per Dt. increase in the surcharge for the current period amortization of the deferred account balance at May 31, 1983 pursuant to Docket No. TA83-2-28-000 and related carrying charges; and (4) a (6.63¢) per Dt. decrease to recognize the refunds provided for in Article V, Section 4 of the Stripulation and Agreement in Docket No. RP82-58, which relate to the settlement of the tax normalization and related issues outstanding in Docket Nos. RP78-62 (remand) and RP80-78.

Panhandle's projected cost of gas reflected herein reflects the new PGA tarriff formula provided for in the settlement of Docket No. RP82-58. This new PGA formula is based on sales and purchase volumes which are projected to occur during the six-month effective period of this PGA, beginning March 1, 1984.

Panhandle has also included in this filing a continuation of the three-year amortization of the deferred account balance at May 31, 1983 as proposed in Docket No. TA83-2-28-000, which proceeding is currently pending Commission action. The three-year amortization of these deferred purchased gas costs was approved by Commission Order dated May 31, 1983 in Docket No. TA83-2-28-000, subject to certain conditions and the outcome of that proceeding. Panhandle has calculated the associated carrying charges on the amortized deferred account in accordance with the interim methodology prescribed by the Commission's order of May 31, 1983, subject to Panhandle's right to present its claim for a different basis of computing carrying charges in Docket No. TA83-2-28-000.

Additionally, these revised tariff sheets include the following tracking adjustments, taking into consideration the pending settlement agreement in Docket No. RP82-58:

(1) A demand rate increase ($0.77 for D1 and 3.40¢ for D2) pursuant to Section 18.4 of Panhandle's PGA tariff provisions, to reflect a proposed Pipeline Supplier demand rate adjustment to be effective concurrently herewith; and

(2) An ANGTS demand rate reduction (($0.07) for D1 and (0.36¢) for D2) pursuant to Section 22 of the General Terms and Conditions; and

(3) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(4) Projected Incremental Pricing Surcharges in accordance with Section 21 of the General Terms and Conditions.

For the past several years Panhandle has maintained a DCA Commodity Surcharge Account pursuant to § 16.6(e) of its FERC Gas Tariff, Original Volume No. 1. Panhandle lifted gas supply deficiency curtailments on its system in March 1980, and since that time this surcharge account has been utilized to properly charge or return the amount of past under or over collections to the proper rate schedule. Due to the administrative requirements and burdens associated with maintaining this account, and because the balance in the DCA Surcharge Account at November 30, 1983 is only ($34,638), Panhandle hereby requests waiver of § 16.6(e) of its tariff to permit the flow-through of this relatively small amount through the Deferred Purchased Gas Cost Account (Account 191), and to discontinue the use of this DCA Surcharge provision at this time.

Panhandle further states that in the event Commission approval of the Stipulation and Agreement dated December 14, 1983 in Docket No. RP82-58 has not occurred before March 1, 1984, submitted herewith for filing, to become effective March 1, 1984, are six (6) copies of the following Alternate Revised Sheets to its FERC Gas Tariff, Original Volume No. 1, which are based on Panhandle's currently effective tariff provisions and do not reflect the Docket No. RP82-58 settlement:

Alternate Forty-Eighth Revised Sheet No. 3-A
Alternate Twenty-Fifth Revised Sheet No. 3-B
Alternate Tenth Revised Sheet No. 3-C.1
Alternate Tenth Revised Sheet No. 3-C.2
Alternate Tenth Revised Sheet No. 3-C.3

The alternate revised tariff sheets reflect: (1) A net commodity increase in the PGA rate adjustment of 50.90¢ per Dt which includes the continuation of the previously described three-year amortization of the deferred account balance at May 31, 1983, and related carrying charges, in accordance with the

Commission's Order of May 31, 1983 in Docket No. TA83–2–28–000; (2) a demand rate increase of $1.48 pursuant to Section 18.4 of Panhandle's PGA tariff provisions, to reflect a proposed Pipeline Supplier demand rate adjustment to be effective concurrently herewith; and (3) an ANGTS demand rate reduction of ($0.12) pursuant to Section 22 of the General Terms and Conditions.

Should it become necessary to implement these Alternate Tariff sheets, Panhandle respectfully requests all waivers to its normal PGA and tariff procedures. These include:

(a) Waiver of the portion of §§ 18.2 and 18.4 of Panhandle's tariff that calls for historical gas purchase patterns and sales volumes in the computation of the PGA rate adjustment, in order to reflect the projected sales volumes and the proposed change in gas purchase patterns for the six-month period beginning March 1, 1984, upon which this rate change is based.

(b) Waiver of the provisions of the PGA tariff and regulations to continue the three-year amortization of the deferred purchased gas cost account balance at May 31, 1983, and collection of related carrying charges, which procedure because effective June 1, 1983, subject to refund, in Docket No. TA83–2–28–000.

Waivers of these tariff provisions have previously been accepted by Commission Order dated May 31, 1983 in Docket No. TA83–2–28–000 and August 31, 1983 in Docket No. TA83–2–28–005. Additionally, Panhandle requests waiver of the provisions of § 16.6(e) of the tariff to reflect the elimination of the DCA Commodity Surcharge, as previously described. To the extent required, if any, Panhandle requests that the Commission grant such other waivers as may be necessary for the acceptance of these tariff sheets to become effective March 1, 1984.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before January 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2081 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. SA84–6–000]

Petrojet, Inc.; Petition for Adjustment

Issued: January 20, 1984.

On December 5, 1983, Petrojet, Inc. (Petrojet), P.O. Box 36448, Houston, Texas 77036, filed with the Federal Energy Regulatory Commission (Commission) a petition for adjustment, seeking waiver of the time-of-filing requirements of 18 CFR 271.805(d) (1983). Adjustment of regulations under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. V 1981) is available pursuant to section 502(c) of the NGPA and the Commission's Rules of Practice and Procedure at 18 CFR 385.1101–385.1117 (1983).

Petrojet requests the adjustment waiver with respect to the Kenneth Danklefs No. 1 Well, section 108 NGPA application; Nada Field, Colordao County, Texas; Texas Railroad Commission Docket No. F–03–071579.

Petrojet indicates that the gas purchaser, Texas Eastern Gas Pipeline Company, notified the operator by letter dated September 11, 1983, that the subject well produced natural gas at a rate exceeding 60 Mcf per production day for the 90-day production period ending July 31, 1983, and therefore the well would be disqualified from NGPA section 108 pricing eligibility unless a petition for enhanced recovery technique determination were filed pursuant to 18 CFR 271.805(b).

Petrojet indicates that it filed its petition for enhanced recovery technique determination on November 9, 1983, within 150 days following the end of the 90-day production period ending July 31, 1983, in accordance with § 271.805(d) of the regulations. However, it was subsequently determined that the actual 90-day period during which disqualification occurred was the period of March, April and May, 1983. Accordingly, the 150-day period for filing the petition actually expired on October 28, 1983.

Petrojet requests waiver of the time-of-filing requirements of § 271.805(d) on the grounds that "it acted in good faith and with due diligence in responding to the gas purchaser's notice of disqualification and in relying upon the accuracy of the 90-day production period described therein."

The procedures applicable to the conduct of this adjustment proceeding are found in Rules 1101–1117 of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101–385.1117. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Rule 214 (18 CFR 385.214). All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2082 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7140–001]

Springfield Associates No. 1; Surrender of Preliminary Permit

January 20, 1984.

Take notice that Springfield Associates No. 1, Permittee for North Fork No. 1, Project No. 7140, has requested that its Preliminary Permit be terminated. The Preliminary Permit was issued on October 19, 1983, and would have expired on September 30, 1985. The project would have been located on North Fork of Willamette River within the Willamette National Forest in Lane County, Oregon.

Springfield Associates No. 1 filed the request on November 14, 1983, and the surrender of the preliminary permit for Project No. 7140 is deemed accepted as of November 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–2084 Filed 1–25–84; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 7137–001]

Springfield Associates No. 2; Surrender of Preliminary Permit

January 20, 1984.

Take notice that Springfield Associates No. 2, Permittee for North Fork No. 2, Project No. 7137, has requested that its Preliminary Permit be terminated. The Preliminary Permit was issued on October 19, 1983, and would have expired on September 30, 1986. The project would have been located on North Fork of Willamette River within the Willamette National Forest in Lane County, Oregon.

Springfield Associates No. 2 filed the request on November 14, 1983, and the surrender of the preliminary permit for Project No. 7137 is deemed accepted as

of November 14, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2063 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4606-001]

Sunnyside Valley Irrigation District; Surrender of Preliminary Permit

January 20, 1984.

Take notice that Sunnyside Valley Irrigation District, Permittee for Little Rattler Hydroelectric, Project No. 4606, has requested that its Preliminary Permit be terminated. The Preliminary Permit was issued on March 9, 1982, and would have expired on February 28, 1985. The project would have been located on Rattlesnake Creek in Yakima County, Washington.

Sunnyside Valley Irrigation District filed the request on December 2, 1983, and the surrender of the preliminary permit for Project No. 4606 is deemed accepted as of December 2, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2085 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-122-000]

Texas Gas Transmission Corp., Request Under Blanket Authorization

January 20, 1984.

Take notice that on December 9, 1984, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP84-122-000 a request pursuant to § 157.209 of the Regulations under the Natural Gas Act (18 CFR 157.209) that Texas Gas proposes to transport natural gas for Armco Inc. (Armco) 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 42,000 Mcf per day and up to 15.33 Bcf per year on an interruptible basis on behalf of Armco for a term of one year. Texas Gas states it would receive the gas at the existing metering facilities located at the interconnection of Michigan Wisconsin Pipe Line Company's and Texas Gas' pipeline systems near Slaughters, Webster County, Kentucky. Texas Gas further states it would redeliver equivalent volumes to The Cincinnati Gas and Electric Company (Cincinnati Gas) for the account of and for further delivery to Armco at an existing point of interconnection of the Texas Gas and Cincinnati Gas facilities in Butler County, Ohio.

Texas Gas proposes to charge for its services the rate provided in its Rate Schedule T-3/T-4 on file with the Commission. In addition to that rate, Texas Gas asserts it proposes to charge Armco an additional incentive charge of five cents per Mcf as provided in its AIC Rate Schedule. Texas Gas also proposes to retain 1.28 percent of the volumes received as reimbursement for fuel gas.

Texas Gas indicates that the gas will be used at Armco's steel plant at Middletown, Ohio, in a variety of industrial applications including slab furnaces, open hearth furnaces, boilers, coating line operations and refractory furnaces. Texas Gas also indicates that Armco has purchased the gas supplies from ANR Production Company (ANR) and that no intermediary participated in the transaction between ANR and Armco.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2086 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-146-000]

Transcontinental Gas Pipe Line Corp.; Application

January 20, 1984.

Take notice that on December 22, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP84-146-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of certain pipeline loop facilities on its Leidy Line in Pennsylvania and two meter stations in New Jersey and (2) the transportation on a firm basis of up to 65,000 dt equivalent of gas per day for certain Shippers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities proposed herein are necessary to expand the capacity of its Leidy Line and to enable Applicant to transport on a firm basis commencing November 1, 1984, the following maximum daily quantities of gas for the listed Shippers:

Shipper	Maximum daily quantity (dt)	
	Nov. 1, 1984, through Oct. 31, 1986	Nov. 1, 1986, through remaining term
Algonquin Gas Transmission Company	15,000	18,760
The Brooklyn Union Gas Company		6,750
Consolidated Edison Company of New York, Inc.	10,000	8,360
Long Island Lighting Company	2,800	2,100
Elizabethtown Gas Company	1,500	1,590
New Jersey Natural Gas Company		8,250
Public Service Electric and Gas Company	22,012	19,250
Total	51,312	65,000

In its application, Applicant states that the natural gas to be transported would be purchased by Shippers from Consolidated Gas Supply Corporation (Con Gas) and National Fuel Gas Supply Corporation (National Fuel). Applicant proposes to construct the following four facilities in order to provide additional capacity of 63,107 Mcf per day to render the proposed firm service.

(1) 15.51 miles of 30-inch diameter pipeline loop from Liedy milepost 157.63 to Leidy milepost 173.14;

(2) 4.95 miles of 30-inch diameter pipeline loop from Liedy milepost 124.56 to milepost 129.51;

(3) the Algonquin-Centerville Meter Station at Leidy milepost 0.99 near Station 505; and

(4) the New Jersey Natural-Morgan Meter Station at milepost 12 on Applicant's Long Beach lateral near Morgan, New Jersey.

Applicant states that the proposed facilities are estimated to cost $24,500,000. Such cost would be financed initially through short-term loans and funds on hand, with permanent financing to be arranged as part of Applicant's overall long-term financing program, it is explained.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1984, file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulartory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2087 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-217-004]

Transcontinental Gas Pipe Line Corp.; Proposed Change In FERC Gas Tariff

January 19, 1984.

Take notice that on January 13, 1984, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

First Revised Sheet Nos. 2219 and 2231.

Transco states that subject filing reflects a partial revision of its Rate Schedule X-226, which is a transportation agreement with United Gas Pipe Line Company (United), dated December 28, 1979, as amended July 15, 1982, and initially authorized by the Commission in a certificate issued in Transco, Docket No. CP80-217 on July 24, 1980. In the amendatory agreement dated July 15, 1982, Transco and United agreed to revise their transportation agreement to reduce the minimum allowable heating value of gas delivered to Transco at High Island Block 154 from 1,000 to 950 Btu's. Transco redelivers equivalent quantities to United at Starks, Calcasieu Parish, Louisiana or Inez, Victoria County, Texas. A copy of the instant filing has been served upon United.

The tariff sheets are proposed to become effective July 15, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before January 27, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2088 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-11-000]

Virginia Electric & Power Co.; Order Affirming Letter Order of the Chief Accountant

Issued: January 20, 1984.

By letter dated June 30, 1982, Virginia Electric & Power Company (VEPCO) submitted proposed journal entries to the Commission's Office of Chief Accountant (OCA) to reflect the sale of an undivided 20 percent interest in the Bath County Pumped Storage Project (Project) to Allegheny Generating Company (AGC).[1] By letter dated February 10, 1983, the Chief Accountant approved these entries except those related to the net gain realized by VEPCO from this sale. On March 14, 1983, VEPCO filed an appeal of the Chief Accountant's directive.

VEPCO sold the 20 percent interest in the Project to AGC for $179,529,045. The cost of construction for that portion is $162,545,865 and costs associated with the negotiation amounted to $172,520. Consequently, the sale resulted in a net gain before income taxes of $16,810,658, and a net after-tax gain of $3,937,389.

VEPCO proposes to credit this gain to Account 421.1—Gain on Disposition of Property. The Chief Accountant rejected this proposal and directed VEPCO to credit the gain to the cost of constructing the Project, as prescribed by Electric Plant Instruction (3)(18). VEPCO contends that this directive is inconsistent with both Commission precedent and the treatment that OCA has accorded other sales of VEPCO property.

On August 1, 1983, ElectriCities of North Carolina and North Carolina Eastern Municipal Power Agency (ElectriCities) filed a motion to intervene in this docket. In its pleading, ElectricCities explains that it first became aware of this appeal by virtue of the Commission's discussions at the meeting of July 13, 1983. Because the appeal was filed pursuant to Rule 1902 of the Commission's Rules of Practice and Procedure and was not noticed, ElectriCities believes that their motion is not untimely. ElectriCities opposes VEPCO's request and supports the Chief Accountant's position. VEPCO has not opposed ElectriCities' motion to intervene.

Also on August 1, 1983, ElectriCities moved to consolidate this proceeding and VEPCO's recent CWIP filing in Docket No. ER83-618-000 with VEPCO's currently pending rate proceeding, Docket No. ER83-430-000. They argue that these three proceedings involve interrelated issues. On August 12, 1983, VEPCO responded to the motion to consolidate. VEPCO supported consolidation of the CWIP and rate proceedings but gave no indication of its position with respect to consolidation of the OCA appeal.[2]

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), ElectriCities' unopposed motion to intervene serves to make it a party to this proceeding.

We find that consolidation of this docket with Docket Nos. ER83-430-000 and ER83-618-000 is unnecessary in that we have determined to act on VEPCO's appeal at this time. ElectriCities' motion for consolidation of this docket shall be denied.

The issue is whether a utility's shareholders should be permitted to

[1] *See* Order Approving Transfer of License, Project No. 2716-003, 18 FERC ¶62,187 (1982).

[2] By order of August 30, 1983, 24 FERC ¶61,265, the Commission consolidated the CWIP filing with the rate proceeding in Docket No. ER83-430-000 but denied consolidation with this proceeding s premature.

retain the profits from a partial sale of a project which is still under construction. From an accounting standpoint, however, the issue is how to calculate VEPCO's original cost in the Project. Profits from sales of plant which have been placed in service are generally permitted to be credited to Account 421.1, as proposed by VEPCO. The VEPCO Project, however, is still under construction. To our knowledge, the question of the proper accounting for a gain on a partial sale of plant not in service has never ben specifically addressed by the Commission.[3] The Chief Accountant's directive, however, is not inconsistent with Commission precedent.

As stated above, the Chief Accountant has directed VEPCO to credit the gain to the cost of construction the Project as earnings received during construction, as prescribed by Electric Plant Instruction (3)(18). This instruction is designed to apply to all earnings associated with and arising from construction activities. Its purpose is also embodied in Electric Plant Instruction 7, Land and Land Rights, which deals with sales somewhat analogous to the VEPCO sale.

Electric Plant Instruction 7 requires that the net profits from sales of goods or services arising from the construction activities, *e.g.*, timber, gravel, rights-of-way, etc., should be credited to the cost of construction.

VEPCO's Appeal

VEPCO relies principally on *Duke Power Company*, Opinion No. 641, 48 FPC 1384, 1394 (1972), where the Commission held that ratepayers were not entitled to a share in any profits on land transactions realized by a subsidiary if Duke Power. That opinion relied largely upon *dicta* in *Board of Public Utility Commissioners* v. *New York Telephone Company*, 271 U.S. 23, 31 (1926), which made several sweeping statements denying customers all rights in property or revenues derived from property owned by a utility.[4] The *Duke Power* case, however, is inapposite.

Duke Power involved a subsidiary engaged in land transactions. The Commission's opinion noted that this subsidiary was involved in a "non-utility business." 48 FPC 1394. That is not the same situation as presented here where the Project, not owned by a subsidiary, will be directly used by VEPCO in carrying out its utility functions.

VEPCO further relies on Order No. 473, 49 FPC 390 (1973), in which the Commission, relying on *Duke Power*, rejected a proposed rulemaking which would have treated gains and losses on sales of utility *plant in service* as an "above-the-line" credit to utility operating income. The Commission rejected this proposal on the basis of *Duke Power*. That rulemeking, however, expressly concerned "gains and losses from the disposition of utility plant which has been *devoted to public service*." (emphasis supplied) Notice of Proposed Rulemaking, 36 FR 2803 (February 10, 1971). The sale of plant not yet in service does not appear to have been contemplated by the ruling in *Duke Power* or Order No. 473.

This distinction can be further gleaned from an earlier VEPCO initial decision which VEPCO argues is in accord with its position. *See Virginia Electric and Power Company*, 11 FERC ¶ 63,028 (1980), summarily affirmed in relevant part, Opinion No. 118, 15 FERC ¶ 61,052, 61,102 (1981). That proceeding involved VEPCO's leaseback arrangement in which it sold three office building to a financial institution which, in turn, leased them back to VEPCO. VEPCO realized a gain from the transaction which it proposed to credit to Account 421.1. The judge ruled that the precedent set by Order No. 473 was not "helpful" in deciding the case. *Id.* at 65,170. He stated that:

> It is true, as VEPCO says, that Order No. 473 permits (and may even require) below-the-line treatment of the gain a utility realizes when it sells an *operating asset* and there is no related coincidental transaction upon which the sale is conditional. But that is not what happened here. There was no mere sale; * * * (emphasis supplied) *Id.*

Thus, the judge also read Order No. 473 in the Limited context of *operating assets*.

VEPCO claims that the Chief Accountant's position is inconsistent with that applied in other instances in which VEPCO has sold property. Specifically, the Commission approved journal entries crediting the net gains from property sales to Account 421.1 in Docket Nos. E–9567, EL78–2, and EC81–3–000. In each of those instances, however, VEPCO had sold *plant in service* and the properties had been *devoted to public service*.[5] Again, that is not the case here and the Chief Accountant's treatment is, therefore, not inconsistent with these other dockets.

VEPCO has also claimed that the Chief Accountant's directive is contrary to the approved treatment of gains realized in similar sales by Georgia Power Company (Georgia Power).[6] Georgia Power sold undivided interest in generating facilities under construction to the Oglethorp Power Corporation and the Municipal Electric Authority of Georgia. Georgia Power realized profits from these sales which OCA allowed to be credited to Account 421.1. Upon consideration of that transaction, we conclude that the approval by OCA of Georgia Power's accounting entries was in error. As with all letter orders of office directors, the conclusions expressed therein are not binding precedent on the Commission. We would not have approved the Georgia Power journal entires. Consequently, we will not approve VEPCO's proposed entries on the basis of the Georgia Power transaction.

VEPCO contends that Electric Plant Instruction 5(F) should be applied to the facts of this case rather than Instruction 3(18). Instruction 5(F) applies to an "operating unit or system." This term has not been defined by the Commission and is essentially a term of art. In at least one case, however, the Commission has indicated that this term refers to plant in service. In *New York State Natural Gas Corp.*, 7 FPC 279 (1948), the Commission held that 10 miles of pipeline which was not in use at the time of its sale was still "an operating unit" for accounting purposes since it had been "devoted by someone to public service." *Id.* at 282–283. The Commission's emphasis in determining whether this pipeline was an operating unit was upon the fact that it had previously furnished service to the public. Consequently, we believe that although a facility need not necessarily be in operation to constitute "an operating unit," it should at least be capable of operation and previously dedicated to public service. That is not the case here and this sale, therefore, does not come under the purview of Instruction 5(F).

In sum, the arguments presented by VEPCO on appeal do not mandate the accounting treatment it proposes. We stated above that in addition to the issue of whether VEPCO's shareholders should be allowed to retain the profits

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[3] As discussed *infra*, an analogous situation was addressed in a Chief Accountant letter ordered to Georgia Power Company.

[4] *But see Democratic Central Committee of the District of Columbia* v. *Washington Metropolitan Area Transit Commission*, 485 F.2d 786 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 935 (1974).

[5] In E–9567, VEPCO sold distribution properties, in service, to Northern Piedmont Electric Cooperative and realized a gain of $33,303. In EL78–2, VEPCO sold distribution facilities, in service, to Shenandoah Valley Electric Cooperative and recognized a gain of $26,590. Finally, in EC81–3, VEPCO sold substation facilities, in service, to Prince William Electric Cooperative and realized a gain of $238,785.

[6] OCA Letter orders of October 6, 1980 and April 30, 1981.

from this sale, there is the accounting issue of how to calculate VEPCO's original cost in the entire Project. We believe the Chief Accountant has taken the proper approach.

Electric Plant Instruction 7 requires that the net profits from sales of goods or services arising from the construction activities, *e.g.*, timber, gravel, rights-of-way, etc., should be credited to the cost of construction. The rationale behind this rule is simply to insure that, to the greatest extent possible, all expenses incurred in constructing a facility are offset by revenues received by the utility as a consequence of that construction. The same rationale is applicable here.

Conclusion

As noted above, although none of the Electric Plant Instructions specifically addresses the situation at hand, the general thrust of these two instructions indicates an overall mandate that the cost of plant facilities should be net of any related receipts of funds from the construction activity. We believe that the profit from a sale of an undivided interest in a plant under construction is precisely the type of receipts contemplated by Instructions 3(18) and 7.

Under the original cost concept of rate base valuation, VEPCO is entitled to earn a return only on the actual cost incurred during the construction of the property placed in rate base. We believe that the actual cost is the net cost of the project after all transactions related to the project are completed and either credited or debited to the plant in service account. Just as sales of goods and services arising from the construction are credited to the project cost, so should be revenues from sales of ownership interests. This approach is similar to the approach we took recently in *Pennsylvania Power & Electric Company*, Opinion No. 176, 23 FERC ¶61,395 (1983) where we held that revenues from sales of test power should be credited to the plant's cost of construction. Test power is energy generated prior to the commercial operation date of a facility.

Accordingly, we find that the Chief Accountant's directive is correct. The approximately $3.9 million net gain from the sale by VEPCO should be credited to the overall cost of the Project pursuant to Electric Plant Instruction 3(18) as earnings received during construction.

The Commission orders: (A) ElectriCities' motion to intervene is hereby granted.

(B) ElectriCities' motion to consolidate is hereby denied.

(C) VEPCO's appeal is hereby denied.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Sousa dissented with a separate statement attached.

Kenneth F. Plumb,

Secretary.

Sousa, A. G., Commissioner, Dissenting

I respectfully disagree with my colleagues, and dissent from their decision to uphold the Chief Accountant's directive to VEPCO.

In its pleading, VEPCO has delineated the Commission precedent regarding the treatment of gains from sales of utility property. This precedent clearly provides that profits from sales of plant in service are generally permitted to be credited to Account 421.1, as proposed by VEPCO. As stated by the majority, the question of the proper accounting for a gain on a partial sale of plant *not* in service has never been specifically addressed by the Commission. Unlike the majority, I believe the precedent cited by VEPCO is equally applicable to sales of unconstructed plant. Therefore, I would grant VEPCO's appeal and reverse the Chief Accountant's directive.

The Commission's rule regarding the gains from sales of utility plant was established by Order No. 473, 49 FERC 390 (1973). That order rejected a proposed rulemaking which would have treated gains and losses on sales of plant as an "above-the-line" credit to utility operating income. In rejecting this rulemaking, the Commission relied on its decision, issued a few months prior to Order No. 473, in *Duke Power Company*, Opinion No. 641, 48 FPC 1384 (1972). In that case, the Commission held that ratepayers were not entitled to a share in any profits on land transactions realized by a subsidiary of Duke Power. Order No. 473 made the Commission's accounting treatment consistent with the rate treatment established in *Duke Power*.

The *Duke Power* decision relied principally upon an analogous argument presented in *Board of Public Utility Commissioners* v. *New York Telephone Company*, 271 U.S. 23 (1926). The Supreme Court held that the utility's customers were not entitled to earnings in the company's depreciation reserve account. In finding that amounts previously collected for depreciation could not be credited towards the company's current depreciation expenses, the Court stated:

Customers pay for service, not for the property used to render it. Their payments are not contributions to depreciation or other operating expenses, or to capital of the company. By paying bills for service they do not acquire any interest, legal or equitable, in the property used for their convenience or in the funds of the company. Property paid for out of moneys received for service belongs to the company, just as does that purchased out of proceeds of its bonds and stock. *Id.* at 32.

This decision drew no distinction between property used for utility or nonutility purposes. Nor did it draw any distinction between profits from plant in service and profits from unconstructed plant. Based on the rationale established in *Board of Public Utility Commissioners*, as adopted by this Commission in *Duke Power* and Order No. 473, I see no basis for different treatment of the gains from VEPCO's sale.

ElectricCities points out that *Duke Power* involved a subsidiary engaged in land transactions rather than gains from the sale of utility property. As I noted above, however, the language in the Supreme Court decision is broad and all encompassing. There is no indication that it was intended to apply only to nonutility property. Nor do I believe that the Commission intended the *Duke Power* decision to be so limited, as evidenced by the fact that Order No. 473 clearly applies to all utility-owned property.

ElectriCities also contends that if the Chief Accountant's directive is deemed inconsistent with the Commission precedent than those rulings should be reconsidered. ElectriCities argues argues that *Board of Public Utilities* applied "outdated regulatory notions", the precedential value of which has been questioned by the Commission in *Municipal Light Bds.* v. *Boston Edison Co.*, 54 FPC 440, 442 (1975), *aff'd sub nom. Towns of Norwood* v. *FPC*, 546 F.2d 1036 (D.C. Cir. 1976). (Motion at 4) ElectricCities' reliance upon *dicta* in that opinion, however, is misplaced. The Commission's criticism of *Board of Public Utilities* went to its outdatedness with respect to depreciation theory. The Commission did not even mention the Supreme Court's ruling with respect to ratepayers' proprietary interest in utility property. Consequently, that portion of the Supreme Court's decision remains intact as the precedent of this Commission.

ElectriCities directs us to compare *Board of Public Utilities* with *Democratic Central Committee of the District of Columbia* v. *Washington Metropolitan Area Transit Commission* 485 F.2d 786 (D.C. Cir 1973), *cert. denied*, 415 U.S. 935 (1974) as further evidence of the outdatedness of that decision. ElectriCities interprets *Democratic Central Committee* as standing for the proposition that since "ratepayers pay expenses and depreciation on utility property, they should enjoy the gain realized when the property is sold." (Motion at 4–5) Ratepayers have always paid the expenses and depreciation on utility property. That fact does not alter or negate the logic of the 1926 decision. Moreover, *Democratic Central Committee* is clearly distinguishable from this case. The property at issue there was nondepreciable real property that had been in service and then taken out of service and sold. Consequently, ElectriCities has raised no facts or principles of law to warrant a reconsideration of the *Duke Power* case and Order No. 473.[1]

Indeed, there are current facts which support the continuance of our previous regulatory practice. I believe that the sale of an interest in a plant at a profit may be the exercise of good business judgment for which the utility should reap the benefit. This regulatory treatment should serve to give the

[1] I also note that VEPCO has not been CWIP on the sold portion of the project, as this sale occurred prior to the effectiveness of the Commission's CWIP rule. *See* Order No. 298, Docket No. RM81-38, issued May 16, 1983.

utility an incentive to sell interests in projects so that ratepayers are not bearing the burden of unneeded plant. Without this incentive, ratepayers would be responsible for many of the costs of a plant, assuming the initial decision to build the plant was prudent. Consequently, the ratepayers here would receive some benefit from the sale made by VEPCO in that they would only contribute to that portion of the plant actually needed by VEPCO to serve its native load customers. Absent this sale, VEPCO's ratepayers would have to contribute to the entire plant.

Accordingly, I would find that the directive of the Chief Accountant is in error and grant VEPCO's appeal. The approximately $3.9 million net gain from the sale by VEPCO should be credited to Account 421.1 as a gain on the disposition of property.

A. G. Sousa,

Commissioner.

[FR Doc. 84-2089 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

Blanket Notice of Determination Under the Natural Gas Policy Act for OCS Leases Issued on or After April 20, 1977

January 20, 1984.

On September 27, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 336 under Docket Nos. RM83-3 and RM81-12 (48 FR 44,508 September 29, 1983). In that order, the Commission amended its regulations relating to filing requirements for well category applications under the Natural Gas Policy Act of 1978 (NGPA). The determination process for natural gas produced from a new lease, i.e., a lease entered into on or after April 20, 1977, on the Outer Continental Shelf (OCS), and qualifying as new natural gas under Section 102 of the NGPA, was amended in two respects. First, the Commission eliminated the requirement that a determination be made for each well producing gas from a new OCS lease. Second, in lieu of filing an application for each well, the Commission now permits the grant of a new OCS lease to constitute the requisite jurisdictional agency determination that the gas is produced from a new OCS lease.

Under the new procedures, the U.S. Department of Interior, Minerals Management Service (MMS), must file within 60 days of the grant of the lease a notice of determination which includes the lease number, the area and block number, and the date on which the OCS lease was issued by the Secretary of the Interior. This determination is subject to Commission review in the same manner as other jurisdictional agency determinations.

The Commission also adopted a blanket notice of determination procedure that allows new leases that have been granted by the MMS prior to the effective date of Order No. 336 to take advantage of this new rule. Pursuant to § 274.104(c) of the Commission's regulations, as revised by Order No. 336, notice is hereby given that on December 29, 1983, the Pacific OCS Region office of the MMS notified the Commission that the following leases, listed by date of sale, were granted on or after April 20, 1977:

Lease No. OCS-P	Effective date
Oil and gas sale No. 48 of June 29, 1977:	
315-364	Sept. 1, 1979.
366-369	Sept. 1, 1979.
Oil and gas sale No. 53 of May 28, 1981:	
393	Sept. 1, 1981.
394-397	July 1, 1981.
400-416	July 1, 1981.
418-422	July 1, 1981.
424-427	July 1, 1981.
429-441	July 1, 1981.
443-453	July 1, 1981.
Oil and gas sale No. 68 of June 11, 1982:	
456-457	Aug. 1, 1982.
459	July 1, 1982.
460-465	Aug. 1, 1982.
467-469	Aug. 1, 1982.
472	Aug. 1, 1982.
473	June 1, 1982.
474	July 1, 1982.
475	Aug. 1, 1982.
478	June 1, 1982.
479-490	Aug. 1, 1982.
491-500	Sept.1, 1982.

A complete list of the Pacific Region OCS lease numbers, with the legal description and date on which each lease was issued by the Secretary of the Interior is available for inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-2070 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO-HA-84-1; ORD-FRL 2513-7]

Draft Health Assessment Document for Hexachlorocyclopentadiene

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: A number of chemical substances which are emitted to the ambient air are currently being studied by the Environmental Protection Agency to determine whether they should be regulated under Section 112 of the Clean Air Act. One of the factors in the Agency's study of this chemical is the evaluation of available information pertaining to human health effects. The evaluation of the chemical, hexachlorocyclopentadiene, is contained within a draft health assessment document prepared by the Office of Health and Environmental Assessment of the Office of Research and Development.

In order to have a thorough review of the scientific aspects of this document, external review drafts will be transmitted to the Agency's Science Advisory Board (SAB) for review, and simultaneouly will be made available for public review and comment.

DATES: The draft Health Assessment Document for Hexachlorocyclopentadiene (EPA No. 600/8-84-001A) will be available for public review on or about February 21, 1984, and the Agency will accept public comments until April 23, 1984. Comments must be received by close of business, April 23, 1984, in order to be considered.

After receipt of all public comments on the document, the SAB will hold a public meeting to review the document. An advance notice announcing the time and place for the SAB public meeting and document agenda will appear in the **Federal Register.**

ADDRESSES: Those persons interested in commenting on the scientific merit of the draft document will be able to obtain copies for review as follows:

(1) The draft document will be available in single copy quantity from EPA at the following address: ORD Publications—CERI-FR-HEX, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684-7562. Requesters should be sure to cite the EPA number assigned to the document and should send their names and addresses to CERI at this time to receive the draft document.

(2) The draft document will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Comments must be received by close of business, April 23, 1984, in order to be considered. Comments must be made in writing and should be sent to David J. Reisman, Environmental Criteria and Assessment Office, U.S. Environmental Protection Agency, 26 W. St. Clair

Street, Room 105, Cincinnati, Ohio 45268.

FOR FURTHER INFORMATION CONTACT: David J. Reisman, Tel: 513/684-7572.

Bernard D. Goldstein,

Assistant Administrator for Research and Development.

January 23, 1984.

[FR Doc. 84-2165 Filed 1-25-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Amendment To Provide High Frequency Spectrum for Use by Eligibles in the Special Industrial, Petroleum, Telephone Maintenance and Power Radio Services

AGENCY: Federal Communications Commission.

ACTION: Public notice announcing certain available frequencies.

SUMMARY: The Commission identifies frequencies available initially for long distance (HF) radiocommunication circuits for use by eligibles in the Power, Petroleum, Special Industrial and Telephone Maintenance Radio Services. This Notice is necessary to inform licensees which frequencies they may use.

FOR FURTHER INFORMATION CONTACT: Keith Plourd, Private Radio Bureau, Washington, D.C. (202) 634-2443.

William J. Tricarico,

Secretary, Federal Communications Commission.

FCC Announces Frequencies Available Initially for Long Distance Industrial Communications

January 17, 1984.

On June 29, 1983, the Commission amended its rules to establish new licensing, technical and operational requirements and procedures to provide certain Industrial Radio Service licensees with long distance (HF) capability.

Effective August 15, 1983, the Commission made available to specific classes of eligibles in the Power, Telephone Maintenance, Petroleum and Special Industrial Radio Services the following frequency bands (kHz):

2107-2170	5005-5450	14350-14990
2194-2495	5730-5950	15450-16460
2505-2850	6763-7000	17360-17700
3155-3200	7300-8195	18030-18068
3200-3230	9040-9500	18168-19990
3230-3240	9775-9995	20010-21000
3240-3400	10150-11175	21750-21850
4000-4063	11400-11700	22720-23200
4438-4650	11977-12330	23350-24890
4750-4995	13360-14000	

On frequencies above 4650 kHz, transmissions from stations in motion are strictly prohibited. Only fixed or itinerant fixed operations are permitted.

Authorizations granted pursuant to the new rules (see Public Notice #5956, August 15, 1983) do not convey authority to operate on all frequencies in the bands. Only frequencies announced by Public Notice may be used under the provisions of § 90.266 of the Commission's Rules. Authorizations will be issued for bands of frequencies and will be qualified with the following note printed on the face of the license:

Only those frequencies identified by Public Notice are available for use.

Applicants are reminded not to request specific frequencies in the frequency column of Form 574, but rather to indicate both the bands and number of frequencies in each band necessary to fulfill their communications requiremenbts. Applicants are encouraged to consult a user data base in selecting the actual frequency of operation.

The following frequencies are available initially for use in accordance with rule provisions for long distance industrial communications (see § 90.266 of the Commission's Rules) under the geographic and time-of-day limitations indicated:

Frequency carrier assigned	Time of day	Geographic restrictions	Class of station
2289.0 2290.4		United States and Insular Areas (USIA)	Fixed, base or mobile.
2292.0 2293.4		do	Do.
2295.0 2296.4		do	Do.
2298.0 2299.4		do	Do.
3170.0 3171.4		do	Do.
4538.6 4540.0	Nighttime Only	do	Do.
4548.6 4550.0	do	do	Do.
4575.0 4576.4		do	Do.
4610.5 4611.9		do	Do.
4613.5 4614.9		do	Do.
4634.5 4635.9		do	Do.
4637.5 4638.9		do	Do.
4647.0 4648.4		do	Do.
5046.6 5048.0		East of 108 degrees West Longitude	Fixed, Itinerant Fixed.
5052.6 5054.0		do	Do.
5055.6 5057.0		do	Do.
5061.6 5063.0		West of 90 degrees West Longitude	Do.
5067.6 5069.0		USIA	Do.
5074.6 5076.0		East of 108 degrees West Longitude	Do.
5099.1 5100.5		USIA	Do.
5102.1 5103.5		do	Do.
5313.6 5315.0		do	Do.
6800.1 6801.5	Nighttime only	do	Do.
6803.1 6804.5		do	Do.
6806.1 6807.5		West of 90 degrees West Longitude	Do.
6855.1 6856.5	Nighttime only	West of the Mississippi River	Do.
6858.1 6859.5	do	USIA	Do.
6861.1 6862.5		West of 90 degrees West Longitude	Do.
6885.1 6886.5	Nighttime only	USIA	Do.
6888.1 6889.5	do	do	Do.
7480.1 7481.5		do	Do.
7493.1 7484.5		do	Do.
7486.1 7487.5		East of 108 degrees West Longitude	Do.
7549.1 7550.5	Daytime only	USIA	Do.
7552.1 7553.5		do	Do.
7555.1 7556.5		West of 90 degrees West Longitude	Do.
7558.1 7559.5		do	Do.
7559.1 7560.5		do	Do.
7562.1 7563.5		do	Do.
7697.1 7698.5		USIA	Do.

[FR Doc. 84-2124 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-1388 and 83-1389; File Nos. BRCT-830531KN and BPCT-830901KJ]

Arizona Television Co., et al.; Hearing Designation Order

In the matter of Arizona Television Co., Phoenix, Arizona, MM Docket No. 83-1388, File No. BRCT-830531KN, for renewal of license of station KTVK-TV, Channel 3, Phoenix, Arizona, and Jason Communications, Inc., Phoenix, Arizona, MM Docket No. 83-1389, File No. BPCT-830901KJ, for construction permit for a new commercial television station on Channel 3, Phoenix, Arizona.

Adopted: December 23, 1983.

Released: January 9, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the license renewal application of Arizona Television Company for commercial Station KTVK(TV), Channel 3, Phoenix, Arizona, and the mutually exclusive application of Jason Communications

Inc. (JCI) for a new commercial television station on the channel presently licensed to KTVK(TV).

2. Except as indicated by the issues specified below, the applicants are qualified. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

3. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

4. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

5. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-2111 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-1386 and 83-1387; File Nos. BPCT-830120KF and File Nos. 8PCT-830311KI]

Katy Communications, Inc. and Cape Video Network Inc.; Hearing Designation Order

In the matter of Katy Communications, Inc., Vineyard Haven, Massachusetts, MM Docket No. 83-1386, File No. BPCT-830120KF, and Cape Video Network, Inc., Vineyard Haven, Massachusetts, MM Docket No. 83-1387, File No. BPCT-830311KI, for construction permit.

Adopted: December 23, 1983.

Released: January 10, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it: (a) the above-captioned mutually exclusive applications of Katy Communications, Inc. (Katy), and Cape Video Network, Inc. (Cape Video) for authority to construct a new commercial television station on Channel 58, Vineyard Haven, Massachusetts; and (b) an informal objection filed by Walter H. Renear, Chairman of the Planning Board of the Town of Tisbury.

2. On February 17, 1983, Walter H. Renear, Chairman of the Planning Board of the Town of Tisbury, filed an informal objection, on behalf of the Board, against the Katy application. The objector alleges that: (a) The coordinates of the proposed tower site and the ground elevation level above mean sea level (AMSL) as shown in the application are incorrect; (b) the application and local public notice are in error with respect to the transmitter site because they specify the site as the Tisbury landfill, but the proposed site is actually one mile south of the landfill; (c) the applicant proposes to locate its tower near a 300-foot existing tower, but there is no tower in Tisbury higher than 220 feet; (d) the site on which the existing tower is located has been the subject of local controversy and, in fact, litigation; (e) the Town of Tisbury zoning laws prohibit towers in excess of 80 feet AGL (the existing radio tower being a pre-existing nonconforming use); and (f) while the application shows that Barry J. Carroll is the applicant's vice president, the local public notice shows him as president.

3. On May 20, 1983, in response to the town's objections, Katy amended its application. The amendment corrects the coordinates and the ground level AMSL. The applicant further states that the proposed site is not at the Tisbury landfill, but that description was given because the site is in a remote location which is difficult to describe. The area is not built up, has no street address, has no road intersections or buildings and the landfill reference was used because it is the only well-known feature which would allow the public to indentify the area. With respect to location near an existing tower, the applicant explained that the tower is that of Station WMVY(FM) and that it is 200 feet AGL, not 300 feet. The applicant further asserts that there is no local controversy over its proposal and that, in the course of conducting its community leader survey, it interviewed 21 leaders from Tisbury (including one who serves on the Town Planning Board) and none of them indicated any concern or that the proposal was, or might be controversial.[1] With respect to the zoning restrictions, the applicant states that it obtained assurance from local counsel that the required zoning variance could be obtained at the appropriate time. Finally, the misidentification of Carroll as persident in the local public notice is said to be an error by the newspaper.

4. We are satisfied with the explanations provided by the applicant, to which the Town filed no response. For the most part, the inconsistencies have been shown to be harmless errors and the remainder have been corrected by amendment. The informal objection will, therefore, be denied.

5. No determination has been made that the tower height and location proposed by Katy would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

6. Section 73.636(a)(1) of the Commission's Rules states that no license for a television station shall be granted to any party if such party directly or indirectly owns, operates or controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM station. Note 8 to the rule provides, *inter alia*, that applications for UHF stations will be treated on a case-by-case basis in order to determine whether common ownership, operation or control of the station in question would be in the public interest. Cape Cod Broadcasting Company, Inc., which owns 100% of Cape Video Network Inc., is the licensee of FM broadcast station WQRC, Barnstable, Massachusetts. In the event the application is granted, Cape Video Network, Inc.'s proposed Grade A contour would envelop Barnstable. However, Cape Cod Broadcasting Company, Inc. has stated that it would divest all of its interest in WQRC(FM), Barnstable, Massachusetts, prior to the commencement of operation of the television station. Accordingly, any grant of a construction permit to Cape Video will be conditioned upon Cape

[1] The "controversy" and litigation to which the objector referred was probably that surrounding construction of the WMVY(FM) tower which required a zoning variance. Neither then objector nor the applicant has furnished any facts on this aspect.

Cod Broadcasting Company, Inc.'s divestiture of all interest in and connection with, station WQRC(FM), Barnstable, Massachusetts.

7. Cape Video proposes to operate from a site located within 250 miles of the Canadian border with maximum visual effective radiated power of more than 1000 kilowatts. The proposal poses no interference threat to United States television stations; however, it contravenes an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). In the event of a grant of the application, the construction permit shall contain a condition precluding station operation with maxium visual ERP in excess of 1000 kilowatts absent Canadian consent. *South Bend Tribune,* 8 R.R. 2d 416 (1966).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Katy Communications, Inc. would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That the informal objection filed by Walter H. Renear, Chairman of the Planning Board of the Town of Tisbury against Katy Communications, Inc. is denied.

11. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

12. It is further ordered, That, in the event of a grant of Cape Video Network, Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, Cape Video Network, Inc. shall certify to the Commission that Cape Cod Broadcasting Company, Inc. has servered all interested in, and connection with WORC(FM), Barnstable, Massachusetts.

13. It is further ordered, That, in the event of a grant of Cape Video's application, the construction permit shall contain the following condition:

Operation with effective radiated visual power in excess of 1000 kW after May 1, 1985 is subject to a further extension of consent by Canada.

14. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specifed in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-2113 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket Nos. 83-1393, 83-1392 and 83-1394; File Nos. BPET-830502KH, BPCT-830519KF and BPCT-830607KF]

Public Television 19, Inc., et al.; Hearing Designation Order

In the matter of Public Television 19, Inc., St. Joseph, Missouri (MM Docket No. 83-1392 File No. BPET-830502KH), Citizens Rights Telecommunications Co., St. Joseph, Missouri (MM Docket No. 83-1393 File No. BPCT-830519KF) and Metro Program Network, Inc., St. Joseph, Missouri (MM Docket No. 83-1394 File No. BPCT-830607KF) for construction permit.

Adopted: December 23, 1983.

Released: January 10, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Public Television 19, Inc. (Public Television), Citizens Rights Telecommunications Company (Citizens), and Metro Program Network, Inc. (Metro) for authority to construct a new television station [1] on channel 22, St. Joseph, Missouri.

2. Channel 22 is one of three television channels allocated to St. Joseph, Missouri, and is the only channel not authorized to an existing station. Of the three competing applicants, only Public Television proposes noncommercial educational programming. Accordingly, for purposes of comparison, the need for noncommercial programming as proposed by Public Television or commercial programming as proposed by the other applicants will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.[2]

3. Public Television indicates that it is depending on NTIA for most of its finances. However, we have no information regarding whether Public Television has actually filed a request for funds with that agency. Accordingly, an issue will be specified to determine whether there is a reasonable assurance that the funds needed to construct and operate the proposed station would be available in the event of a grant of the construction permit.

4. Section V-C, item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. Citizens has not submitted figures for the population. Consequently, we are unable to determine whether there would be a

[1] Public Television proposes a noncommercial educational facility.

[2] Compare *Houma Broadcasters, Inc.*, FCC 80-534, 45 FR 66866 (1980), a mutually exclusive proceeding involving a noncommercial applicant and several commercial applicants. In designating the applicants for comparative hearing, a qualifying issue was specified with respect to the need for educational programming as opposed to commercial programming where the noncommercial applicant proposed coverage area would substantially overlap the coverage area of its existing station. The common coverage areas were so substantial that Houma, the proposed city of license, was wholly within the Grade B contour of the existing station. The facts in this case are unlike the *Houma* situation in that the overlap area is not substantial, being less than 25%. Further, the applicant would provide a first noncommercial service to more than 140,000 persons. In any case, there is ample Commission precedent for comparing commercial and noncommercial applicants in a hearing relative to an unreserved channel. *VHF Drop In Proceeding,* 90 FCC 2d 160, 180 (1980).

significant difference in the size of the area and population that each applicant proposes to serve. Citizens will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

5. No determination has been made that the tower height and location proposed by Citizens [3] and Metro would not constitute a hazard to air navigation. An issue regarding this matter will be specified.

6. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with Section 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Public Television has done either. Accordingly, Public Television will be required to file a statement that it has or will comply with the public notice requirement with the Administrative Law Judge within 20 days of the release of this Order.

7. Citizens' proposed antenna is to be mounted on the existing tower of Station KGNM(AM), St. Joseph, Missouri. Therefore, in order to insure that the AM pattern will not be adversely affected, a grant of this application will be appropriately conditioned.

8. Section II, page 3, item 7(d), FCC Form 301, inquires whether an applicant or any party to the application had any interest in a broadcast application in any Commission proceeding which left unresolved character issues against that applicant. Metro has not answered item 7(d). Metro will be required to submit its response to item 7(d) to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

9. Metro's proposed site is 163 miles from the site of vacant Channel 22, Joplin, Missouri, whereas § 73.610(b)(1) of the Commission's Rules requires a mimimum separation of 175 miles. The applicant, therefore, would be short-spaced 12 miles to vacant Channel 22, Joplin, Missouri. An issue will be specified to determine whether circumstances exist warranting a waiver. In assessing the circumstances to determine whether a waiver is warranted, the Administrative Law Judge should consider the fact that the other two competing applicants in this proceeding have specified fully-spaced sites.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications Are Designated for Hearing in a Consolidated Proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Public Television, whether there is a reasonable assurance that the funds needed to construct and operate the proposed station would be available in the event of a grant of the construction permit.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Citizens Rights Telecommunications Company and Metro Program Network, Inc. would each constitute a hazard to air navigation.

3. To determine, with respect to Metro Program Network, Inc., whether the proposed site is consistent with the minimum mileage separation requirements of § 73.610 of the Commission's Rules, and if not, whether circumstances exist which would warrant a waiver of the rule.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It Is Further Ordered, That Citizens Rights Telecommunications Company shall submit an amendment stating the population within its predicted Grade B contour, within 20 days after this Order is released, to the presiding Administrative Law Judge.

13. It Is Further Ordered, That Public Television 19, Inc. shall file certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application, within 20 days after the date of release of this Order.

14. It Is Further Ordered, That any grant of a construction permit to Citizens Rights Telecommunications Compay will be subject to the following condition:

During installation of the antenna authorized herein, AM Station KGNM shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements on the AM antenna shall be made and, prior to or simultaneous with the filing of the application for license to cover this permit, the results submitted to the Commission (along with a tower sketch of the installation) in an application for the AM station to return to the direct method of power determination.

15. It Is Further Ordered, That Metro Program Network, Inc. shall submit a response to Section II, page 3, item 7(d), FCC Form 301, to the presiding Administrative Law Judge within 20 days after the date of the release of this Order.

16. It Is Further Ordered, That the Federal Aviation Administration Is Made a Party Respondent to this proceeding with respect to issue 4.

17. It Is Further Ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

18. It Is Further Ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Steward,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84-2112 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

[3] The Commission's Antenna Survey Branch has no record of a structure of the height proposed by the applicant at the designated site.

New FM Stations; Application for Consolidated Hearing; Humphreys County Broadcast Company

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Humphreys County Broadcasting Company, Inc. WELZ; Belzoni, MS.	BPH-821117AO	83-1397
B. F. David Kaiser, Jr. & Venita Kasier; Belzoni, MS.	BPH-830318AK	83-1398

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appemdix), A and B
2. Air Hazard, A
3. Comparative, A and B
4. Ultimate, A and B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix of this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. If a final environmental impact statement is issued with respect to A (Humphreys) and B (Kaiser) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by §§ 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicants are qualified to construct and operate as proposed.

[FR Doc. 84-2115 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Stations; Applications for Consolidated Hearing; Osage Radio Inc.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Osage Radio, Inc., Central City, NE.	BPH-830222AB	83-1399
B. The Nebraska Rural Radio Association; Central City, NE.	BPH-830518AD	83-1400

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issues headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632-6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. If a final environmental impact statement is issued with respect to A (Osage) or B (Rural Radio) which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by Sections 1.1301-1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84-2117 Filed 1-25-84; 8:45 am]

BILLING CODE 6712-01-M

New FM Station; Applications for Consolidated Hearing; Oscar Jerome Green, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Oscar Jerome Green; Pine Bluff, AR.	BPH-830310AB	83-1403
B. G. E. Gunter d.b.a. Jefferson County Broadcasting; Pine Bluff, AR.	BPH-830516AJ	83-1404
C. Joseph Franklin Appling; Pine Bluff, AR.	BPH-830520AO	83-1405
D. KCLA, Inc.; Pine Bluff, AR.	BPH-830520AV	83-1406

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Main Studio, C
2. Air Hazard, B, D
3. Comparative, All
4. Ultimate, All

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919

M Street, NW., Washington, D.C. 20554. Telephone (202) 632–6334

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–2119 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

New FM Stations; Applications for Consolidated Hearing; Sandia '76, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Sandia '76, Inc.; Hope, AR.	BPH–821022AF	83–1401
B. Fem Co Media, Inc.; Hope, AR.	BPH–830321AI	83–1402

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, B
2. Comparative, A, B
3. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full test of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, N.W., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 84–2118 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

New FM Station; Application for Consolidated Hearing; Woodcom, Inc.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Woodcom, Inc., Lewiston, ID.	BPH–811215AL	83–1395
B. Read Broadcasting of Asotin; Asotin, WA.	BPH–821021AM	83–1396

2. Pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) which can be found at 48 FR 22428, May 18, 1983. The issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. (See Appendix), A
2. Air Hazard, B
3. 307(b), A, B
4. Contingent Comparative, A, B
5. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW., Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

Appendix

Issue(s)

1. If a final environmental impact statement is issued with respect to A (Woodcom), which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environment Policy Act, as implemented by §§ 1.1301–1.1319 of the Commission's Rules; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

[FR Doc. 84–2116 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket Nos. 83–1390 and 83–1391; File Nos. BPCT–830818KF and BPCT–831018KO]

Retherford Publication, Inc. and Woodrow D. Nelson; Hearing Designation Order

In the matter of Retherford Publications, Inc., Pontiac, Illinois (MM Docket No. 83–1390; File No. BPCT–830818KF), and Woodrow D. Nelson, Pontiac, Illinois (MM Docket No. 83–1391; File No. BPCT–831018KO) for construction permit.

Adopted: December 23, 1983.

Released: January 10, 1984.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 53, Pontiac, Illinois.

2. No determination has been reached that the tower height and location proposed by Woodrow D. Nelson would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

3. Section V–C, item 10, FCC Form 301, requires that an applicant submit figures for the area and population within its predicted Grade B contour. Retherford Publications, Inc. has not specified the population within its Grade B contour; Woodrow D. Nelson has not submitted the area or population. Consequently, we are unable to determine whether there would be a significant difference in the size of the area and population that each proposes to serve. Each applicant will be required to submit an amendment showing the required information, within 20 days after this Order is released, to the presiding Administrative Law Judge. If it is determined that there is a significant disparity between the areas and populations, the presiding Administrative Law Judge will consider it under the standard comparative issue.

4. Retherford Publications, Inc. indicates, in Section V–C, item 11, FCC Form 301, that it will provide city grade service to its entire principal community. However, the coverage map submitted by the applicant does not

show Pontiac, Illinois, as required by Section V–C, item 10(c), FCC Form 301. Retherford will be required to provide a map clearly indicating the predicted city grade, Grade A and Grade B contours, the legal boundaries of Pontiac and the transmitter location, to the presiding Administrative Law Judge, within 20 days after this Order is released.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Woodrow D. Nelson whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

8. It is further ordered, that Retherford Publications, Inc. and Woodrow D. Nelson shall each submit an amendment showing the appropriate information as required by Section V–C, Item 10, FCC Form 301, to the presiding Administrative Law Judge, within 20 days after this Order is released.

9. It is further ordered, that, Retherford Publications, Inc. shall submit a map clearly indicating its predicted service contours, the legal boundaries of its principal community and the proposed transmitter location, to the presiding Administrative Law Judge, within 20 days after this Order is released.

10. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by §73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 84–2133 Filed 1–25–84; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Definitions and Rules Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is given of a meeting of the Telecommunications Industry Advisory Group's (TIAG) Definitions and Rules Subcommittee scheduled to meet on Tuesday, February 14, through Thursday, February 16, 1984. The meeting will begin on February 14th at 9:30 a.m. in the offices of AT&T Communications, 795 Folsom Street, Room 325, San Francisco, California, and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Rewrite of USOA Other Balance Sheet Accounts
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203) 965–2830 at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2131 Filed 1–25–84; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Expense Accounts Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on February 14–15 and February 21–22, 1984. The meetings will begin at 9:00 a.m. and will be open to the public. The meeting locations are:

February 14–15, 1984: Central Services Organization. 2101 L. Street, N.W. (6th Floor), Washington, D.C.

February 21–22, 1984: GTE SPRINT, 1828 L Street, NW., 5th Floor (Large Conference Room), Washington, D.C.

The agenda are as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of a Subcommittee and wishing to make an oral presentation should contact Mr. Howes ((212) 393–4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2130 Filed 1–25–84; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Plant Accounts Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee (Pub. L. 92–463), notice is hereby given of meetings of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee. The meetings will begin at 10:00 a.m. and will be open to the public. The meeting dates and locations are as follows:

February 7–8, 1984: MCI, 3rd Floor Conference Room, 1133 19th Street, NW., Washington, D.C.

February 21–22, 1984: Deloitte, Haskins & Sells, Metropolitan Square, Suite 700, 655 Fifteenth Street, NW., Washington, D.C.

The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Report of Subcommittee Members
IV. Discussion of Instructions for Telephone Plant Accounts
V. Further Assignments
VI. Other Business
VII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood ((703) 486–4168) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2129 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

Telecommunications Industry Advisory Group; Separations and Costing Subcommittee

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Separations and Costing Subcommittee scheduled for Thursday-Friday, February 9–10, 1984. The meeting will begin at 10:00 a.m., and will be held at the offices of the FCC, Room 5119, 2025 M Street, N.W., Washington, D.C. The meeting will be open to the public. The agenda is as follows:

I. Review of Minutes of Previous Meeting
II. General Administrative Matters
III. Consideration of Expense Accounts for Part 67
IV. Consideration of Revenue Accounts for Part 67
V. Consideration of Expense Accounts for Part 69
VI. Other Business
VII. Presentation of Oral Statements
VIII. Adjournment

With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Leighton (518/462–2030) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–2132 Filed 1–25–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Anchor Financial Corporation, et al.; Formations of; Acquisitions 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 for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, interested persons may express their views in writing to the Reserve Bank indicated for that application 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, indentifying 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 February 16, 1984.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Anchor Financial Corporation,* Myrtle Beach, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of The Anchor Bank of Myrtle Beach, Myrtle Beach, South Carolina.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Anderson Bancorp, Inc.,* Oneida, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Anderson State Bank, Oneida, Illinois.

2. *Eldon Bankshares,* Eldon, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Eldon, Eldon, Iowa.

3. *Gary-Wheaton Corporation,* Wheaton, Illinois; to acquire 67 percent of the voting shares or assets of First Security Bank of Fox Valley, Aurora, Illinois.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–2175 Filed 1–25–84; 8:45 am]

BILLING CODE 6210–01–M

Barnett Banks of Florida, Inc.; Proposed De Novo Nonbank Actvities

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and

should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Mariett Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (check verification services; Florida and Alabama): To engage through its subsidiary, Verifications, Inc., in offering from additional offices, check verification services, including authorizing subscribing merchants to accept certain personal purchase money checks and obligating Verifications, Inc. to purchase properly verified checks which are subsequently dishonored. These activities would be conducted from additional offices in Tampa, Clearwater, West Palm Beach, and Pennsacola, Florida; and Montgomery, Alabama, or their surrounding metropolitan areas, as well as from existing offices of Verifications, Inc. and would be offered throughout the States of Florida and Alabama. Comments on this application must be received not later than February 20, 1984.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2176 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

Dunn County Bankshares, Inc., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Dunn County Bankshares, Inc.*, Menomonie, Wisconsin; to become a bank holding company by acquiring 89.6 percent of the voting shares of Bank of Menomonie, Menomonie, Wisconsin. Comments on this application must be received not later than February 21, 1984.

2. *Southern Minnesota BancShares, Inc.*, Wells, Minnesota; to become a bank holding company by acquiring 86 percent of the voting shares of Security State Bank of Wells, Wells, Minnesota. Comments on this application must be received not later than February 21, 1984.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Nebraska Bancorporation, Inc.*, Alliance, Nebraska; to become a bank holding company by acquiring at least 80 percent of the voting shares of Alliance National Bank and Trust Company, Alliance, Nebraska. Comments on this application must be received not later than February 21, 1984.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2177 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

Georgia Bankshares, Inc., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Georgia Bancshares, Inc.*, Macon, Georgia; to acquire 100 percent of the voting shares or assets of The First State Bank of Fitzgerald, Fitzgerald, Georgia. Comments on this application must be received not later than February 21, 1984.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Brazosport Corporation*, Freeport, Texas; to acquire 100 percent of the voting shares of Mercantile National Bank of Corpus Christi, Corpus Christi, Texas. Comments on this application must be received not later than February 16, 1984.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2178 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

Northern Trust Corporation; Proposed Acquisition of Jerome Hickey Associates, Inc.

Northern Trust Corporation, Chicago, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Jerome Hickey Associates, Inc., Chicago, Illinois.

Applicant states that the proposed subsidiary would perform discount securities brokerage, related securities credit and incidental services such as offering custodial services. These activities would be performed from offices of Applicant's subsidiary in Chicago, Illinois and Scottsdale, Arizona and the geographic area to be served is the entire United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question

must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to be received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than February 17, 1984.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2179 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

Northern Wisconsin Bank Holding Company; Proposed Acquisition of Assets of Laona Insurance Agency

Northern Wisconsin Bank Holding Company, Laona, Wisconsin, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of Laona Insurance Agency, Laona, Wisconsin.

Applicant states that the proposed subsidiary would engage in the activities of acting as a general insurance agency in a town with a population of under 5,000. These activities would be performed from offices of Applicant's subsidiary in Laona, Wisconsin and the geographic area to be served is the town of Laona and surrounding area within 35 miles. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than February 16, 1984.

Board of Governors of the Federal Reserve System, January 20, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-2180 Filed 1-25-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective—
(1) 83-1043—Bausch & Lomb Incorporated's proposed acquisition of voting securities of The Charles River Breeding Laboratories, Incorporated.	Jan. 6, 1984.
(2) 83-1047—Dr. Henry L. Foster's proposed acquisition of voting securities of Bausch & Lomb Incorporated.	Do.
(3) 83-1076—Cigna Corporation's proposed acquisition of voting securities of AFIA Finance Corporation.	Do.
(4) 83-1092—National Coal Board Staff Superannuation Scheme Trustees Limited's proposed acquisition of voting securities of RAMPAC.	Do.
(5) 83-1093—Committee of Management of the Mineworker's Pension Scheme's proposed acquisition of voting securities of RAMPAC.	Do.
(6) 83-1114—Health Resources Corporation of America's proposed acquisition of assets of Bristol Mercy Hospital Incorporated (Bristol General Hospital Company, UPE).	Do.
(7) 84-0003—Litton Industries, Incorporated's proposed acquisition of voting securities of Core Laboratories, Incorporated.	Jan. 9, 1984.
(8) 83-1046—The Philadelphia Saving Funds Society's proposed acquisition of voting securities of Homemakers Loan and Consumer Discount Company and Homemakers Finance Service Incorporated.	Do.
(9) 83-1125—Harsco Corporation's proposed acquisition of voting securities of Reed Minerals, Incorporated (Lone Star Industries, Inc., UPE).	Do.
(10) 83-1096—U.S. Industries, Incorporated's proposed acquisition of voting securities of Dual-Lite, Incorporated.	Jan. 10, 1984.
(11) 83-1059—Murphy Oil Corporation's proposed acquisition of assets of Sun Company, Incorporated.	Jan. 11, 1984.
(12) 83-1090—Sonat Incorporated's proposed acquisition of voting securities of Teleco Oilfield Services Incorporated.	Do.
(13) 83-1105—Holiday Inns Incorporated's proposed acquisition of assets of Granada Royale Management Company, Incorporated and Granada Royale Franchising Incorporated (Robert E. Woolley, UPE).	Do.
(14) 84-0009—CM Group's proposed acquisition of assets of CM Mechanical Corporation (Ronald E. Chamness, UPE).	Jan. 12, 1984.
(15) 83-1084—Aktiebolaget Volvo's proposed acquisition of voting securities of Hamilton Oil Corporation.	Do.
(16) 83-1121—Jenney Oil Company Incorporated's proposed acquisition of voting securities of Hamilton Oil Corporation.	Do.
(17) 83-1130—Clark Equipment Company's proposed acquisition of assets of Euclid, Incorporated (Daimler-Benz AG, UPE).	Do.
(18) 84-0001—Schottenstein Stores Corporation's proposed acquisition of voting securities of HRT Industries, Incorporated.	Do.
(19) 84-0002—Meshulam Riklis' proposed acquisition of voting securities of HRT Industries, Incorporated.	Do.
(20) 84-0005—Frederic C. Hamilton's proposed acquisition of voting securities of Hamilton Oil Corporation.	Do.
(21) 84-0006—Hamilton Brothers Petroleum Corporation's proposed acquisition of voting securities of Hamilton Oil Great Britain PLC.	Do.
(22) 83-1056—George S. Mann's proposed acquisition of voting securities of Amrep Corporation.	Jan. 13, 1984.
(23) 83-1058—Stora Kopparbergs Bergslags AB's proposed acquisition of voting securities of Newton Falls Paper Mill Incorporated, (American Broadcasting Companies, Incorporated, UPE).	Do.
(24) 83-1064—Stora Kopparbergs Bergslags AB's proposed acquisition of voting securities of Newton Falls Paper Mill Incorporated (McGraw-Hill Incorporated, UPE).	Do.
(25) 83-1098—Lumbermens Mutual Casualty Company's proposed acquisition of assets of Burton J. Vincent, Chesley and Company.	Do.

Transaction	Waiting period terminated effective—
(26) 83-1104—Medical Mutual's of Cleveland Incorporated's proposed acquisition of voting securities of Blue Cross of Northeast Ohio.	Do.
(27) 83-1126—George S. Mann's proposed acquisition of voting securities of Institutional Investors Corporation.	Do.
(28) 83-1120—Illinois Tool Works, Incorporated's proposed acquisition of N. A. Woodworth Company.	Jan. 16, 1984.
(29) 83-1077—Durr-Filtauer Medical, Incorporated's proposed acquisition of voting securities of Nashville Surgical Supply Company, Incorporated.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-2155 Filed 1-25-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 84M-0009]

Abbott Laboratories; Premarket Approval of Corzyme ™-M Diagnostic Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of Corzyme ™-M Diagnostic Kit, sponsored by Abbott Laboratories, North Chicago, IL. After reviewing the recommendation of the Microbiology Device Section of the Immunology and microbiology Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by February 27, 1984.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 25, 1983, Abbott Laboratories, North Chicago, IL 60064, submitted to FDA an application for premarket approval of Corzyme ™-M Diagnostic Kit, an in vitro enzyme immunoassay for the qualitative determination of specific IgM antibody to hepatitis B virus core antigen (anti-HBc IgM) in human serum or plasma that also may be used as an aid in the diagnosis of accute or recent (usually 6 months or less) hepatitis B infection. The application was reviewed by the Microbiology Device Section of the immunology and Microbiology Devices Panel, an FDA advisory committee, which recommended approval of the application. on December 21, 1983, FDA approved the application by a letter to the sponsor from the Director of the Office of Device Evaluation of the National Center for Devices and Radiological Health.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the National Center for Devices and Radiological Health—contact Charles H. Kyper (HFZ-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA's action under §10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 27, 1984, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-2106 Filed 1-25-84; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

General and Plastic Surgery Device Section of the Surgical and Rehabilitation Devices Panel

Date, time, and place. February 28, 9 a.m., Rm. 703-727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Paul F. Tilton, National Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7238.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before February 23, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application (PMA) for a polytetrafluoroethylene suture.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meeting announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: January 19, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–2103 Filed 1–25–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83F–0398]

Diamond Chemicals Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Diamond Chemicals Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of glyoxal-urea polymer (CAS Reg. No. 53037–34–6) as a starch insolubilizer in the manufacture of coatings for paper and paperboard in contact with dry food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3762) has been filed by Diamond Chemicals Co., P.O. Box 2386R, Morristown, NJ 07960, proposing that § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) be amended to provide for the safe use of glyoxal-urea polymer (CAS Reg. No. 53037–34–6) as a starch insolubilizer in the manufacture of coatings for paper and paperboard in contact with dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 9, 1984.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 84–2104 Filed 1–25–84; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83P–0430]

Grated Cheese Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to The Kroger Co., doing business as Pace Dairy Foods, Rochester, MN, to market test grated cheese containing powdered cellulose as an anticaking agent. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0117.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17, concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to The Kroger Co., doing business as Pace Dairy Foods, 2700 Valley High Drive NW., Rochester, MN 55901.

The permit covers limited interstate marketing tests of grated cheese that deviates from the standard of identity for grated cheeses (21 CFR 133.146). Powdered cellulose, an ingredient not currently permitted for use in grated cheese, will be used as an anticaking agent, either alone or in combination with other anticaking agents listed in § 133.146(b)(2) in an amount not to exceed 2 percent by weight of the finished food. The test product meets all requirements of § 133.146, with the exception of this deviation. The permit provides for the temporary marketing of

5 million pounds of grated cheese. The test product will be distributed throughout the United States.

The test product is to be manufactured at the Pace Dairy Foods plants located in Rochester, MN, and Crawfordsville, IN.

Each of the ingredients used in the food, including the powdered cellulose, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

Dated: January 19, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84-2105 Filed 1-25-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83P-0428]

Grated Cheese Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to California Cheese Co., San Jose, CA, to market test grated cheese containing powdered cellulose as an anticaking agent. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-485-0117.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17, concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to California Cheese Co., 1451 Sunny Court, San Jose, CA 95116.

The permit covers limited interstate marketing tests of grated cheese that deviates from the standard of identity for grated cheeses (21 CFR 133.146). Powdered cellulose, an ingredient not currently permitted for use in grated cheese, will be used as an anticaking agent, either alone or in combination with other anticaking agents listed in § 133.146(b)(2) in an amount not to exceed 2 percent by weight of the finished food. The test product meets all requirements of § 133.146, with the exception of this deviation. The permit provides for the temporary marketing of 3 million pounds of grated cheese. The test product will be distributed in the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

The test product is to be manufactured at the California Cheese Co. plant located in San Jose, CA.

Each of the ingredients used in the food, including the powdered cellulose, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

Dated: January 19, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84-2107 Filed 1-25-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83P-0429]

Grated Cheese Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Schreiber Foods, Inc., Green Bay, WI, to market test grated cheese containing powdered cellulose as an anticaking agent. The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

FOR FURTHER INFORMATION CONTACT: Johnnie G. Nichols, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0117.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17, concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Schreiber Foods, Inc., 425 Pine St., Green Bay, WI 54305.

The permit covers limited interstate marketing tests of grated cheese that deviates from the standard of identity for grated cheeses (21 CFR 133.146). Powdered cellulose, an ingredient not currently permitted for use in grated cheese, will be used as an anticaking agent, either alone or in combination with other anticaking agents listed in § 133.146(b)(2) in an amount not to exceed 2 percent by weight of the finished food. The test product meets all requirements of § 133.146, with the exception of this deviation. The permit provides for the temporary marketing of 11 million pounds of grated cheese. The test product will be distributed throughout the United States, in the Virgin Islands, and in Puerto Rico.

The test product is to be manufactured at the Schreiber Foods plants located in Carthage, MO, and Green Bay, WI.

Each of the ingredients used in the food, including the powdered cellulose, is stated on the label as required by the applicable sections of 21 CFR Part 101. This permit is effective for 15 months beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than April 25, 1984.

Dated: January 19, 1984.

Richard J. Ronk,

Acting Director, Bureau of Foods.

[FR Doc. 84-2109 Filed 1-25-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0424]

Revisions of Certain Food Chemicals Codex, 3d ed., Monographs; Opportunity for Public Comment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on pending changes to certain Food Chemicals Codex, 3d Ed., monograph and is soliciting specification information on proposed new monographs. For certain substances used as food ingredients, revised materials, consisting of new monographs, and additions, changes, and corrections in several current monographs, are being prepared by the National Academy of Sciences/National

Research Council (NAS/NRC) Committee on Food Chemicals Codex. These revised materials will be published in the second supplement to the Food Chemicals Codex, 3d Ed.

DATE: Comments by March 26, 1984. (The NAS/NRC Committee on Food Chemicals Codex advises that comments that are not received by this date cannot be considered for the second supplement but will be considered for later supplements.)

ADDRESS: Written comments to the NAS/NRC Committee on Food Chemicals Codex, National Academy of Sciences (NAS 341), 2101 Constitution Ave. NW., Washington, DC 20418.

FOR FURTHER INFORMATION CONTACT:

Robert A. Mathews, Committee on Food Chemicals Codex, Food and Nutrition Board, 2101 Constitution Ave. NW., Washington, DC 20418, 202–334–2580;

or

John W. Gordon, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–5487.

SUPPLEMENTARY INFORMATION: FDA provides research contracts to the NAS/NRC to support preparation of the Food Chemicals Codex, a compilation of specifications for substances used as food ingredients. In the **Federal Register** of February 5, 1982 (47 FR 5467), FDA announced that the NAS/NRC Committee on Food Chemicals Codex was considering monographs and revisions for the inclusion in the First Supplement to the Food Chemicals Codex, 3d Ed., which is now in press. The public was invited to comment and to make suggestions for consideration and inclusion in that publication.

The agency now gives notice that the NAS/NRC Committee on Food Chemicals Codex is soliciting comments and information on proposed new monographs and proposed changes to certain current monographs. Information received in response to this notice will be used for developing these new monographs and for determining the necessity of the contemplated changes to the current monographs. These changes and new monographs will be published in the second supplement to the Food Chemicals Codex, 3d Ed. Copies of the proposed changes to current monographs may be obtained from the National Academy of Sciences at the address listed above.

FDA emphasizes, however, that it will not consider adopting the second supplement to the Food Chemicals Codex, 3d Ed., until the public has had ample opportunity to comment on the changes. The opportunity for public comment will be announced in a notice published in the **Federal Register**.

The NAS/NRC Committee on Food Chemicals Codex invites comments and suggestions of specifications by all interested parties on the proposed monographs and proposed revisions of current monographs.

I. Proposed New Monographs

Annatto extract.
Bentonite.
Casein and caseinate salts.
Permanently listed certified food colors:
FD&C Blue No. 1,
FD&C Green No. 3,
FD&C Red No. 3,
FD&C Yellow No. 5.
Gelatin.
Hexanes.
High fructose corn syrup.
Invert sugar.
Lactose.
Polydextrose.
Refined coconut oil, corn oil, cottonseed oil, lard, palm kernel oil, safflower oil, soybean oil, sunflower oil.
Smoke flavor.

II. Current Monographs in Which NAS/NRC Is Proposing to Make Revisions

Butylated hydroxyanisole (GLC assay procedure).

Bominated vegetable oil (changes in description).

Butanol (new assay method/refractive index).

Calcium carbonate (inclusion of purified limestone).

Calcium sulfate (assay limit).

Carbon, activated (requirements/tests).

Dimethylpolysiloxane (refractive index/specific gravity/viscosity).

Hydrochloric acid (organic impurities/tests).

Isobutanol (new assay method/refractive index).

Zinc gluconate (structural forms/water content).

Two copies of written comments regarding this notice are to be submitted to the National Academy of Sciences at the address listed above. The National Academy of Sciences will forward copies of each comment to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, to be placed under Docket No. 83N–0424 for public review.

Dated: January 16, 1984.

John Taylor,
Acting Director, Bureau of Foods.

[FR Doc. 84–2102 Filed 1–25–84; 8:45 am]
BILLING CODE 4160–01–M

[Docket No. 83C–0408]

R.F.A. Corp.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a color additive petition has been filed on behalf of R.F.A. Corp. proposing that the color additive regulations be amended to provide for the safe use of hematite as a component of cosmetics.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d)(1), 74 Stat. 402–403 (21 U.S.C. 376(d)(1))), notice is given that a color additive petition (CAP 2C0157) has been filed on behalf of R.F.A. Corp., c/o 1120 G St. NW., Washington, DC 20005, proposing that Part 73 of the color additive regulations (21 CFR Part 73) be amended to provide for the safe use of hematite as a component of cosmetics generally, including use in the area of the eye.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: January 9, 1984.

Sanford A. Miller,
Director, Bureau of Foods.

[FR Doc. 84–2108 Filed 1–25–84; 8:45 am]
BILLING CODE 4160–01–M

[Docket No. 84N–0014]

Phenylbutazone and Oxyphenbutazone Drugs for Human Use; Public Hearing

Correction

In FR Doc. 84–1176 beginning on page 1939 in the issue of Monday, January 16, 1984, make the following corrections:

1. On page 1940, column one,

SUPPLEMENTARY INFORMATION, line nineteen, "MY" should read "NY".

2. On the same page, column two, line six, "(21 U.S.C. 335(e))" should read "(21 U.S.C. 355(e))".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-84-1336; FR-1856]

Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice sets the deadline for filing applications for funds from the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1984. Applications are required in order to provide HUD with the information necessary to rate the proposed project(s) and to assure HUD that the necessary citizen participation has taken place.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia A. B. Brown, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This notice sets the deadline for submitting applications for the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. These dates apply only to applications submitted by Indian Tribes and Alaskan Native Villages for Fiscal Year 1984.

The field responsibility for the administration of the program is divided among the following offices: Region V Office of Indian Programs (OIP) in Chicago responsible for all HUD Indian program activities within Regions I–V plus the State of Iowa; Oklahoma City Office, responsible for all HUD Indian program activities in the States of Arkansas, Texas, Oklahoma, Kansas, Louisiana and Missouri; Region VIII OIP in Denver responsible for all HUD Indian program activities in Region VIII, as well as the State of Nebraska; Region IX OIP in Phoenix responsible for all HUD Indian program activities in Region IX plus the State of New Mexico; Region X OIP in Seattle responsible for all HUD Indian program activities in Region X with the exception of the State of Alaska; and the Anchorage Office, responsible for all HUD Indian program activities in the State of Alaska.

As of the effective date of this notice applications will be accepted by HUD.

FINAL DATES FOR SUBMISSION

Offices	No later than—[1]
Region V, OIP	Feb. 17, 1984.
Oklahoma City Office	Mar. 30, 1984.
Region VIII, OIP	June 1, 1984.
Region IX, OIP	June 1, 1984.
Region X, OIP	Feb. 15, 1984.
Anchorage Office	Mar. 12, 1984.

[1] Applications must be received or postmarked no later than the date specified. Applications received or postmarked after the deadline will not be considered for funding.

Tribes and Villages submitting applications for this program must do so on HUD forms approved by the Office of Management and Budget under OMB Control Number 2506-0043. These forms request information which is necessary to rate the proposed project(s) and which assures HUD that the necessary citizen participation has taken place. Forms will be provided by the appropriate HUD Field Offices.

(Catalog of Federal Domestic Assistance number is 14.223.)

(Section 107, of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Section 7(d), of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Dated: January 18, 1984.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 84-2150 Filed 1-25-84; 8:45 am]

BILLING CODE 4210-29-M

[Docket No. N-84-1334]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner (HUD).

ACTION: Notice of change in debenture interest rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the "Act"). The interest rate for debentures issued under Section 221(g)(4) of the Act during the six-month period beginning January 1, 1984, is 10½ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was initially endorsed for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committee or endorsed during the six-month period beginning January 1, 1984, is 11½ percent.

EFFECTIVE DATE: January 26, 1984.

FOR FURTHER INFORMATION CONTACT: Robert H. Menke, Office of Financial Management, Room 6186, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 755-1591 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) of the Act) shall bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was initially endorsed for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6) and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the **Federal Register.**

Section 224 further provides that the interest rate on these debentures shall be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the interest rate determined by the Secretary of the Treasury pursuant to a formula set out in the statute.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning January 1, 1984, is 11½ percent and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 11½ percent for the six-month period beginning January 1, 1984. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4)) with an insurance commitment or endorsement date (as applicable) within the first six months of 1984.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since July 1, 1974:

	On or after—	Prior to—
Effective rate (percent):		
6⅞	July 1, 1974	July 1, 1975.
7	July 1, 1975	Jan. 1, 1976.
7⅛	Jan. 1, 1976	July 1, 1976.
7	July 1, 1976	Jan. 1, 1977.
6⅝	Jan. 1, 1977	July 1, 1977.
7¼	July 1, 1977	Jan. 1, 1978.
7⅛	Jan. 1, 1978	July 1, 1978.
7¾	July 1, 1978	Jan. 1, 1979.
8	Jan. 1, 1979	July 1, 1979.
8¼	July 1, 1979	Jan. 1, 1980.
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) shall bear interest at the "going Federal rate" in effect at the time the debentures are issued. The term "going Federal rate", as used in that paragraph, is defined to mean the interest rate which the Secretary of the Treasury shall determine, pursuant to a formula set out in the statute, for the six-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to section 221(g)(4) during the six-month period beginning January 1, 1984, is 10½ percent.

HUD expects to publish its next notice of change in debenture interest rates in July 1984.

The subject matter of this notice falls within the categorical exclusion from HUD's environmental clearance procedures set forth in 24 CFR 50.21(a)(15). For that reason, no environmental finding has been prepared for this notice.

(Secs. 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Dated: January 18, 1984.

W. Calvert Brand,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 84-2151 Filed 1-25-84; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974; Revision of Notices of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise twelve notices describing systems of records which pertain to the payroll records of Department of the Interior employees. The notices are being revised to add a compatible disclosure to other Federal agencies for the purpose of conducting computer matching programs to detect fraud, abuse, and unauthorized overpayments made to individuals. Prior to making any such disclosures, Departmental system managers will assure adherence to the requirements contained in the Office of Management and Budget guidelines for conducting computer matching programs (47 FR 21656) and Chapter 12, Part 317 of the Department of the Interior Manual.

The following system notices are being revised to add the routine disclosure statement indicated below. The date and volume/page of the previous **Federal Register** publication of each system notice is also provided.

1. The system of records notice titled Aircraft Services Administrative Management and Fiscal Records—Interior, Office of the Secretary–8, published on August 17, 1983 (48 FR 37306), is amended to add the following disclosure:

* * * * *

(10) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

2. The system of records notice titled Payroll, Attendance, and Leave—Interior, Office of the Secretary–85, published on October 24, 1983 (48 FR 49103), is amended to add the following disclosure:

* * * * *

(16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

3. The system of records notice titled Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary–95, published on February 12, 1981 (46 FR 12148), is amended to add the following disclosure:

* * * * *

(11) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

4. The system of records notice titled Payroll—Interior, BLM–17, published on April 11, 1977 (42 FR 19115), is amended to add the following disclosure:

* * * * *

(10) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

5. The system of records notice titled Payroll, Attendance, and Leave Records (PAY/PERS)—Interior, Reclamation–24, published on September 29, 1983 (48 FR 44663), is amended to add the following disclosure:

* * * * *

(16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

6. The system of records notice titled Payroll—Interior, FWS–24, published on December 6, 1983 (48 FR 54720), is amended to add the following disclosure:

* * * * *

(8) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

7. The system of records notice titled Payroll—Interior, NPS–20, published on November 10, 1983 (48 FR 51704), is amended to add the following disclosure:

* * * * *

(16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

8. The system of records notice titled Payroll, attendance and Leave Records—Interior, GS–1, published on October 12, 1983 (48 FR 46449), is amended to add to following disclosure:

* * * * *

(12) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

9. The system of records notice titled Payroll—Interior, Mines–1, published on October 4, 1983 (48 FR 45311), is amended to add the following disclosure:

* * * * *

(12) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

10. The system of records notice titled Payroll—Interior, OSM–1, published on October 31, 1983 (48 FR 50170), is amended to add the following disclosure:

* * * * *

(16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

11. The system of records notice titled Payroll—Interior, BIA–17, published on September 13, 1983 (48 FR 41108), is amended to add the following disclosure:

* * * * *

(11) to other Federal agencies conducting matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

12. The system of records notice titled Payroll Personnel Data—Interior, E–7, published on December 30, 1983 (48 FR 57626), is amended to add the following disclosure:

* * * * *

(16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before February 27, 1984, will be considered. The notices shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: January 17, 1984.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

[FR Doc. 84–2143 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Shoshone-Eureka Resource Area, Battle Mountain District, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Shoshone-Eureka Resource Area, Battle Mountain District, Nevada.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the National Environmental Policy Act, the Battle Mountain District of the Bureau of Land Management has prepared a combined final environmental impact statement and proposed resource management plan for the Shoshone-Eureka Resource Area. Wilderness recommendations in the plan are preliminary and subject to change during administrative review.

SUPPLEMENTARY INFORMATION: The proposed resource management plan is designed to guide future management actions within the Shoshone-Eureka Resource Area. The resource area encompasses 4.3 million acres of public land within most of Lander and Eureka counties and a portion of northern Nye County. The document describes the proposed resource management plan and contains written and oral comments received during the public review period and responses to those comments, and changes which were made as a result of public comment.

A 30-day public review period will begin on the date of publication of this notice. Any portion of the plan, with the exception of the wilderness recommendations, may be protested as outlined in 43 CFR, 1610.5–2. All protests should be sent to: Director, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, Attn: Neil D. Talbot, Shoshone-Eureka Resource Area Manager, P.O. Box 1420, Battle Mountain, Nevada 89820, (702) 635–5181.

Copies of the proposed resource management plan and final environmental impact statement are available for review at the following locations:

Bureau of Land Management, Nevada State Office, 300 Booth Street, Reno, Nevada 89520

Bureau of Land Management, Elko District Office, 2002 Idaho Street, Elko, Nevada 98801 (702) 738–4071

Bureau of Land Management, Winnemucca District Office, 705 E. 4th Street, Winnemucca, Nevada 89445 (702) 623–3676

Bureau of Land Management, Carson City District Office, 1050 E. Williams Street, Carson City, Nevada 89701 (702) 882–1631

Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, Nevada 89301 (702) 289–4865

Bureau of Land Management, Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89102 (702) 385–6403

Bureau of Land Management, Battle Mountain District Office, N. 2nd and Scott Streets, Battle Mountain, Nevada 89820 (720) 635–5181

Churchill Public Library, 553 S. Main Street, Fallon, Nevada 89406

Clark County Library, 1401 E. Flamingo Road, Las Vegas, Nevada 89109

Elko County Library, Elko, Nevada 89801

Esmeralda County Library, Goldfield, Nevada 89013

Eureka County Library, Eureka, Nevada 89316

Lander County Library, Battle Mountain, Nevada 89820

Mineral County Library, 1st and D Streets, Hawthorne, Nevada 89415

Nevada State Library, Library Building, Carson City, Nevada 89710

Nye County Library, Tonopah, Nevada 89049

University of Nevada, Reno, Getchell Library, Reno, Nevada 89507

University of Nevada, Las Vegas, James R. Dickensen Library, 4505 Maryland Parkway, Las Vegas, Nevada 89154

Washoe County Library, 301 S. Center Street, Reno, Nevada 89505

White Pine County Library, City Hall, Ely, Nevada 89301

Certified to be a true copy of the original.

Roger J. McCormack,

Associate State Director, Nevada.

[FR Doc. 84–2142 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–HC–M

California Desert Advisory Council; Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Meetings of two Subcommittees of the California Desert Advisory Council.

SUMMARY: Notice is hereby given in accordance with Public Laws 92–463 and 94–579 that two Ad Hoc Subcommittees of the California Desert District advisory Council will meet to review their respective issues and prepare reports for full committee consideration at the March 8, 9, 10 meeting in El Centro.

—Haiwee Land Transfer Subcommittee will meet on February 29, 1984, at the Coso Reststop located at Gills Station on Highway 395 at 10:30 a.m. The committee will inspect the Haiwee Reservoir area.

—Land Acquisition Subcommittee will meet at 9:00 a.m. on February 24, 1984 at the San Bernardino County Environmental Public Works Building located at 825 East 3rd Street in the City of San Bernardino. The committee will review land acquisition proposals for a

preserve for the Coachella Valley fringed-toed lizard and other acquisition priorities.

These meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: Wes Chambers at the above address or (714) 351–6402.

Dated: January 12, 1984.

H. W. Riecken,

Acting District Manager, California Desert District.

[FR Doc. 84–2141 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–40–M

[NM 57754 OK]

New Mexico; Legal Notice

January 19, 1984.

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87501. Pursuant to coal exploration license application NM 57754 OK, members of the public are hereby invited to participate with Westhoff, Inc., on a pro rata cost sharing basis, in a program for the exploration of coal deposits owned by the United States of America. The lands are located in Atoka and Coal Counties, Oklahoma, and are described as follows:

T. 1 N., R. 11 E., Ind. Mer., Coal County
Sec. 16: SW ¼NW¼;
Sec. 17: N½S½;
Sec. 18: Lots 3, 4, E½SW¼, N½SE¼.
T. 1 S., R. 9 E., Ind. Mer., Coal County
Sec. 1: SW¼NW¼, N½S½.
T. 1 S., R. 10 E., Ind. Mer., Coal County
Sec. 7: Lot 1, S½NE¼, E½NW¼, NE¼SE¼;
Sec. 8: NW¼SW¼, SE¼SW¼;
Sec. 17: W½NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 20: E½NE¼.
T. 2 S., R. 10 E., Ind. Mer., Atoka County
Sec. 11: NW¼NW¼, S½NW¼, N½SW¼ SE¼SW¼ SW¼SE¼;
Sec. 13: S½NE¼, NW¼;
Sec. 14: N½NE¼, SE¼NE¼.
T. 2 S., R. 11 E., Ind. Mer., Atoka County
Sec. 5: SW¼, SW¼SE¼;
Sec. 6: Lots 3, 4, 5, SE¼NW¼ N½SE¼ SE¼SE¼;
Sec. 8: N½NE¼;
Sec. 16: NW¼;
Sec. 17: SE¼NE¼ N½S½;
Sec. 18: NE¼SW¼ N½SE¼.

Containing 3143.36 acres.

Any party electing to participate in this exploration program shall notify in writing, both the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501 and Westhoff, Inc., P.O. Box 1565, McAlester, Oklahoma 74502. Such written notice must include a justification for wanting to participate and any recommended changes in the exploration plan with specific reasons for such changes. The notice must be received no later than 30 calendar days after the publication of this notice in the **Federal Register.**

An exploration license application has been filed by Farrell-Cooper Mining Company (NM 56495 OK) for some of the same lands described in this notice. The notice appeared in the **Federal Register**, Vol. 48 No. 151, Thursday, August 4, 1983, page 35508.

Consideration is being given by the Bureau of Land Management as to whether separate licenses for the same area are warranted, or whether only one license should be issued with appropriate modifications incorporated in the exploration plan to accommodate the needs of the parties involved.

This proposed exploration program is for the purpose of determining the quality and quantity of the coal in the area and is fully described and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. A copy of the exploration plan as submitted by Westhoff, Inc., may be examined at the Bureau of Land Management State Office, Room 313, Joseph M. Montoya Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico, and the Bureau of Land Management, 6136 East 32nd Place, Tulsa, Oklahoma.

S. Gene Day,

Acting State Director.

[FR Doc. 84–2134 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–FB–M

Closure of Public Lands; Market Lake Area

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Emergency Closure of Public Lands (Market Lake).

Notice is hereby given that effective immediately all public lands located in the Market Lake Area are closed to motorized vehicles. The area is bounded generally by Highway 33 on the north, Market Lake State Wildlife Management Area on the south, the Union Pacific Railroad tracks on the east, and Interstate 15 on the west.

The legal description if this area is:

T. 5 N., R. 37 E., Boise Meridian,
Portions of sections 5 and 6;
T. 6 N., R. 37 E., Boise Meridian,
Sections 19, 20, 29, 30, 31, and 32;
T. 6 N., R. 36 E., Boise Meridian,
Sections 25 and 26.

All Federal lands administered by the Bureau of Land Management within the above described area are closed to all motorized vehicles from the date of this notice until April 15, 1984 or until animals leave the area. Signs will be posted to identify the exterior boundaries.

The purpose of this closure is to protect wintering big game from all motor vehicles.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until April 15, 1984 or until animals leave the area.

Dated: January 17, 1984.

O'dell A. Frandsen,

District Manager.

[FR Doc. 84–2140 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–GG–M

Closure of Public Lands; Stinking Spring Area

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Emergency Closure of Public Lands (Stinking Spring).

Notice is hereby given that effective immediately all public lands located in the Stinking Spring Area are closed to snowmachine use. The area is bounded generally by the Targhee National Forest on the north and east, South Fork of the Snake on the south, and on the west by the Stinking Spring Road—South Fork river Road junction.

The legal description if this area is:

T. 3 N., R. 41 E., Boise Meridian,
Portions of sections 3, 4, 8, 9, 10, 11, and 15.

All Federal lands administered by the Bureau of Land Management within the above described area are closed to snowmachine travel from the date of this notice until May 15, 1984 or until animals leave the area. Signs will be posted to identify the exterior boundaries.

The purpose of this closure is to protect wintering big game from all snowmachine.

The authority for this closure is 43 CFR 8341.2. The closure will remain in effect until May 15, 1984 or until animals leave the area.

Dated: January 17, 1984.

O'dell A. Frandsen,

District Manager.

[FR Doc. 84–2139 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–66–M

Intent To Prepare a Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a resource management plan (RMP) and invitation to participate in the identification of issues.

SUMMARY: The Albuquerque District, will prepare a Resource Management Plan (RMP) including an Environmental Impact Statement (EIS) as an integral part of the planning process. The plan will be designed to guide and control future management actions on approximately 2.36 million acres of public land and mineral resources administered by the BLM in the Taos Resource Area. The Code of Federal Regulations, Title 43, Subpart 1600, will be followed for this planning effort. The public is invited to participate in the planning process, beginning with the identification of issues and criteria.

SUPPLEMENTARY INFORMATION: The planning area will include the public land and federal mineral ownership in Rio Arriba, Taos, Santa Fe, San Miguel, Harding, Colfax, Mora, Los Alamos and Union counties. This encompasses approximately 564,000 acres of BLM administered surface and 1.8 million acres of federal minerals under federal, state, and private surface in the nine county area.

Anticipated issues to be addressed during development of the RMP include, but are not limited to, the following:

(1) Which lands in the Taos Resource Area could be transferred to other than BLM administration or may require further study; (2) what methods of management should the Taos Resource Area apply to its fuelwood resources to balance public demand with sustained yield principles; (3) what public land if any should be designated as restricted or closed to motorized vehicle access; (4) what public land should be excluded or avoided, if possible, during future routing of major utility and transportation corridors; (5) what public land if any should receive specialized management attention or be included within a special designation and how should such areas be managed; and (6) what are the correct levels of vegetative use for livestock and wildlife and to ensure watershed protection. These preliminary issues are not final but may be further refined by direct input through active public participation.

The RMP will be developed by an interdisciplinary team, using representation from the team leader, technical coordinator, range conservationists, realty specialists, a wildlife biologist and an outdoor recreation planner, with additional technical support to be provided by other specialists as needed.

A comprehensive public participation plan has been prepared. It is intended to involve interested or affected parties early and continuously throughout the planning process. An individual may protest approval of a Proposed Plan only with respect to those items submitted in writing to the District Manager during the planning process.

The plan emphasizes localized one-to-one contacts, media coverage, direct-mailings, and continual coordination with local, state, and other federal agencies. Meetings to determine the scope of the RMP will be held in Santa Fe, Taos, Espanola, Las Vegas and Chama, New Mexico. A public notice will be given at least 15 days prior to the meetings inviting the public to attend.

Complete records of all phases of the planning process will be available for public review at the Taos Resource Area Office throughout development of the RMP. Draft and final documents will be available for review upon request.

For information about Resource Management Planning in the Taos Resource Area or to be placed on the mailing list, please contact one of the following individuals:

Richard C. Niemeyer, Area Manager or Ralph Sena, Team Leader, USDI, Bureau of Land Management, Taos Resource Area Office, P.O. Box 1045, Plaza Montevideo Building, Cruz Alta Road, Taos, New Mexico 87571, (505) 758–8851.

Bill J. Warner,

Acting State Director.

[FR Doc. 84–2138 Filed 1–25–84; 8:45 am]

BILLING CODE 4310–FB–M

Wyoming; Lander Resource Area Resource Management Plan and Call for Coal Resource Information

AGENCY: Bureau of Land Management, Rawlins District Office, Rawlins, Wyoming.

ACTION: Initiation of a Resource Management Plan (RMP) and call for coal resource information for the Lander Resource Area, Rawlins District, Wyoming.

SUMMARY: The Rawlins District is initiating an RMP to guide future management action on public lands within the Lander Resource Area, located primarily in Fremont County, Wyoming. (Small portions of the area are in Carbon, Natrona, and Sweetwater Counties.) The RMP will be a comprehensive land-use plan that will identify allowable resource uses and general management practices for the area. It encompasses 3.5 million acres, of which 2.4 million are public lands.

An interdisciplinary team has been formed to develop the RMP. Disciplines to be represented include geology, range conservation, wildlife biology, forestry, economics, recreation, lands, soils, air quality, sociology, and archeology.

Public participation will be an essential component of the RMP development. Public involvement will be solicited by: **Federal Register** announcements, discussions with interested and affected parties, press releases, individual mailings to all parties who have expressed an interest in the process, and public meetings. Anyone interested in having his or her name placed on a mailing list should contact the Lander Resource Area.

The Bureau of Land Management (BLM) invites public identification of the issues that should be addressed in the RMP process. Comments may be sent to the Lander Resource Area Office. Issues identified to date include:

—Oil and gas leasing and development
—Federal coal management
—Landownership adjustments
—Grazing management (domestic livestock, wildlife and wild horses)
—Wilderness suitability
—Intensive management areas (e.g. Green Mountain, Lander Slope, and South Pass)
—Designation of utility and transportation corridors
—Forest management.

The Lander Resource Area includes six wilderness study areas. Study on these areas will be completed within this RMP. The result will be a preliminary suitable or nonsuitable recommendation based on planning criteria established in the Bureau's Wilderness Study Policy. Further identification of issues specific to each of the six wilderness study areas will be accomplished through the public participation process.

This notice includes a call for coal resource information required in 43 CFR 3420.1–2. To assure that the RMP/EIS covers the fullest possible range of resource considerations, this call is issued to obtain any coal resource information and identify any areas of interest for possible Federal coal leasing between 1986 and 1996. Parties interested in Federal coal leasing and development in the Lander Resource Area will be expected to provide coal resource data for their areas of interest. Areas of interest and coal resource data should be submitted to the Lander Resource Area Office.

DATES: Issue identification and development of planning criteria will begin in January 1984. The public will be given an opportunity to identify issues and review the planning criteria in early 1984. The RMP will be completed by October 1985. Public meetings will be

held during the RMP process and will be announced through the **Federal Register**, local news media and public mailings.

ADDRESS: Lander Resource Area, P.O. Box 589, Lander, Wyoming 82520.

FOR FURTHER INFORMATION CONTACT: Jack Kelly, Lander Resource Area Manager, at the address listed above.

SUPPLEMENTARY INFORMATION: Copies of the preliminary statement of issues and planning criteria are available at the BLM Lander Resource Area Office, P.O. Box 589, Lander, Wyoming 82520, and the Rawlins District Office, P.O. Box 670, 1300 N. 3rd Street, Rawlins, Wyoming 82301.

David J. Walter,

District Manager.

[FR Doc. 84-2137 Filed 1-25-84; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

Endangered Species Permit; Dallas Zoo et al.; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Dallas Zoo, Dallas, TX—APP #584253

The applicant requests a permit to purchase in interstate commerce three male and two female thick-billed parrots (*Rhynchopsitta p. pachyrhyncha*) from the Honolulu Zoo, for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI—APP #584476

The applicant requests a permit to purchase in interstate commerce one male mongoose lemur (*Lemur mongoz*) from Milwaukee County Zoo, for enhancement of propagation.

Co-Applicants: White Oak Plantation/ Gilman Paper Co., Yulee, FL and International Animal Exchange, Ferndale, MI—APP #586937

The applicants request a permit to import one female cheetah (*Acinonyx jubatus*) from Okanagan Game Farm, Penticton, B.C. Canada, for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2-10786

Notice of receipt of this application was published 8-17-83 but incorrectly stated that the import was from the Netherlands. The applicant requests a permit to import two male and two female white-naped cranes (*Grus vipio*) from Walsrode Zoo, West Germany. This is a correction to the notice. The public comment on that application expired on 9-16-83.

Applicant: Salisbury Zoological Park, Salisbury, MD—APP #584298

The applicant requests a permit to purchase in interstate commerce one pair of captive-born nene geese (*Nesochen [=Branta] sandvicensis*) from the Gladys Porter Zoo, Brownsville, TX, for enhancement of propagation.

Applicant: Alaska Area Director—USFWS, Anchorage, AK—PRT 2-4046

The applicant requests an amendment to their current permit which would allow the take of viable eggs of *Falco peregrinus anatum* and *F. p. tundrius* in Alaska for scientific research.

Applicant: Army Corps of Engineers-/St. Louis District, St. Louis, MO—APP #583601

The applicant requests a permit to take (capture & release) Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), Curtis pearly mussel (*Epioblasima florentina*), fat pocketbook pearly mussel (*Potamilus capax*), pink mucket pearly mussel (*Lampsilis orbiculata*) and Higgin's eye pearly mussel (*L. higginsi*) for scientific research and enhancement of survival.

Applicant: Ellen T. Bauder, San Diego, CA—PRT 2-11361

The applicant requests a permit to take seeds from the San Diego mesa mint (*Pogogyne abramsii*) for scientific research purposes.

Co-Applicant: Los Angeles Zoo, Los Angeles, CA and International Animal Exchange, Ferndale, MI—APP #591794

The applicants request a permit to import one pair of babirusa (*Babyrousa babyrussa*), including blood samples prior to shipment, from the Royal Rotterdam Zoo, Netherlands, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 a.m. to 4:15 p.m.) in Room 601, 1000 North Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, P.O. Box 3654, Arlington, Virginia 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, of data to the Director at the above address. Please refer to the appropriate PRT 2 number when submitting comments.

Dated: January 23, 1984.

R. K. Robinson,

Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 84-2214 Filed 1-25-84; 8:45 am]

BILLING CODE 4310-07-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-155]

Import Investigations; Certain Liquid Crystal Display Watches With Rocker Switches; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Criterion Watch Co., Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 23, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

WRITTEN COMMENTS: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit to document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full

statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: January 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2166 Filed 1–25–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–155]

Import Investigations; Certain Liquid Crystal Display Watches With Rocker Switches; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Regency Time Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 23, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: January 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2167 Filed 1–25–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–155]

Import Investigations; Certain Liquid Crystal Display Watches With Rocker Switches; Receipt of Initial Determination Terminating Respondent on the Basis of Consent Order Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Far East United Electronics Ltd.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determinatioin in this matter was served upon the parties on January 23, 1984.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

By order of the Commission.

Issued: January 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–2168 Filed 1–25–84; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–140]

Import Investigations; Certain Personal Computers and Components Thereof; Commission Decision To Review Initial Determination, Commission Hearing, and Schedule for Filing Written Submissions

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the presiding officer's initial determination that there is a violation of section 337 in the above-captioned investigtion.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in sections 210.53–.56 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 9242, March 4, 1983; codified at 19 CFR 210.53–.56)

SUPPLEMENTARY INFORMATION: On December 9, 1983, the presiding officer issued an initial determination that there is a violation of section 337 in the importation and sale of certain personal computers and components thereof. Complainant, certain respondents, and the Commission investigative attorney petitioned for review of various parts of the initial determination pursuant to § 210.54(a) of the Commission's rules.

After examining the initial determination, the petitions for review

and the responses thereto, the Commission determined to review all issues presented in this investigation, including, but not limited to, all issues raised in the petitions for review of the initial determination.

Commission hearing: The Commission will hold a public hearing on February 10, 1984, in the Commission's Hearing Room, 701 E Street, NW., Washington, D.C. 20436, beginning at 10:00 a.m. The hearing will be divided into two parts. First, the Commission will hear oral arguments on the presiding officer's initial determination. Second, the Commission will hear presentations concerning appropriate relief, the effect that such relief would have upon the public interest, and the proper amount of the bond in the event that the Commission determines that there is a violation of section 337 and that relief should be granted. These matters will be heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden upon the parties.

Oral arguments: Parties to the investigation and interested Government agencies may present oral arguments concerning the presiding officer's initial determination. That portion of a party's or an agency's total time allocated to oral argument may be used in any way the party or agency making argument sees fit, i.e., a portion of the time may be reserved for rebuttal or devoted to summation. The oral arguments will be held in the following order: complainant, respondents, Government agencies, and the Commission investigative attorney. Persons making oral argument are reminded that such argument must be based upon the evidentiary record certified to the Commission by the presiding officer.

Oral presentations on relief, bonding, and the public interest: Following the oral arguments on the presiding officer's initial determination, parties to the investigation, Government agencies, public-interest groups, and interested members of the public may make oral presentations on the issues of relief, bonding, and the public interest. This portion of the hearing is quasi-legislative in nature; presentations need not be confined to the evidentiary record certified to the Commission by the presiding officer, and may include the testimony of witnesses. Oral presentations on relief, bonding, and the public interest will be heard in this order: complainant, respondents, Government agencies, the Commission investigative attorney, public interest groups, and interested members of the public.

If the Commission finds that a violation of section 337 has occurred, it may issue (1) an order which could result in the exclusion of the subject articles from entry into the United States and/or (2) cease and desist orders which could result in one or more respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in hearing presentations which address the form of relief, if any, which should be ordered.

If the Commission finds that a violation of section 337 has occurred and orders some form of relief, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in hearing presentations concerning the amount of bond, if any, which should be imposed.

Public interest consideration: If the Commission concludes that a violation of section 337 has occurred and contemplates some form of relief, it must consider the effect of that relief upon the public interest. The factors which the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the U.S. production of articles which are like or directly competitive with those which are the subject of the investigation, and (4) U.S. consumers.

Time limit for oral argument and oral presentation: Complainant, respondents (taken together), the Commission investigative attorney, and Government agencies will be limited to a total of 30 minutes (exclusive of time consumed by questions from the Commission or its advisory staff) for making both oral argument on violation and oral presentations on remedy, bonding, and the public interest. Persons making presentations solely on remedy, bonding, and the public interest will be limited to 10 minutes (exclusive of time consumed by questions from the Commission and its advisory staff). The Commission may in its discretion expand the aforementioned time limits upon receipt of a timely request to do so.

Written submissions: In order to give greater focus to the hearing, the parties to the investigation and interested Government agencies are encouraged to file briefs on the issue of violation of section 337 and on the issues of remedy, bonding, and the public interest. Complainant and the Commission investigative attorney are also requested to submit a proposed exclusion order and/or a proposed cease and desist order for the Commission's consideration. Persons other than the parties and Government agencies may file written submissions addressing the issues of remedy, the public interest, and bonding. Written submissions on the issue of violation must be filed not later than the close of business on February 3, 1984, and submissions on remedy, the public interest and bonding must be filed not later than the close of business on February 7, 1984. During the course of the hearing, the parties may be asked to file posthearing briefs.

Notice of appearance: Written requests to appear at the Commission hearing must be filed with the Office of the Secretary by February 3, 1984.

Additional information: Persons submitting briefs and/or written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reason why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of March 9, 1983 (48 FR 9970).

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0480.

By order of the Commission.
Issued: January 20, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-2169 Filed 1-25-84; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Import Investigations; Certain Rotary Wheel Printers; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Canon Inc. (Canon).

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 23, 1984.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.
Issued: January 23, 1984.

Kenneth R. Mason,

Secretary.

[FR Doc. 84-2179 Filed 1-25-84; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30330]

Rail Carriers; Norfolk and Western Railway Co.; Discontinuance Exemption; Belmont County, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the discontinuance of service by the Norfolk and Western Railway Company over a line of the Wheeling and Lake Erie Railway Company from milepost 14.75 to milepost 20.94 in Belmont County, OH, subject to conditions for protection of employees.

DATES: This exemption will be effective on February 27, 1984. Petitions to stay must be filed by February 6, 1984. Petitions for reconsideration must be filed by February 15, 1984.

ADDRESSES: Send pleadings referring to Finance Docket No. 30330 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Angelica D. Lloyd, 204 South Jefferson Street, Roanoke, VA 24042.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: January 19, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-2174 Filed 1-25-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 1-84]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice is publishing a notice of a system of records maintained by the Office of Intelligence Policy and Review (OIPR). Further, in the Proposed Rules Section of today's **Federal Register**, OIPR proposes to exempt the system from certain provisions of the Privacy Act. The purpose of the exemption is to maintain the security and confidentiality of information the Office receives or originates that is either classified pursuant to Executive Order or is intelligence or criminal investigative information.

The Office of Intelligency Policy and Review, Policy and Operational Records System (JUSTICE/OIPR-001) is a system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register**.

The public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Room 6314, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted on or before March 26, 1984.

A report on this system has been provided to OMB and to the Congress.

Dated: December 20, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/OIPR-001

System Name:

Office of Intelligence Policy and Review (OIPR) Policy and Operational Records System.

System Location:

U.S. Department of Justice, 10 Street and Constitution Avenue, NW., Washington, D.C. 20530.

Categories of Individuals Covered by the System:

Individuals whose activities are the subject of a properly authorized foreign intelligence, foreign counterintelligence or terrorism investigation, or when an individual's activities form the crux of a foreign or counterintelligence policy or operational question.

Categories of Records in the System:

The system of records contains notes, memoranda, legal opinions and reports acquired or produced by OIPR in the course of executing its assigned functions. Included in this sytem are recommendations to the Attorney General concerning Attorney General authorizations for physical searches, pursuant to Executive Order 12333, and electronic surveillances abroad of United States persons, also pursuant to E.O. 12333, that are requested by entities within the Intelligence Community. In addition, this system will contain requests, manuscripts, reports and memoranda pertaining to the prepublication review, for national security information, of Department of Justice employee materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3103, 3105; 28 CFR 0.33a–0.33c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records is routinely used by OIPR attorneys in responding to intelligence policy questions and in performing the duties ascribed to OIPR. A record or information from a record maintained in this system of records may also be disseminated as a routine use of such records as follows: (1) To any federal, state or local court, department, officer, agency, regulatory body or other authority, or to any party or representative of a party to a proceeding in the above forums in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure where appropriate; (2) to a federal agency or agencies that submit policy or operational questions to OIPR, but only to persons within those agencies who hold appropriate security clearances; (3) to the National Archives and Records Service (NARS) in records management inspections conducted under 44 U.S.C. 2904 and 2906; (4) to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and (5) for information not otherwise required to be released pursuant to 5 U.S.C. 552, to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets.

RETRIEVABILITY:

Information is retrieved through the use of a subject matter index that includes the names of a few individuals.

SAFEGUARDS:

The information is stored in combination safes in a limited access area and is maintained according to applicable Department of Justice security regulations.

RETENTION AND DISPOSAL:

Records in this system will be retained and disposed of in accordance with a records disposition schedule currently under development, which will be submitted to NARS for approval.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel for Intelligence Policy, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Act Request." The request should include the full name of the individual involved, the individual's current address, date and place of birth, and his or her signature which shall be notarized or made pursuant to 28 U.S.C. 1746 as an unsworn declaration, along with any other information which may be of assistance in locating and identifying the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal law enforcement and intelligence agencies that are client agencies of the Department of Justice, occasional information from state, local or foreign governments, and the work product of Department of Justice and federal agency attorneys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has proposed exemption of this system from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's Federal Register.

[FR Doc. 84-2144 Filed 1-25-84; 8:45 am]
BILLING CODE 4410-01-M

[AAG/A Order No. 2-84]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice is publishing a notice of a system of records maintained by the Office of Intelligence Policy and Review (OIPR). Further, in the Proposed Rules Section of today's Federal Register, OIPR proposes to exempt the system from certain provisions of the Privacy Act. The purpose of the exemption is to maintain the confidentiality and security of information which the Office may receive or originate in the course of performing its responsibilities under the Foreign Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C. 1801 *et seq.*

The Office of Intelligence Policy and Review, Foreign Intelligence Surveillance Act Records System (JUSTICE/OIPR–002) is a system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e) (4) has been published in the Federal Register.

The public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Room 6314, Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted on or before March 26, 1984.

A report on this system has been provided to OMB and the Congress.

Dated: December 20, 1983

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/OIPR-002

SYSTEM NAME:

Office of Intelligence Policy and Review (OIPR) Foreign Intelligence Surveillance Act (FISA) Records System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subject of applications for electronic surveillance docketed by the Foreign Intelligence Surveillance Court (FISC).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records consists of folders containing FISA applications, supporting documentation, and FISC orders or Attorney General certifications, as appropriate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3103, 3105; 28 CFR 0.33a–0.33c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record or information from a record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) To any court, department, officer, agency, regulatory body or other authority of the United States, a state or a political subdivision thereof, or to any aggrieved person or representative of an aggrieved person, during the course of a trial, hearing or other proceeding in accordance with FISA, 50 U.S.C. 1801 *et seq.*; (2) to the Administrative Office of the United States Court and to Congress in accordance with FISA; (3) to the extent information in this system of records is not subject to FISA, to any federal, state or local court, department, officer, agency, regulatory body or other authority, or to any party or representative of a party to a proceeding in the above forums in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure where appropriate; (4) to the National Archives and Records Service (NARS) in records management inspections conducted under 44 U.S.C. 2904 and 2906; (5) to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and (6) for information not otherwise required to be released pursuant to 5 U.S.C. 552, to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets.

RETRIEVABILITY:

Information is retrieved by the name of the actual or proposed target of the electronic surveillance.

SAFEGUARDS:

The information is stored in combination safes in a limited access area and is maintained according to FISC and applicable Department of Justice security regulations.

RETENTION AND DISPOSAL:

Records in this system will be retained and disposed of in accordance with a records disposition schedule currently under development, which will be submitted to NARS for approval.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel for Intelligence Policy, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Act Request." The request should include the full name of the individual involved, the individual's current address, date and place of birth, and his or her signature which shall be notarized or made pursuant to 28 U.S.C. 1746 as an unsworn declaration, along with any other information which may be of assistance in locating and identifying the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports of federal law enforcement and intelligence agencies, which are client agencies of the Department of Justice, information from state, local or foreign governments, and the work product of Department of Justice attorneys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

The Attorney General has proposed exemption of this system from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's **Federal Register**.

[FR Doc. 84–2145 Filed 1–25–84; 8:45 am]

BILLING CODE 4410–01–M

[AAG/A Order No. 3–84]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice is publishing notice of a system of records maintained by the Office of Intelligence Policy and Review (OIPR). Further, in the Proposed Rules Section of today's **Federal Register**, OIPR proposes to exempt the

system from certain provisions of the Privacy Act. The purpose of the exemption is to maintain the confidentiality and security of information which the Office may receive or originate in the course of performing its responsibilities under the Foreign Intelligence Surveillance Act of 1978 (FISA), 50 U.S.C. 1801 *et seq.*, 18 U.S.C. 3504 and the Federal Rules of Civil and Criminal Procedure.

The Office of Intelligence Policy and Review, Litigation Records System (JUSTICE/OIPR–003) is a system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.**

The public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Room 6314, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted on or before.

A report on this system has been provided to OMB and to the Congress.

Dated: December 20, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/OIPR–003

SYSTEM NAME:

Office of Intelligence Policy and Review (OIPR) Litigation Records System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been overheard on a foreign intelligence electronic surveillance conducted by the United States pursuant to the Foreign Intelligence Surveillance Act of 1978, 50 U.S.C. 1801 *et seq.* (FISA) and who are now involved in litigation in which an issue has been raised concerning this surveillance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3103, 3105; 28 CFR 0.33a–0.33c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record or information from a record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) To any court, department, officer, agency, regulatory body or other authority of the United States, a state or a political subdivision thereof, or to any aggrieved person or representatives of an aggrieved person, during the course of a trial, hearing or other proceeding in accordance with FISA; (2) to the extent information in this system of records is not subject to FISA, to any federal, state or local court, department, officer, agency, regulatory body or other authority, or to any party or representative of a party to a proceeding in the above forums in accordance with the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure where appropriate; (3) to the National Archives and Records Service (NARS) in records management inspections conducted under 44 U.S.C. 2904 and 2906; (4) to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and (5) for information not otherwise required to be released pursuant to 5 U.S.C. 552, to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets.

RETRIEVABILITY:

Information is retrieved by the caption of the litigation, which caption often includes a personal identifier listing the parties to the court action.

SAFEGUARDS:

The information is stored in combination safes in a limited access area and is maintained according to applicable Department of Justice and Foreign Intelligence Surveillance Court (FISC) security regulations.

RETENTION AND DISPOSAL:

Records in this system will be retained and disposed of in accordance with a records disposition schedule currently under development, which will be submitted to NARS for approval.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel for Intelligence Policy, U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Act Request." The request should include the full name of the individual involved, the individual's current address, date and place of birth, and his or her signature which shall be notarized or made pursuant to 28 U.S.C. 1746 as an unsworn declaration, along with any other information which may be of assistance in locating and identifying the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include applications to the FISC and supporting documents that include information from federal law enforcement agencies and, occasionally, information from state, local or foreign governments, information from courts and the work product of Department of Justice and other attorneys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

The Attorney General has proposed exemption of this system from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and are being published in the proposed rules section of today's **Federal Register.**

[FR Doc. 84–2146 Filed 1–25–84; 8:45 am]

BILLING CODE 4410–01–M

[AAG/A Order No. 4-84]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, notice is hereby given that the Department of Justice is publishing notice of a system of records maintained by the Office of Intelligence Policy and Review (OIPR). Further, in the Proposed Rules Section of today's **Federal Register**, OIPR proposes to exempt the system from certain provisions of the Privacy Act. The purpose of the exemption is to maintain the security and confidentiality of information the Office receives from the Federal Bureau of Investigation (FBI) concerning domestic security/terrorism investigations that the FBI conducts pursuant to the Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations. This Office is charged under the Guidelines with the responsibility to review reports on domestic security/terrorism investigations.

The Office of Intelligence Policy and Review, Domestic Security/Terrorism Investigations Records System (JUSTICE/OIPR-004) is a system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.**

The public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to Vincent A. Lobisco, Assistant Director, Administrative Services Staff, Justice Management Division, Room 6314, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Comments must be submitted on or before March 26, 1984.

A report on this system has been provided to OMB and to the Congress.

Dated: December 20, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/OIPR-004

SYSTEM NAME:

Office of Intelligence Policy and Review (OIPR) Domestic Security/ Terrorism Investigations Records System.

SYSTEM LOCATION:

U.S. Department of Justice, 10th Street and Constitution Avenue, NW., Washington D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are the subjects of domestic security/terrorism investigations conducted by the Federal Bureau of Investigation (FBI).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records consists of notices from the FBI informing OIPR that an investigation has been opened, 180-day progress reports, annual reports and attorney evaluations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 3103, 3105; 28 CFR 0.33a.–0.33c.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record or information from a record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) To any federal, state or local court, department, officer, agency, regulatory body or other authority, or to any party or representative of a party to a proceeding in the above forums in accordance with the Federal Rules of Civil Procedure of the Federal Rules of Criminal Procedure where appropriate; (2) the National Archives and Records Service (NARS) in records management inspections conducted under 44 U.S.C. 2904 and 2906; (3) to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the information in the context of a particular situation would constitute an unwarranted invasion of personal privacy; and (4) for information not otherwise required to be released pursuant to 5 U.S.C. 552, to a Member of Congress or staff acting upon the Member's behalf when the Member or staff request the information on behalf of, or at the request of, the individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored manually in file jackets.

RETRIEVABILITY:

Information is retrieved by name of the subjects of the domestic security/ terrorism investigations.

SAFEGUARDS:

The information is stored in combination safes in a limited access area and is maintained according to applicable Department of Justice security regulations.

RETENTION AND DISPOSAL:

Records in this system will be retained and disposed of in accordance with a records disposition schedule currently under development, which will be submitted to NARS for approval.

SYSTEM MANAGER(S) AND ADDRESS:

Counsel for Intelligence Policy, U.S. Department of Justice, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address any inquiries to the system Manager listed above.

RECORD ACCESS PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to records contained in this system shall be made in writing, with the envelope and letter clearly marked "Privacy Act Request." The request should include the full name of the individual involved, the individual's current address, date and place of birth, and his or her signature which shall be notarized or made pursuant to 28 U.S.C. 1746 as an unsworn declaration, along with any other information which may be of assistance in locating and identifying the record. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include investigative reports from the FBI and the work product of Department of Justice attorneys.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has proposed exemption of this system from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Rules have been promulgated in accordance with

the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's **Federal Register.**

[FR Doc. 84-2147 Filed 1-25-84; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

January 20, 1984.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on February 16-17, 1984.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. A portion of the morning and afternoon sessions on February 16, 1984 and the afternoon session on February 17, 1984 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on February 16, 1984 will be as follows:

(Open to the Public)

8:30-9:30 Coffee for Council Members—Room 502
9:30-10:30 Committee Meetings—Policy Discussion
Education and State Programs—Room M-07(W)
Fellowship Programs—Room 315
General Programs—Room 415
Research & Program & Policy Studies—Room M-07(E)
10:30—Adjourn (Closed to the Public for the reasons stated above)
Committee Meetings (Continued)—Consideration of specific applications.

The morning session on February 17, 1984 will convene at 8:30 a.m. in the 1st Floor Council Room M-04 and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.—9:00 a.m.)

Minutes of the Previous Meeting

Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Possible Graduate Fellowships Program
D. Eligibility of State Humanities Councils
E. NEH Review Process
F. Committee Reports on Policy and General Matters
a. Fellowship Programs
b. Education Programs
c. State Programs
d. General Programs
e. Challenge Grants
f. Research Programs
g. Programs and Policy Studies
G. Application Report
H. Gifts and Matching Report

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84-2215 Filed 1-25-84; 8:45 am]

BILLING CODE 7536-01-M

OFFICE OF MANAGEMENT AND BUDGET

Reinstatement of Agency Forms in Use by OMB and Other Federal Agencies

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: The information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for reinstatement as required by the Paperwork Reduction Act.

ADDRESS: Interested persons are invited to submit comments regarding these forms to Edward C. Springer, Office of Information and Regulatory Affairs, Room 3235, NEOB, Office of Management and Budget, Washington, D.C. 20503; (202) 395-4814.

FOR FURTHER INFORMATION CONTACT: Candice C. Bryant, Deputy Associate Director for Administration, Office of Management and Budget, Washington, D.C. 20503; (202) 395-7250.

SUPPLEMENTARY INFORMATION: Due to administrative oversight, clearance has lapsed for the forms prescribed by OMB Circulars A-102 and A-110.

Pending a possible review of the requirements in those Circulars, these previously approved forms are submitted for reinstatement.

Financial Status Report (SF 269)
Outlay Report and Request for Reimbursement for Construction Programs (SF 271)
Federal Cash Transaction Report (SF 272 and SF 272A)
Request for Advance or Reimbursement (SF 270)
Application for Federal Assistance—Construction (SF 424)
Application for Federal Assistance—Short Form (SF 424)
Application for Federal Assistance—Nonconstruction (SF 424)
Pre-Application for Federal Assistance (SF 424)

Dated: January 17, 1984.

Candice C. Bryant,

Deputy Associate Director for Administration.

[FR Doc. 84-2171 Filed 1-25-84; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. A84-5; Order No. 544]

Foraker, Indiana 46525, Violet A. Herr, et al., Petitioners; Notice and Order Accepting Appeal and Establishing Procedural Schedule

Issued: January 18, 1984.

Docket No. A84-5.

Name of affected post office: Foraker, Indiana 46525 (Community Post Office).

Name(s) of petitioner(s): Violet A. Herr.

Type of determination: Discontinuance of community post office.

Date of filing of appeal papers: January 5, 1984.

Categories of issues apparently raised:

Whether opportunity to be heard or other procedural steps, to which Petitioner claims entitlement under 39 U.S.C. 404(b), were improperly omitted.

Effect on adequacy of postal services of the discontinuance of the facility [39 U.S.C. 404(b)(2)(C)].

Effect on the community of the discontinuance of the facility, including specifically the effect on employees and patrons of the store in conjunction with which it is operated [39 U.S.C. 404(b)(2)(A)].

Other legal issues may be disclosed by the record when it is filed; or, conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition within the 120-day decision schedule (39 U.S.C. 404(b)(5)) the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioner(s). In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memorandum previously filed.

The Commission orders

The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

APPENDIX

Jan. 5, 1984	Filing of Petition.
Jan. 18, 1984	Notice and Order of Filing of Appeal.
Jan. 30, 1984	Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
Feb. 9, 1984	Petitioner's Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)].
Feb. 29, 1984	Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].
Mar. 15, 1984	(1) Petitioner's Reply Brief should Petitioner choose to file one [*see* 39 CFR 3001.115(d)].
Mar. 22, 1984	(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument. [*see* 39 CFR 3001.116].
May 4, 1984	Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 84-2160 Filed 1-25-84; 8:45 am]

BILLING CODE 7&15-01-M

SMALL BUSINESS ADMINISTRATION

[License No. (06/06-0193)]

First Bancorp Capital, Inc.; Surrender of License

Notice is hereby given that First Bancorp Capital, Inc. (First), 100 North Main Street, Corsicana, Texas 75110 incorporated under the laws of the State of Texas on August 3, 1977, has surrendered its License No. 06/06/0193, issued by the Small Business Administration on October 20, 1977.

First has complied with all the conditions set forth by SBA for surrendered of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of First is hereby accepted and it is no longer licensed to operate as a small business investment company.

(Catalog of Federal Domestic assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 19, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-2227 Filed 1-25-84; 8:45 am]

BILLING CODE 8025-01-M

Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective February 1, 1984, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is *11.665 percent* per annum.

Dated: January 19, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-2228 Filed 1-25-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/706]

National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on February 15, 1984 from 10:00 am until 1:00 pm in Room 6320, Department of State, 2201 C Street, N.W., Washington, D.C.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

This is another in a series of meetings of the National Committee to consider examination of issues relating to the upcoming CCITT Plenary Assembly scheduled for October 1-12, 1984. These issues will include study questions for the next Plenary period (1985-1988); candidates for Director of the CCITT; candidates for chairmanships and vice chairmanships of the various Study Groups; etc. It is requested that all current U.S. and international CCITT Chairmen and Vice Chairmen be in attendance.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to the meeting, persons who plan to attend, so advise Mr. Earl Barbely, Department of State, Washington, D.C.; telephone

(202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: January 9, 1984.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 84–2136 Filed 1–25–84; 8:45 am]

BILLING CODE 4710–30–M

[Public Notice CM–8/705]

Presidential Commission on the Conduct of United States-Japan Relations; Meeting

The Presidential Commission on the Conduct of United States-Japan Relations will hold a meeting on Tuesday, February 14, 1984, in the Wadsworth Room of the International Club, 1800 K Street, N.W., Washington, D.C., from 9:30 a.m. to 12:00 noon and from 1:30 p.m. to 4:00 p.m.

The purpose of the meeting is to develop additional information on issues affecting United States-Japan relations, particularly in the trade area. The Commission will receive oral testimony on invitation from individuals and organizations knowledgeable in the field and is prepared to receive supplemental written testimony from the public on the subject. Written testimony should be addressed to United States-Japan Advisory Commission, 1800 K Street, N.W., Suite 622, Washington, D.C. 20006. A roster of speakers will be posted at the meeting. The meeting is open to the public.

Dated: January 4, 1984.

Albert L. Seligmann,

Executive Director, United States-Japan Advisory Commission.

[FR Doc. 84–2135 Filed 1–25–84; 8:45 am]

BILLING CODE 4710–30–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Notice No. 84–1]

Update of 1977 Study on No-Fault Insurance; Supplemental Request for Comment

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Supplemental request for public comment.

SUMMARY: In the Federal Register of Wednesday, November 16, 1983 (48 FR 52147), DOT announced an update of its 1977 study of the experiences of the States with no-fault automobile insurance. Public comment was invited. DOT is now considering evaluating State automobile insurance laws according to objective criteria. Public comment on these criteria is invited.

DATE: To be considered, comments must be received by March 26, 1984.

ADDRESS: Send comments to George F. Wiggers, Office of Economics, P–38, Department of Transportation, Washington, DC 20590. Comments received will be available for public inspection and copying in Room 10309, Department of Transportation Headquarters Building, 400 Seventh Street, SW, Washington, DC, from 9:00 a.m. to 5:30 p.m. eastern time, Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George F. Wiggers, (202) 426–4203.

SUPPLEMENTARY INFORMATION: For the study which we are conducting, we are now considering evaluating the automobile insurance laws of the States (including the District of Columbia and Puerto Rico) according to objective criteria, as set forth below. Some of them were used in the 1977 report. We invite comment on the appropriateness, completeness, and applicability of any or all of these proposed criteria. We also invite suggestions on additional criteria that should be used and on weighting the criteria; we also invite submission of any other information that may be useful in conducting the evaluation. The seven criteria that are currently being considered are:

- The adequacy of automobile insurance payments to personal injury accident victims. This criterion will measure the percentage of personal injury automobile accident victims who receive compensation from automobile insurance and the probable amount of such compensation compared to the economic loss suffered by these victims.
- The average premium cost for automobile insurance coverages compensating for personal injuries. This criterion is designed to determine the average cost in the several States for automobile insurance coverages for personal injuries.
- The balance or lack of balance of the central elements in the automobile insurance system; that is, the extent to which the cost of the first-party benefits paid is greater than, equal to, or less than the savings made possible by the establishment of restrictions (often called thresholds) on tort recovery of third-party insurance benefits. This criterion may be measured by determining the degree by which average premiums differ from what they would probably be if the first-party (i.e., no-fault) coverage had not been purchased. Another test may be to note adequacy of return to insurance providers as measured by the combined loss/expense ratio.
- The timeliness of automobile insurance payments to personal injury accident victims. This criterion will attempt to measure the average time delay between the date of an automobile accident and the date on which a personal injury victim of that accident receives the first payment from automobile insurance.
- The administrative cost-efficiency of the automobile insurance system (dollars paid to or for victims per hundred dollars of premiums collected from motorists). This criterion compares the cost-efficiency of different personal injury automobile coverages of insurors operating under the different automobile insurance laws of the several States.
- The percentage of victims who might profit from rehabilitation treatment who in fact receive that treatment paid for by automobile insurance and the average amount of money devoted to rehabilitation. Under this criterion, DOT will attempt to measure how much rehabilitation activity is taking place under automobile insurance in the several States.
- Impact on highway safety and crash loss minimization. This criterion will attempt to measure the effect that different forms of automobile insurance have or may have on these important concerns.

Please feel free to submit information on any other aspect of no-fault automobile insurance. We are still accepting comments on the issues discussed in our November 16, 1983 notice. Since we intend to place all comments in a public file, persons who wish to submit information believed confidential should contact Mr. Wiggers before submitting the information. If we agree that the information deserves confidential treatment, we will need two copies of the information: one will be complete, including the portion believed confidential; the other will have the confidential portion removed. This second copy will be placed in the public file. In determining whether the information is to be treated as confidential, we will use the standards developed under Exemption 4 of the Freedom of Information Act (5 U.S.C. 552(b)(4)).

Issued in Washington, DC, on January 23, 1984.

Richard F. Walsh,

Director of Economics.

[FR Doc. 84–2229 Filed 1–25–84; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement; Polk County, Georgia Project F-017-2(21)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

FOR FURTHER INFORMATION CONTACT: James Erickson, District Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, NE., Atlanta, Georgia 30309, telephone (404) 881-4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696-4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to construct to two-lane new location bypass of Cedartown in Polk County. Also included in the project will be a connector on the west side of Cedartown between S.R. 100 (at its existing terminus at U.S. 27) and the proposed bypass.

The proposed bypass will begin near the southern city limits of Cedartown on U.S. 27 and S.R. 1. From there it heads east on new location crossing at grade with the Central of Georgia Railroad and Cason Road. Continuing in an easterly direction the proposed project crosses the Southern Natural Pipeline and turns to the northeast and parallel to the pipeline. The proposed alignment continues in a northeastern direction intersecting Lees Chapel Road at grade just east of its intersection with East Point Road. East Point Road which generally runs parallel to Lees Chapel Road will be severed. Access to East Point Road will be provided by a short connector from East Point Road to Lees Chapel Road east of the proposed bypass. In continuing north, the proposed alignment intersects the Seaboard Coastline Railroad at grade and then intersects U.S. 278 at grade approximately one mile east of U.S. 27/S.R. 1. From there the proposed project continues north intersecting Collard Valley Road and Blanche Drive both at grade. The project than crosses the Central of Georgia Railroad at grade and then ends at U.S. 27/S.R. 1 just south of Davis Road.

The proposed S.R. 100 Connector on the west side will begin at the intersection of S.R. 100 and Ohio Drive, approximately 0.75 mile west of U.S. 287. From that point the alignment will traverse across new location in a southeastern direction to its terminus at the existing intersection of U.S. 278 and S.R. 100. This short connector will be approximately 0.6 mile in length.

The proposed S.R. 100 Connector on the east side will begin at the intersection of S.R. 100 and U.S. 27/S.R. 1. The proposed alignment will traverse generally east on new location for approximately 700 feet where it will tie into the existing location of Cedar Hill Street. The proposed alignment will follow Cedar Hill for approximately 500 feet and turn southeasterly to new location. It will continue on new location and cross East Ellawood and Lees Chapel Road then into the proposed bypass. Minor realignment of Lees Chapel Road will be required in the vicinity of the bypass to tie into the proposed connector. The connector will be approximately 0.9 mile in length.

The bypass is proposed to be constructed as a two-lane facility on a minimum of 200 feet of right of way. A reduced amount of right of way will be utilized between U.S. 278 and Collard Valley Road to minimize displacements. The connectors are proposed to be two lanes constructed on a minimum of 100 feet of right of way except for the section of Cedar Hill Street utilized for the east side connector. The bypass is proposed to be partial limited access while the connectors are proposed to be free access. The proposed work is necessary to relieve congestion resulting from through traffic and heavy truck traffic.

Alternatives under consideration include the build and no-build alternatives.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A formal scoping meeting has not been scheduled. A public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, *Highway Research, Planning and Construction.* The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

James Erickson,

District Engineer, Federal Highway Administration, Atlanta, Georgia.

[FR Doc. 84-2161 Filed 1-25-84; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 18
Thursday, January 26, 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

CIVIL AERONAUTICS BOARD

[M-398, Amdt. 1, Jan. 26, 1984]

Addition and Closure of Item to the January 26, 1984 Meeting

TIME AND PLACE: 10 a.m., January 26, 1984.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

29. Discussion of Brazil. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Taylor, the Secretary (202) 673–5068.

[FR Doc. 84-2368 Filed 1-24-84; 3:50 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-398, Jan. 19, 1984]

TIME AND DATE: 10 a.m., January 26, 1984.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.

2. Dockets 41897 and 41896, Notice of Intent of Republic Airlines to suspend direct service between Watertown and Rapid City, South Dakota, and Application for exemption from the essential air service and notice requirements of the Act. (Memo 2185, BDA, OCCCA)

3. Dockets 41757, EAS-472, EAS-477, Royale's 90-day notice of intent to suspend service at Greenwood and University/Oxford, Mississippi. (Memo 2188, BDA, OCCCA)

4. Docket 39162, Republic's notice to suspend service at Beloit/Janesville, Wisconsin. (Memo 326-G, BDA, OCCCA, OGC)

5. Dockets 41930 and 41931, Notice of Pioneer Airways to suspend service at North Platte, Nebraska, and request for exemption to suspend service on less than 30 days notice. (BDA, OCCCA)

6. Dockets 40808 and 41079. Notice of Republic Airlines and Horizon Airlines to suspend service at Klamath Falls, Oregon. (BDA, OCCCA, OGC)

7. Dockets 41872 and 41903, Republic Airlines' notice to suspend service at Valdosta, Georgia, and exemption request to permit it to suspend service on less than 90-days' notice. (BDA, OCCCA)

8. Docket EAS-540, Appeal of Rocky Mount Wilson Airport Authority of the essential air service determination for Rocky Mount/Wilson, North Carolina. (Memo 2059-A, OGC, OCCCA, BDA)

9. Docket 41589, Application of Cascade Airways, Inc., to bump Horizon Airlines at North Bend, Salem, and Pendleton, Oregon. (Memo 2193, BDA, OCCCA)

10. Dockets EAS-604, EAS-608 and Docket 41541, Essential air service for Ephrata/Moses Lake and Wenatchee, Washington. (Memo 063-F, BDA, OCCCA, OGC)

11. Docket 40509, Second-year subsidy rate for Puerto Rico International Airlines, Inc., to provide essential air service to Ponce, Puerto Rico. (Memo 1180-B, BDA, BCAA, OCCCA, OC)

12. Docket 41020, Pioneer Airways, Inc., Application for compensation for losses at Columbus, Nebraska. (Memo 2187, BDA, OCCCA, OC)

13. Dockets 40808 and 40809, Petition of Republic Airlines and Pacific Express seeking modification of the compensation paid for losses in serving Klamath Falls, Oregon. (Memo 2192, BDA, BCAA, OC, OCCCA)

14. Docket 40612, Objection of U.S. Aviation, Inc. d.b.a. Air U.S. to Order 83-10-61 which tentatively set Air U.S. final rate for compensation for losses at Sheridan, Wyoming at $223,233. (Memo 120-H, BDA, OCCCA, OC, BCAA)

15. Docket 40386, Agreement Among Members of the Air Traffic Conference of America Relating to a Default Protection Plan. (Memo 1152-Q, BDA, OGC, OCCCA)

16. Docket 41804, Application of Jet Fleet International Airlines, Inc., (JFIA) for a certificate to engage in interstate and overseas scheduled air transportation of persons, property and mail. (Memo 2184, BDA)

17. Dockets 36595 and 41559, Agreements among members of ATC with respect to the "exclusivity" portions of the Competitive Marketing Investigation decision. (Memo 2117-A, BDA, OGC)

18. Dockets 41560, 41372, and 41373, *South Seas Airlines Fitness Investigation, Applications of South Seas Airlines for certificates of public convenience and necessity.* (Memo 1900-A, OGC)

19. Docket 38623, Agreement CAB 29156, IATA agreement proposing a new fare structure to/from Africa. (Memo 2186, BIA)

20. Dockets 41206 and 41212, Applications of Arrow Airways, Inc. for Guam-Manila exemption and U.S.-Philippine certificate. (Memo 1727-A, BIA, OGC, BDA)

21. Docket 41171, Application of Aeronaves de Puerto Rico for certificate authority under section 401 to provide scheduled combination air service between New York: San Juan/Borinquen, Puerto Rico, and Santo Domingo/Puerto Plata, Dominican Republic. (Memo 2189, OGC, BALJ)

22. Dockets 41636, 41680, 36767, Application of Northeastern International Airways, Inc., for certificate authority to provide combination service between Miami and San Jose, Costa Rica; Application of Eastern Air Lines, Inc. for amendment of its certificate for Route 131 to authorize Miami-San Jose service; Motion of Pan American Airways to remove suspension of its authority to provide Miami/New Orleans-San Jose service. (Memo 2190, BIA, GOC, BALJ)

23. Discussion of Thailand Aviation Issues. (BIA)

24. Discussion of China Aviation Issues. (BIA)

25. Report on Consultations with United Kingdom. (BIA)

26. Report on Consultations with Jamaica. (BIA)

27. Report on Consultations with Ireland. (BIA)

28. Report on ECAC Working Group. (BIA)

STATUS: 1–22 (open), 23–28 (closed).

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[FR Doc. 84-2370 Filed 1-24-84; 3:54 pm]

BILLING CODE 6320-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 7:40 p.m. on Wednesday, January 18, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Application of Bank of Commerce, Morristown, Tennessee, an insured State nonmember bank, for consent to merge, under its charter and title, with Southern

Industrial Banking Corporation, Knoxville, Tennessee, and for consent to establish the nine offices of Southern Industrial Banking Corporation as branches of Bank of Commerce; and application of Southern Industrial Banking Corporation for Federal deposit insurance.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,847–L (Adt. No. 3)—United American Bank in Hamilton County, Chattanooga, Tennessee, and United American Bank in Knoxville, Knoxville, Tennessee.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9) (B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9), (A)(ii), and (c)(9)(B)).

Dated: January 20, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-2213 Filed 1-23-84; 4:13 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, January 30, 1984, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge:

Flagship Bank of Orlando, Orlando, Florida, an insured State nonmember bank, for consent to merge with First Fidelity Savings and Loan Association, Winter Park, Florida, a non-FDIC insured institution.

Application for consent to transfer assets in consideration of the assumption of deposit liabilities:

Flagship Bank of Seminole, Sanford, Florida, an insured State nonmember bank, and Sun Bank/Southwest, National Association, Cape Coral, Florida, for consent to transfer certain assets to First Fidelity Savings and Loan Association, Winter Park, Florida, a non-FDIC insured institution, in consideration of the assumption of the liability for deposits made in the Tuscawilla Branch, Casselberry, Florida, and the Wekiva Branch, Apopka, Florida, of Flagship Bank of Seminole and the Coralwood Mall Branch, Cape Coral, Florida, of Sun Bank/Southwest, National Association.

Application for consent to merge and establish one branch:

Union Bank and Trust, Bartlesville, Oklahoma, an insured State nonmember bank, for consent to merge, under its charter and title, with The Dewey Bank, Dewey, Oklahoma, and for consent to establish the sole office of The Dewey Bank as a branch of the resultant bank.

Application for consent to establish a branch:

Marine State Bank, Tallahassee, Florida, for consent to establish a branch at the intersection of U.S. Highway 27 North and Talpeco Road, Tallahassee, Florida.

Personal actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employes authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: January 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-2312 Filed 1-24-84; 12:52 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, January 30, 1984, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to acquire assets and assume deposit liabilities and establish one branch:

Marine Bank, Warren, Pennsylvania, an insured State nonmember bank, for consent to acquire certain assets of and assume certain liabilities to pay deposits made in the Eastway Plaza Branch, Erie, Pennsylvania, of The National Bank of North East, North East, Pennsylvania, and for consent to establish that office as a branch of Marine Bank.

Applications for consent to establish remote service facilities:

Barnett Bank of Volusia County, De Land, Florida, for consent to establish two remote service facilities at Volusia Mall, 1700 Volusia Avenue, Daytona Beach, Florida, and at Embry Riddle (Aeronautical College), Daytona Beach Regional Airport, Daytona Beach, Florida.

The State Exchange Bank, Lake City, Florida, for consent to establish a remote service facility at Gleason's Corner, U.S. Highway 90 West, Lake City, Florida.

Barnett Bank of Polk County, Lakeland, Florida, for consent to establish three remote service facilities at Florida

Southern College, Lake Hollingsworth Drive, Lakeland, Florida, at Polk Community College, 999 Avenue H, N.E., Winter Haven, Florida, and at Winter Haven hospital, 200 Avenue F, N.E., Winter Haven, Florida.

Barnett Bank of Tallahassee, Tallahassee, Florida, for consent to establish a remote service facility at the Student Union Building 194 on the Florida State University Campus, Tallahassee, Florida.

Barnett Bank of Indian River County (formerly Commercial Bank of Vero Beach), Vero Beach, Florida, for consent to establish a remote service facility at Vero Beach Mall, 1255 South U.S. Highway 1, Vero Beach, Florida.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,087–L (Amendment) International City Bank and Trust Company, New Orleans, Louisiana

Case No. 45,899–L Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Case No. 45,909–L (Amendment) Unity Bank and Trust Company, Boston, Massachusetts

Case No. 45,912–L State Bank of Clearing, Chicago, Illinois

Memorandum and resolution re: (1) Proposed amendments to Part 338 of the Corporation's rules and regulations, entitled "Fair Housing," which would eliminate the requirement that insured State nonmember banks collect and record in a log-sheet certain data concerning home loan inquiries while retaining the requirement that information on all home loan applications be recorded and retained for 25 months; and (2) a request for public comment on a possible reduction in the number of banks required to maintain log-sheets.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Banco Credito y Ahorro Ponceno, San Juan, Puerto Rico, AP–267 (dated December 23, 1983).

Discussion Agenda:

Memorandum and resolution re: Final amendments to the Corporation's rules and regulations which would implement section 905(a) of the International Lending Supervision Act of 1983 by requiring banking institutions to establish special reserves against the risks presented in certain international assets.

Memorandum and resolution re: Proposed amendments to the Corporation's rules and regulations which would implement section 906 of the International Lending Supervision Act of 1983 by prescribing the accounting treatment for fees charged by banking institutions in connection with international loans.

Memorandum and resolution re: Proposed amendments to the Corporation's rules and regulations which would implement section 907 of the International Lending Supervision Act of 1983, pertaining to the collection and disclosure of certain international lending data.

Memorandum re: Proposed study to identify technical and operational solutions to problems experienced by the Corporation's Division of Liquidation in automating the payment of insured deposits in closed banks.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: January 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–2313 Filed 1–24–84; 12:53 pm]

BILLING CODE 6714–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:40 a.m. on Saturday, January 21, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in City and County Bank of Jefferson County, White Pine, Tennessee, which was closed by the Commissioner of Financial Institutions for the State of Tennessee, on Friday, January 20, 1984; (2) accept the bid for the transaction submitted by Merchants and Planters Bank, Newport, Tennessee, an insured State nonmember bank; (3) approve the application of Merchants and Planters Bank, Newport, Tennessee, for consent to purchase certain assets of and to assume the liability to pay deposits made in City and County Bank of Jefferson County, White Pine, Tennessee, and for consent to establish the two offices of City and County Bank of Jefferson County as branches of Merchants and Planters Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. Michael A. Mancusi, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: January 23, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–2314 Filed 1–24–84; 12:53 pm]

BILLING CODE 6714–01–M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, January 31, 1984, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, February 2, 1984, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings

Correction and approval of minutes

Eligibility report for candidates to receive presidential primary matching funds

Draft Advisory Opinion #1983–47—John C. Armor on behalf of Sonia Johnson, Candidate for President

Report on status of priorities in regulations

Report on national taxpayers legal fund petition for rulemaking

Report from finance committee
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, information officer, telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84–2347 Filed 1–24–84; 3:20 pm]

BILLING CODE 6715–01–M

8

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 2:30 p.m., Thursday, February 2, 1984.

PLACE: Board Room, Sixth Floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravelee (202–377–6970).

MATTERS TO BE CONSIDERED:

Brokered Deposits
Interest-Rate Swaps

John F. Ghizzoni,

Assistant Secretary.

January 24, 1984.

[FR Doc. 84–2334 Filed 1–24–84 2:21pm]

BILLING CODE 6720–01–M

9

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., February 1, 1984.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10045–9: Modification of the U.S. South Atlantic and Gulf-Panama and Costa Rica Rate Agreement to expand its scope to include all ports in the former Panama Canal Zone.

2. Proposed Circular Letter concerning non-vessel operating common carrier co-loading arrangements.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84–2369 Filed 1–26–84; 3:50 pm]

BILLING CODE 6730–01–M

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SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of January 30, 1984, at 450 Fifth Street, N.W., Washington, D.C.

An open meeting will be held on Thursday, February 2, 1984, at 2:30 p.m., in Room 1C30, followed by a closed meeting.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion [a majority of], the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway and Cox voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Thursday, February 2, 1984, 2:30 p.m., will be:

1. Consideration of whether to approve a proposal by the New York Stock Exchange, Inc. to begin trading in industry index options. For further information, please contact Alden Adkins at (202) 272–2843.

2. Consideration whether to approve proposals by the American Stock Exchange, Inc., and the Chicago Board Options Exchange, Incorporated, to commence trading in options on three new industry indices each. For further information, please contact Alden Adkins at (202) 272–2843.

3. Consideration of whether to adopt a rule to designate over-the-counter options on U.S. government securities as exempted securities under the Securities Exchange Act of 1934, where the underlying securities represent principal of $250,000 or more. For further information, please contact Kevin Fogarty at (202) 272–7345.

4. Consideration of whether to adopt a revised annual report (Form U5S) for registered holding companies under the Public Utility Holding Company Act of 1935. For further information, please contact Grant G. Guthrie at (202) 272–7677.

The subject matter of the closed meeting scheduled for Thursday, February 2, 1984, following the 2:30 p.m. open meeting, will be:

Settlement of injunctive action.
Institution of injunctive actions.
Regulatory matter bearing enforcement implications.
Opinions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

January 23, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84–2311 Filed 1–24–84; 12:52 pm]

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federal register

Thursday
January 26, 1984

Part II

Federal Communications Commission

47 CFR Part 22

Common Carrier Services; Public Mobile Service; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 80-57; FCC 83-476]

Common Carrier Services; Public Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Rules are being adopted for the Public Mobile Service, 47 CFR Part 22. The adopted rules revise and update the present rules for these services. The forms applicants for these services must file have been revised also. The rules and revised forms reduce burdens for applicants and expedite the administrative processes related to the Public Mobile Service.

EFFECTIVE DATE: February 27, 1984.

FOR FURTHER INFORMATION CONTACT: Carmen A. C. Borkowski; Stephen Markendorff, (202) 632-6450.

List of Subjects in 47 CFR Part 22

Mobile radio service.

Report and Order; Proceeding Terminated

In the matter of Revision and Update of Part 22 of the Public Mobile Radio Services Rules, CC Docket No. 80-57.

Adopted: October 19, 1983.

Released: December 19, 1983.

By the Commission: Commissioner Quello absent.

Background

1. On September 8, 1982 the Commission released a Notice of Proposed Rulemaking [1] (NPRM) proposing to revise Part 22 of the rules (Public Mobile Radio Services). The revisions were proposed in order to rewrite the rules in plain language, to bring the text of the rules up to date with existing technology, and to add or revise definitions to explain more fully the meaning of certain rules.[2] Also we hoped to eliminate or reduce government regulation in favor of the self regulation characteristic of a competitive marketplace. In this Report and Order we adopt new rules for the public mobile services. In keeping with our objectives we have also revised the forms applicants are required to file, eliminated unnecessary ones and simplified the ones we are retaining. After careful consideration of the pleadings and officially noticeable information, we conclude that this revision of the rules, substantially as proposed, benefits the public interest.

Discussion

2. Comments were filed by numerous parties, listed in the attached Appendix A. We have reviewed and considered all the comments submitted by the parties. The comments were generally in favor of the revision of Part 22; however, they addressed various matters in the proposed rules and suggested a number of changes, which we will discuss in the following paragraphs.[3] Our discussion will address the rule sections sequentially. We deal with the more controversial matters in some detail. Although we dispose of minor matters with only brief mention, we have carefully considered all comments and arguments.

3. *Definitions.* We proposed to update the definitions in § 22.2 of our rules, many of which are obsolete, and we proposed to correct various definitions which are ambiguous. The comments suggested changes to some of our proposed definitions. Our disposition of those suggestions appears below.

4. Peters suggested that the definition of "channel occupancy time" should include any setup or overhead time for a particular call or message, e.g., transmission of a pager or mobile unit number. Peters also suggested including paging units in the definition of public land mobile service, and commented that the term "reliable service area" did not reflect the 20 mile radius service area for 900 MHz paging. Comp. Comm also alleged that the definition of reliable service area is not technically accurate and that it should be expanded.

5. We will clarify our definition of channel occupancy time. The definition will be "the total time a channel is utilized for the transmission of communications, including necessary signaling." Our definition thus includes any setup time or transmission of a pager or unit number. We need not include "paging units" in the definition of public land mobile service because the definition is all inclusive. Moreover in General Docket No. 80-183 [4] we amended § 22.2 to include definitions for the paging services which are part of the rules. We will clarify the definition of reliable service area to include the exception in the 900 MHz paging service and to make the definition more precise by citing § 22.504, which defines actual field strength contours. The definition adopted for reliable service area is: "the area specified by the field strength contour as defined by § 22.504 of the rules and FCC Report R-6406 (Technical Factors Affecting the Assignment of Facilities in the Public Land Mobile Service), within which the reliability of communication service is 90%, i.e., the area within which nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit." For 900 MHz paging facilities, see "protected service area." [5]

6. We proposed to add a definition for special temporary authority (STA) to read as follows: an authorization granting permission to operate a station for up to 90 days when circumstances require immediate or temporary operation of a station. We also proposed to delete the definitition of "general communication" because it could be replaced by "two-way voice communication" which is the term currently used.

7. Peters and Offshore Telephone commented that the definition of special temporary authority does not, but should, reflect the changes concerning temporary authorizations recently enacted in the Communications Amendments Act of 1982, Pub. L. 97-259. Telocator suggested we retain the definition for "general communication", since it still holds legal significance.

8. In view of the 1982 amendments to the Communications Act we will drop the reference to 90 days from the definition of special temporary authority and insert the language of that Act. Also in accordance with this new law, in CC Docket No. 83-371, *Common Carrier and Satellite Licensing Procedures*, FCC 83-276 released June 9, 1983, § 22.25 has been amended. Thus, an STA is an authorization granting permission to

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[1] 47 FR 43842 (October 4, 1982). The Commission previously requested general comments and suggestions for rule revisions, *Notice of Inquiry*, CC Docket 80-57, 45 FR 14074 (March 4, 1980).

[2] We incorporate by reference other proceedings which have revised certain sections of Part 22 but which we do not address here. For instance, CC Docket 79-378 (cellular rules), 86 FCC 2d 469 (1981), 89 FCC 2d 58 (1982), 90 FCC 2d 571 (1982); CC Docket 80-189, 49 RR 2d 1541, 48 FR 38509 (July 28, 1981), recon. granted in part, FCC 82-342, 47 FR 34561 (August 10, 1982); Docket No. 19327, Second Report and Order, FCC 82-343, 47 FR 35568 (August 10, 1982); General Docket 80-183, 89 FCC 2d 1337 (1982), recon. (Part 1), FCC 82-503, released November 16, 1982, recon. (Part 2) FCC 83-146 released May 4, 1983; CC Docket 20870, Third Report and Order, FCC 83-53, released February 16, 1983, Further Notice of Proposed Rulemaking, FCC 83-38, released February 14, 1983; CC Docket 83-371, FCC 83-276, released June 9, 1983; General Docket 81-768 (lottery proceeding), 48 FR 27182 (June 13, 1983); and others.

[3] The staff has compiled a summary of all the comments. This summary has been made a part of the record in this proceeding and is available for public inspection.

[4] 89 FCC 2d 1337 (1982).

[5] We added a definition for protected service area as follows: A fixed 20 mile radius from a 900 MHz paging transmitter which is protected from harmful interference.

operate a station when circumstances require immediate or temporary operation. We disagree with Telocator that the definition of "general communication" should be retained in the rules. As we stated in the NPRM, the term "two-way voice communication" replaces "general communication" and "two-way voice communication" is more commonly used. We see no merit to Telocator's contention that keeping the term "general communication" will clarify or help understand the 1982 amendment to Section 331(c)(1) of the Communications Act.

9. In the NPRM we proposed to rewrite the definition of offshore central station as "a fixed station in the offshore radio service for interconnecting offshore subscriber stations with each other and by means other than offshore radio with the land telephone systems." Offshore Telephone commented that this definition is ambiguous because it uses the term "subscriber stations with each other". According to Offshore, the function of the central station is not to provide interplatform communications but rather to act as the link between terminal subscriber stations and the nationwide toll network.

10. We agree with Offshore Telephone that the proposed definition of "offshore central station" was ambiguous and we have clarified it. The new definition reads as follows: "a fixed station in the offshore radio service with facilities for interconnection with the land telephone system."

11. Comp Comm also suggested adding a definition for "interference free service area." It suggested the following: "denotes that area within the field strength contour determined in accordance with § 22.504 in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report R-6406, equation 8." We agree and are including a definition to this effect. We have also included a definition for maps required to be submitted in this Part. We deem this necessary because many of the maps submitted with applications are useless because they contain no scale or latitude or longitude.

12. We proposed to conform our terminology to that commonly used in the industry by adding a definition of the term "wireline common carrier", defining them as common carriers which are in the business of providing local exchange telephone service. Various comments addressed the proposed definition for wireline carrier. Offshore Telephone suggested changing it to: "the business of providing local telephone service directly through the ownership of the end-user telephone plant." USITA also suggested keeping "wireline" or "landline" in the definition. Peters suggested adding "wireline" to the definition. All Florida suggested that the definition refer to the use of wire or cable to connect telephones to local exchange to distinguish wireline carriers. AT&T in reply comments objected to Offshore's and All Florida's recommendations and suggested that the definition be clarified by preceding "local exchange telephone service" with "landline". MCI in reply comments also suggested clarifying the definition by adding "wireline". The comments note that with our proposed definition, radio common carriers offering cellular service could be classified as wireline carriers.

13. We have decided to include in the definition of "wireline common carrier" the term "landline." Thus, a wireline carrier is in the business of providing landline local exchange telephone service.[6] We believe this definition will eliminate ambiguity.[7]

14. *Standard application Forms, Section 22.9, two-step application process.* In the NPRM we proposed to revise our forms and also to eliminate the two-step application process (construction permit-license to cover constructed facilities) and instead require applicants to submit one Form 401 for a license under which applicants will construct and perform tests of the facilities. Upon completion of the tests, the license holder would notify the Commission that the tests are completed and that the facilities are constructed and operating in conformance with the specifications on Form 401. If the constructed facilities differ in a minor way from the specifications in the Form 401, the license holder would indicate the changes as part of the notification. We proposed a Form 408 for this notification. A copy of this Form 408, retained by the licensee along with the permit, at this point would constitute the license.[8]

15. TDS, Hill, AT&T and All Florida supported the proposal. AT&T agreed, provided that authorizations are required prior to construction and operation of proposed new facilities or major modifications to existing facilities. AT&T stated that Pub. L. 97-259, the Communications Amendments Act of 1982, permits the Commission to eliminate construction permits where common carriers are involved. USITA, in light of this new law suggested that the two-step license process could be totally eliminated, and replaced by a simple notification (Form 489).

16. We will adopt the changes proposed. Because the current requirement that applicants obtain authorization prior to construction guarantees efficient spectrum allocation and utilization, we find it is in the public interest to retain that requirement for the time being. See 47 U.S.C. § 319(d). Nevertheless, in accordance with the spirit of Pub. L. 97-259, Section 119, we also believe that elimination of our dual licensing scheme in these services is in the public interest. Therefore, we will eliminate the two step application process, the application for a construction permit and application for a license to cover or operate. Applicants will be required to file a Form 401 (Application for New or Modified Radio Station Authorization) for a license. After completing construction they may merely notify us on a Form 489. We will not issue a separate authorization to operate the constructed facilities. A copy of the filed Form 489 and the license will constitute the operating authority. Cellular radio service licensees shall file a Form 489 also to notify us that they have completed construction. However, their radio station authorizations will automatically become effective thirty days after the filing date of the Form 489, unless the Commission advises the grantee to the contrary within thirty days after receipt of the Form 489, or unless a petition to defer is filed within the thirty day

[6] This definition is consistent with the Commission's determination in Xerox Corporation, 90 FCC 2d 547 (1982), that MCI is not a wireline carrier.

[7] MCI also suggested including a definition for radio common carriers and changing the definition of Public Land Mobile Service to "a common carrier public communication service between land moblie stations." The term "radio common carrier" was defined in Docket 80-183, 89 FCC 2d 1337 (1982), *recon.* (Part 1), FCC 82-503, released November 16, 1982, *recon.* (Part 2), FCC 83-146, released May 4, 1983. We are making minor corrections to this definition. Our proposed definition for public land mobile service to replace our previous phrase Domestic Public Land Mobile Radio Service is "a public communication service for hire between land mobile stations wherever located and their associated base stations which are located within the U.S. or its possession or between land mobile stations in the U.S. and base stations in Canada." We have considered MCI's suggestion to change the definition of public land mobile service and decided to adopt our definition as proposed. We are not persuaded that our definition is not clearly distinguishable from the private services, such as Specialized Mobile Radio Services (SMRS). *See* Pub. L. 97-259, Section 120. Pursuant to Pub. L. 97-259 we have modified our definition of mobile station.

[8] We have effected a further consolidation of forms in this Report and Order. Basically, we will use only two forms in this service from now on: the Form 401 for initial authorizations and major modifications; and the Form 489 for everything else. Due to administrative requirements the number proposed for Form 408 has been changed to Form 489.

period. The cellular licensee, unlike other Part 22 licensees, may not render service to the public until its authorization becomes effective. *Advanced Mobile Phone Service, Inc. (Chicago Order)*, 91 FCC 2d 512 (1982), at para. 16.

17. If the holder of an authorization does not complete construction within the time period provided by the applicable rules, the authorization will automatically expire, unless a timely application for an extension of the term to complete construction is filed (FCC Form 489). If the Form 489 does not comply with the rules, for instance if it proposes major modifications, the authorization will automatically expire also.

18. *Number of land mobile units served, Section 22.9(c) and (d).* We proposed to eliminate the requirement that an applicant estimate the number of land mobile units to be served during the license term when filing a Form 401. The previous rule also required that when a carrier was close to surpassing the number authorized (estimated), it had to file a Form 403 requesting authorization to serve additional mobile units. We considered this procedure unduly burdensome. We proposed that the individual land mobile units served by a carrier be considered associated with the carrier's blanket authorization.

19. Comp Comm, Telocator and USITA filed comments with regard to both subsections. USITA suggested with respect to subsection (c), reassessing the rule change because the annual report, Form L, is no longer required, and thus, the regulatory need for "a number of mobile units" showing should be examined. Telocator supported elimination of the estimate of number of mobile units to be served and the requirement to submit a Form 403 when the actual number exceeded the estimate. However, Telocator argued that, since the proposal relied on Form L and this reporting requirement has been eliminated, a simplified Form L should be retained. Comp Comm also suggested adoption of a new annual reporting procedure if there is to be a public record of number of units served by each licensed facility on an annual basis. It is Comp Comm's view that retention of the requirement of maximum number of mobiles authorized is not an acceptable substitute for reporting the actual number served.

20. We will adopt the rule as proposed. As we stated in CC Docket No. 82–85, FCC 82–451, released October 27, 1982, we determined to eliminate the annual reporting requirement (Form L) for the industry and rely on special requests as necessary. We will not revisit the reasons here except to state that the collection effort is unnecessarily burdensome. Similarly, the requirement that licensees estimate, the number of mobiles they intend to serve and continuously update that estimate is an unnecessary burden. That type of information is not frequently used by the staff. Accordingly, even though that information will no longer be available from the Form L, we do not believe it is in the public interest to continue to require licensees to submit those estimates. As we have previously stated with respect to the information previously contained in the Form L, the Commission can always obtain that data through special requests. Finally, we also reject Telocator's and Comp Comm's proposal to maintain an annual reporting procedure for the actual number of units served. Telocator's request has been previously addressed by the Commission and rejected. *Id.* and *Petition for Reconsideration of Amendment of Annual Report of Licensee in Public Mobile Radio Services (FCC Form L)*, CC Docket No. 82–85, FCC 83–142, released April 19, 1983.

21. With regard to proposed subsection (d), modification of authorization not requiring a construction permit, Comp Comm recommended eliminating (d)(5) because a change of frequency is not a minor modification. It also suggested eliminating this item from proposed Form 489. Comp Comm asserted that a frequency change requires detailed co-channel study and public notice. It also suggested clarifying subsection (d)(4) which proposed that correction of coordinates are minor modifications to reflect the fact that the engineering corrections or changes permitted should be limited to those that do not change the values and/or geographic location of the service/interference contours originally submitted. Comp Comm also suggested that Form 489 be accompanied by a detailed engineering showing demonstrating that the co-channel interference information originally submitted is not adversely affected by the corrections or changes.[9]

22. Telocator also recommended changes to this subsection. Telocator contends that modification of either the station's coordinates or authorized frequency should be accompanied by an engineering and co-channel interference study and should be subject to the same public notice requirement as the filing of a Form 401 for a radio station authorization. It also recommended deleting proposed subsection (d)(6) (addition of frequencies for mobile transmitters) in view of the proposed subsection (c)(1), discussed *supra*, which does not require additional authorization for land mobile stations.

23. We agree with Comp Comm and Telocator that a change in authorized frequency is a major modification which requires that the request be placed on public notice. Under our new procedures this will require the filing of a Form 401. Also this will require filing interference studies as required by Section 22.15. Concerning subsection (d)(4) we have found that applicants have improperly used the provision concerning corrections as a basis for circumverting the major amendment rules. We have included a proviso that if, in fact, the applicant is proposing a major station relocation, it must submit a Form 401 and interference studies. Next, we agree with Telocator that proposed paragraph (d)(6) should be deleted because separate mobile unit authorizations are no longer required by our rules. In new Form 489, we are requesting exhibits for changes to facilities; thus, the commenters concerns in this regard are satisfied. We are also adding a new subsection (5) for minor engineering changes.

24. *General Application Requirements, Section 22.13.* We proposed some changes to this rule, the major one being state certification requirements. TDS submitted comments requesting that we clarify § 22.13(a)(1)(i) concerning real party in interest, which was changed in Gen. Docket 80–183.[10] TDS requested that, for companies controlling the applicant, the rule should only require disclosure of persons holding at least 50% of the applicant's voting stock (including warrants or options) cumulated without regard to class. TDS contends that the additional disclosure regarding persons with interests in nonvoting stock or debt securities is not necessary and imposes regulatory burdens. TDS requests that § 22.13(a)(1)(iii) be revised in conformance with its suggestions. Telocator in reply comments rejected TDS' proposal, and suggested maintaining expanded disclosure as adopted in Docket 80–183. We will reject TDS' proposal since we recently amended the referenced sections and we are not persuaded that there is any benefit in revising them further here.

25. *State certification, Section 22.13(f).* We proposed to revise this rule to

[9] Comp Comm suggested also that the Commission assign file numbers to all Forms 489 and list them with brief descriptions in an Informational Public Notice. See discussion in paragraph 218. *infra.*

[10] 900 MHz paging stations 89 FCC 2d 1337 (1982).

incorporate various recent decisions interpreting our state certification requirements.[11] We also proposed to simplify the rule by adopting one uniform standard to apply to all radio services under Part 22.

26. Telocator proposed that § 22.13(f) require an applicant to file for state certification within 90 days after public notice of the filing of a construction permit application, and concurrently notify the FCC of filing for state certification. If notification is not on file after 90 days, the application would be dismissed as defective, or in the alternative extensions of time to complete construction should not be granted. Telocator contends that its proposal is geared toward providing an objective threshold to detemine "due diligence" concerning extensions of construction permits under § 22.43(b). Telocator also proposed that "date of license grant" be clarified in accordance with our proposed revisions of the two-step license process. It suggests that it be the date proposed Form 489 is postmarked.

27. TDS in its reply comments objected to Telocator's proposal that applicants be required to file for state certification within 90 days after public notice of the construction permit application's acceptance for filing. It asserts that this is an unnecessary and inequitable intrusion on licensee descretion.

28. We reject Telocator's proposal and we will adopt the rule as proposed. We believe the standards we are adopting are sufficiently clear to enable applicants to know that they must obtain state certification within the time periods provided by the rules and that they must act with due diligence in obtaining state approval. Determining due diligence as provided in § 22.43(b)(2), contrary to Telocator's contention, is not unduly burdensome for the Commission. We fail to see how the public interest will be better served by requiring applicants to commence state certification proceedings within 90 days. In the past we have applied the standards being adopted in § 22.13(f) and they have proved to be workable. Applicants uniformly have been diligent in seeking state certification. Finally, we believe that the term "date of license grant" is clear and does not require further clarification. On the other hand, we believe it is desirable for administrative reasons to create a presumption against which we can measure due diligence when we consider requests for extensions of time to complete construction predicated on delays in state certification. See our discussion of Section 22.43, *infra*.

29. *Site Availability, Section 22.15(a), 22.20(b) (5) and (7).* We proposed to eliminate the requirement that applicants demonstrate the availablity of proposed sites in the applications. We proposed instead that in specifying a proposed site location on the application, the applicant implicitly represents that he has obtained reasonable assurance that the site is available for the proposed use. We therefore proposed to revise § 22.15(a)(1), and delete §§ 22.20 (b)(5) and (b)(7).[12] Peters suggested retaining the requirement of a written site availability showing. He asserts that in light of other proposals to eliminate detailed maintenance showings, public need surveys, and so on, this is the last safeguard against filing of fictionalized applications. Kadison agrees with the proposed elimination of the site availability showing with two provisos: (1) The applicant be required to affirmatively state it has reasonable assurance of site availability, (2) and present site availability rules remain in effect for the cellular service. Kadison states that cellular system designs are based on transmitter locations; therefore, changes would affect comparative hearings. USITA, Pagenet and Telocator agreed with the elimination of site availability showings. Telocator in reply comments objected to Peter's and Kadison's proposals. Telocator states that the filing of site availability letters with the applications appears superfluous.

30. We have decided to adopt a simple certification requirement. The revised Form 401 contains an item in which the applicant certifies that it had reasonable assurance that the site proposed in its application was available at the time it prepared its application. There is a great deal of case law defining "reasonable assurance," much of it developed recently in the orders granting and designating for hearing cellular applications. Briefly, an applicant need not have a lease or an option to lease, but it must determine that there is space available on an existing building or tower, or, if a new structure is to be built, that the property is available for such use and that it is reasonable to anticipate that it may use this space. This certification will apply to all applications filed after the effective date of this order, including cellular applications. As we stated in the NPRM, if a party demonstrates, contrary to the certification made by the applicant, that a substantial question exists as to whether the specified site was available,[13] we shall carefully examine the facts before issuing a construction permit. Any false certification will be considered a misrepresentation to the Commission and will precipitate remedial action.

31. We are adopting the certification requirement because a great deal depends on the accuracy of the applicant's technical submission, which is based mainly on the accuracy of the geographical coordinates for the transmitter. Our experience processing both low band and 900 MHz paging applications and cellular applications showed that a number of applicants did not attempt conscientiously to obtain reasonable assurance. Without reasonable assurance, any measurement of reliable service areas and potential harmful interference is suspect. Furthermore, in conventional paging and two-way services, the precise transmitter locations determine whether or not applications are mutually exclusive. We believe that the more stringent requirement of certification (as opposed to the looser requirement proposed) will prompt applicants to take the site availability requirement more seriously and will, thereby, help us avoid processing delays and later interference problems. At the same time, we are not increasing the burden on applicants because we do not require the preparation or submission of any new documentation unless the certification is challenged and shown to be questionable by a petitioner. Overall, we find this approach to be the best compromise between the need for accuracy and reliability in applications and our desire to reduce burdens on applicants and our staff. We are therefore adopting § 22.15(a) as revised and eliminating § 22.20 (b)(5) and (b)(7).

32. *Interference studies, Section 22.15(b).* In the NPRM we proposed to revise this rule which requires applicants to file interference studies to demonstrate that the proposed facilities will not cause co-channel interference.

[11] Mobilfone Service, Inc., Mimeo 07273, released Feburary 23, 1981, *modified*, Mimeo 0011344, released May 26, 1981; Hazle-Tone Communications, Inc., Mimeo 06645 (Com. Car. Bur.), released February 10, 1981; Alfred C. Cordon, Jr., 80 FCC 2d 328 (1980), *recon. denied*, FCC 82-218, released May 19, 1982. *See* also Public Notice, Mimeo 36628, September 30, 1980.

[12] Sections 22.20 (b) (5) and (b)(7) provide that lack of a site availability showing makes the applications defective.

[13] Because of the time lag between the filing and granting of an application, it is not uncommon for an applicant to lose its original site. For that reason, the certification is tied to the time of filing the application, not to the time it is reached for processing. *See also* discussion of §§ 22.9, 22.23, and 22.43, *infra*.

In addition, we added language requiring that these studies be conducted within 60 days before the application filing date, to prevent the submission of outdated information. We also proposed to relax the requirement that applicants file their supporting data and calculations as part of the interference studies. Instead we proposed that applicants not file the calculations but simply retain them and furnish them upon request. This approach reduces the size of the application and filing costs. We also proposed to add a listing stating the information to be contained in the interference studies.

33. Peters suggested that the proposed rule be clarified by making it inapplicable to the cellular service and adding a paragraph applicable to 900 MHz paging facilities, requiring applicants to identify any existing or proposed 900 MHz paging stations within 70 miles. For each nonaffiliated station, Peters wants applicants to state whether they have a time-sharing or similar agreement. Comp Comm suggested that the interference studies include a service and Carey Interference Contour Map [14] showing the proposed facility in relation to all co-channel facilities that must be protected. Comp Comm states that the showings proposed in the rule are incomplete, in that they do not provide for protection in directions other than along the interstation radial. A highly directionalized facility can show interference free operation along the interstation direction, but cause interference along another nearby azimuth.

34. Hill suggested that the section provide for a 68-mile standard for paging operations with an alternate showing based on a minimum mileage chart established specifically for paging (applicable to 150 MHz and 35–43 MHz spectrum). Hill states that establishing a minimum mileage separation table for paging would provide applicants with the same standard of proof which two-way applicants must make, whereas paging applicants currently bear a greater burden. He further states that applying § 22.505 and the § 22.503(a) table does not exempt co-channel paging stations from the Carey study, largely because minimum separations are based on protection to the 37 dBu for 150 MHz operators, whereas paging is protected only to the 43 dBu contour. He states that §§ 22.15(b) and 22.503(a) can be further refined by adding minimum distances specifically for paging and eliminating the chart for the 35–45 MHz band. He states that at 500 ft./ 500 watts (maximum facilities), the minimum separation on either the 150 or 35–43 MHz channel, to be interference free, is 68 miles. Hill also asserts that requiring a study for paging stations within 75 miles is unnecessary and increases costs, especially where there is a multisite existing facility located barely within the 75 mile proposed radius.

35. Telocator recommends that the rules require applicants to provide the underlying data describing co-channel facilities and that the data be attached to the interference study.[15] It also recommends that applicants be permitted to supply the Commission with a letter of "Consultation and Consent" executed by the co-channel licensee, in lieu of an interference study and supporting data. Telocator asserts that this encourages private solution of potential problems and provides a means for recognizing unique circumstances like a natural physical barrier which otherwise would not be factored into an interference study.

36. USITA recommends clarifying the "within 60 days language" for when interference studies must be prepared, to "within 60 days before" or "within 60 days prior". MCI in reply comments supports Hill, stating that the current paging interference studies are inappropriate for the 35–43 and 150 MHz paging operations, and that they are excessively burdensome.

37. As to Peters' comments concerning this rule, subsection (b) is clear that it does not apply to the cellular service. The mileage separation criteria for 900 MHz paging applications are established in §§ 22.525(c) and 22.503; therefore, § 22.15 does not require a specific paragraph for 900 MHz applications. We agree with Hill and MCI that the minimum mileage separation which requires an interference study for paging stations needs to be corrected; therefore, we have amended § 22.503 by adding a new subsection (b) to include a table specifically depicting minimum mileage separation for one-way stations in the 35–162 MHz band. In § 22.15(b)(1)(ii) we reference §§ 22.502 and 22.503. As we proposed we will not require that the supporting data and calculations be furnished with the application but rather upon request; we believe the rule already requires sufficient information. We will not adopt Comp Comm's suggestion that applicants file a Carey interference contour map. This would be an additional burden for applicants which would not necessarily facilitate application processing. As to Telocator's recommendation that applicants be allowed to supply a letter of "consultation and consent" executed by the co-channel licensee, in lieu of interference studies, we will not formally adopt it. Our practice in the past has been to accept these letters in addition to, but not in place of the interference studies. We will continue this practice and applicants may submit these letters but they will also have to submit interference studies. The interference studies are needed in these situations to enable us to ascertain the extent of the interference and to determine whether the proposal is in the public interest. We also will accept USITA's recommendation and correct the rule to state that the studies shall be conducted within 60 days prior to filing of the application.

38. *Antenna Structures, Section 22.15(c).* In the NPRM we proposed to combine two present paragraphs in this rule, (c) and (d), into a new (c) dealing with antenna structures. We proposed to eliminate the requirement that the sketch show all antennas in the structure. The reasons for this requirement are no longer valid and the requirement is burdensome. We also proposed to revise the paragraph dealing with FAA notification to restate it in plain language. Also, our proposal entailed conforming this rule to a proposed revised § 22.121 (Replacement of Equipment), so that the filing requirements apply only to increases in antenna height and to new antennas not already on file with the Commission.

39. Peters suggested replacing our current procedure of requiring Form 714 (FAA notification) with requesting the FAA study of the structure or the date notification was made to FAA, along with other identifying information, if the applicant has not received the FAA's study. Comp Comm disagreed with the requirement that the FAA study be submitted with the application. It proposes we retain the present Form 714 procedure, and suggests cross-referencing where a previous FAA study number has been given on structures previously approved by FAA.

40. We will adopt the rule as proposed. The new Form 401 will include the information required in Form 714; therefore, we are eliminating this Form. In addition we have always required the FAA determination if it is available. We will retain this requirement. By determination we mean

[14] A Carey Interference Contour Map is a map in accordance with FCC Report R-6406 which shows the interference relationship of the proposed station to all co-channel stations within the mileage separation specified in § 22.15(b).

[15] Telocator also suggested that a uniform exhibit designation shuld be specified in the application form for this purpose.

whether the structure has received FAA approval. The word "study" in the proposed rule created confusion; therefore, we are using the more precise term, "determination."

41. *Other pending applications, Section 22.15(i)(2).* We proposed to revise § 22.15(i)(2) to provide that applicants would identify any other pending or concurrently filed applications within 25 miles of the proposed station, instead of in the same general area as in the present rule. The old rule was ambiguous and gave an incomplete picture of the situation in an applicant's proposed service area. This rule makes possible for the staff in processing applications to be fully aware of other pending or licensed facilities of the applicant. On further review we are adopting a 40 mile radius standard in order to make this section consistent with our current policies. The proposed 25 miles was an imprecise standard. *See 900 MHz proceeding,* 89 FCC 2d 1337 (1982) *recon.* (Part 1), FCC 82–503, released November 16, 1982, *recon.* (Part 2), FCC 83–146, released May 4, 1983. Consistent with the 900 MHz proceeding and the 50% overlap rule for two way stations at maximum height and power a 40 mile radius standard is more accurate. If there are two stations in the same vicinity both of which have height-power waivers there will be greater than a 50% overlap between them at a separation under 40 miles. Thus, the 40 mile standard assures that all possible situations are addressed. Since the old rule only asked for "in the same general area" the rule we are adopting is a refinement. It will also create less confusion for applicants because the same standard will apply to everyone instead of diverse standards for paging and two-way. This standard will also save significant processing hours for the staff.

42. *Radiation pattern, Section 22.15(j)(4).* We did not propose to amend this section which requires a polar diagram of the radiation pattern of a transmitter. Vega suggested adding a phrase to this section "for other than omnidirectional antennas", i.e., where the power gain, expressed in dB's, is equal at all points. This, Vega asserts, would alleviate the burden of including omnidirectional patterns. There is, from a practical perspective, no need for a polar diagram when an omnidirectional antenna is mounted on the top of the supporting structure. However, omnidirectional antennas are frequently side-mounted with a resultant change in the radiation pattern. Accordingly, we will accept, but modify, Vega's proposal to exclude from § 22.15(j)(4) omni-directional antennas mounted at the top of the supporting structure. See also the discussion of § 22.108.

43. *Topographic Maps, Section 22.15(j)(8).* We proposed to eliminate the requirement that applicants submit topographic maps as part of the application.[16] Instead, applicants will prepare and retain these maps as part of their business records. We also proposed to require applicants to make these maps available to the staff upon request and make them available to members of the public at a reasonable reproduction cost. We believed this would substantially reduce the volume of paperwork currently processed and still permit the staff to examine topographic maps in those unusual situations where it is necessary. In addition, we clarified that the topographic maps should include lines of latitude and longitude as well as a scale. The topographic maps are used in computation of average terrain elevations.

44. Peters suggested that we eliminate preparation of these maps when average elevations are determined by computer. He states that the trend among engineers is to use a computerized terrain data base, and obtain and plot average terrain points. He states that this eliminates human error and is less costly.

45. Comp Comm suggested that the requirement for submitting and retaining topographic maps that show the location of radials used in determining average terrain elevation information be eliminated. Comp Comm asserts that the maps serve little purpose, submissions if in full size, are voluminous and costly to reproduce, and reduced submissions are unreadable. Modern computer digitizing techniques provide other ways of obtaining this information without drawing the actual location of each radial on topographic maps. Comp Comm also suggested that the requirement for preparing and submitting an unreduced part of a topographic Quadrangle Map showing the exact location should be retained. It states that these maps are inexpensive to prepare, are normally prepared for submission to the FAA, and aid greatly in assessing the exact location of sites. As a result, coordinate discrepancies can be resolved easily. Comp Comm recommends that these requirements be clarified to apply to all Form 401 applications, including rural radio transmitter sites, but not receiver sites.

46. Hill recommended that the Commission retain the provision that the applicant provide a map showing the precise location of the site because such maps do not involve a major cost to applicants and they sometimes reveal that prior coordinates of towers are in error by ½ mile or more. These errors, it is argued, are more likely to be brought to the Commission's attention if a map is required.

47. Telocator accedes to eliminating the submission of topographic maps provided that this does not change the requirement that the maps in fact be prepared and provided promptly to interested parties on request. Should problems develop, Telocator asserts, the Commission should reinstitute filing requirements. USITA also agrees with the proposal.

48. Fletcher in reply comments suggests that we specifically allow the use of computerized terrain data and computer methodology for determining the height above average terrain as an alternative to manual methods using topographic maps. Fletcher would also eliminate the requirement for preparation of profile graphs, average terrain elevations and so on, for 900 MHz paging facilities.[17] Fletcher states that computerization is quicker and significantly less costly.

49. MCI in reply comments supports Hill's and Comp Comm's suggestions of retaining submission of maps showing the exact location of proposed station transmitter sites in order to resolve coordination discrepancies quickly. MCI concurs with the rest of the proposed rule, i.e., that the maps be maintained by applicants and be made available at the Commission's request. MCI states that the proposed rule invites disputes inasmuch as it provides that maps be promptly furnished to members of the public at reasonable reproduction costs. It suggests an alternative, that the rule direct members of the public to request the maps from the Commission, which in turn would formally request filing by an applicant within a reasonable period of time (as a minor amendment). The public then would follow normal Commission procedure for obtaining the maps. MCI suggested that this apply only to pending applications to avoid burdens on storage and retrieval of this information.

50. We have decided to allow the use of computerized terrian data for the computation of average terrain

[16] These maps are not to be confused with the U.S. Geological Survey maps on a scale of 1:250,000 that are required to be submitted with cellular and 900 MHz paging applications.

[17] This was already done in the 900 MHz proceeding, General Docket 80–183, 89 FCC 2d 1337 (1982), Memorandum Opinion and Order on Reconsideration (Part 2), FCC 83–183, released May 4, 1983.

elevations. We have been persuaded that this is in the public interest in accordance with our desire to update our rules, to keep them currrent with technological advances, to eliminate human error and to reduce costs for applicants. In order to provide consistency in filings we will require the use of the National Geophysical and Solar Terrestrial Data Center, 30 second point elevation file. This data must be processed for intermediate points along each radial employing linear interpolation techniques. The height above mean sea level of each antenna site must be obtained using appropriate topographic maps. In addition, we have added language to § 22.15(j)(8) providing that the topographic maps and profile graphs need not be prepared when using computerized techniques. *See* § 22.115(c)(2), which allows computation of average terrain elevation to be computer-generated. We reject Comp. Comm's, MCI's and Hill's suggestion to require site maps, as unduly burdensome on the applicants. This filing is not necessary in light of our decision not to require the filing of the topographic map unless requested by the staff. In cases of coordinate discrepancies, the staff will request the maps if necessary. We also reject MCI's suggestion that we require applicants to submit the maps to the Commission with the Commission making them available to the public. This procedure would be unduly burdensome for the Commission. We disagree with MCI that the rule invites disputes, and instead believe that the public will reasonably comply with this rule.[18] It is intended to assist those who may have standing to object to an application on the ground of potential electromagnetic interference. The applicants are under no obligation to provide the maps to any other persons.

51. *Waivers, Section 22.19.* Since in this comprehensive revision of the rules we intend to eliminate, clarify and update rule sections which have previously been the subject of waiver requests, we proposed to adopt a more restrictive approach to waivers. Specifically, we proposed to require that all waiver requests be fully supported and that applications with unsupported waiver requests be dismissed as defective unless the applicant also provided an alternative proposal complying with the rules.

52. Kadison objects to this rule as being too restrictive; it suggests that a waiver be justified where an applicant demonstrates good cause, regardless of "unique circumstances". Kadison asserts that a restrictive waiver rule will not permit systems to evolve with new technology or ideas. Further, Kadison believes that waiver requests should not be required to be accompanied by an alternative showing because it may be unfair, especially where the information requested is proprietary or its production is burdensome. According to Kadison, the Commission should allow applicants to either amend or dismiss the application if the waiver request is rejected. Vega also objected on similar grounds. Telocator supports adoption of the rule and recommended clarification of subpart (a).

53. We will adopt the rule as proposed with one modification. As we stated in the NPRM we expect that under our revised rules applicants will only request waivers in extraordinary circumstances. We believe our rule will eliminate excessive administrative burdens by limiting frivolous waiver requests, of which there are many. Requiring applicants to submit alternative proposals which comply with the rules is not unduly burdensome. We also disagree with Kadison that this is too restrictive and will not permit systems to evolve with new technology or ideas. We have a rule for developmental authorizations which provides for new system development. We agree with Telocator and have clarified subpart (a) to include language regarding the showing for waiver requests.

54. *Defective applications, Section 22.20.* Although we only proposed miscellaneous revisions to this section, e.g., to correct various errors in subpart (b) and to eliminate language with regard to site availability commenters suggested additional changes to this section.

55. FCBA suggested that we clarify § 22.20(a)(2) which provides that an application will be returned as defective if it does not substantially comply with the Commission's rules, regulations, and requirements. FCBA states that this section is ambiguous in reference to when an application is entitled to comparative consideration. FCBA asserts that the implication in § 22.20(a)(2) is that, if an application does substantially comply with the Commission's rules, it is acceptable for filing. Telocator in reply comments rebuts FCBA's concern. It states that under *Allen C. Moore,* 86 FCC 2d 787 (1981), the Commission set forth an objective test for determining whether an application is entitled to comparative hearing: whether the application was received in a form acceptable for filing prior to the cut-off date. Therefore, Telocator maintains there is no need for clarification.

56. We agree with FCBA that § 22.20(a)(2) requires clarification and we will amend it accordingly to make clear that applications that are unacceptable for filing will not be entitled to comparative consideration. In effect, we are codifying *Allen C. Moore.* This change also reflects Commission policy that "substantially complete" applications which are defective are not entitled to comparative consideration in the common carrier mobile services.[19]

57. *Amendments of Applications, Section 22.23.* We proposed to amend our rule dealing with amendments to applications in order to clarify the rule, avoid extensive litigation which our present rules have created, expedite application processing and accelerate service to the public. We now discuss each of our proposals.

58. *Amendments As of Right, Section 22.23(a).* We proposed to permit amendments only within 90 days from the application filing date. Beyond this point the applicant must withdraw the application and file the "amended" application anew. We also proposed, in order to expedite the processing of applications, that once a petition to deny has been filed against an application, no amendment to that application would be permitted unless the amendment is filed to meet all the objections of petitioners, such that any petition(s) may be dismissed.

59. This proposed rule was inadvertently adopted in the *Second Report and Order* in the Lottery Proceeding, FCC 83–114, 48 FR 27182 (June 13, 1983).[20] The effective date of this rule was stayed by Order, FCC 83–378, released August 9, 1983. We intended to examine changes to this rule in this proceeding. Extensive comments were filed offering various alternatives to our proposal.

60. Peters asserts that it is too restrictive and suggests allowing an amendment as of right provided that: (1)

[18] We clarified § 22.15(j)(8) by providing that the profile graphs prepared according to § 22.115(b) need not be filed, and we clearly indicated the scale of the topographic maps.

[19] Kadison agreed with retaining § 22.20(b)(2) which refers to an application being defective because the filing fee is insufficient. However, as we indicated in the NPRM the Commission has suspended the collection of filing fees. This does not preclude the Commission or Congress from establishing a filing fee schedule in the future. Thus, we are not deleting this section at the present time because the Commission has not announced the permanent discontinuance of filing fee schedules.

[20] A Petition for Partial Reconsideration of this rule has been filed in the Lottery Rulemaking proceeding by Kadison. We will grant the Petition to the extent indicated in paragraph 64, *infra.*

It is filed within 90 days of the latest date of public notice of the application (reflecting the necessity for issuing notice of a major amendment); (2) the amendment is required by § 1.65 of the Commission's rules; (3) the amendment responds to one or more objections raised by a petition to deny; (4) the amendment resolves frequency conflicts without creating new or increased frequency conflicts; or (5) the amendment responds to a Commission request. Peters also suggests that the Commission provide that it "may return a tendered amendment as defective if the amendment is filed in violation of this section or if acceptance of the amendment would result in the amended application being returned as defective pursuant to § 22.20(a)." Return of an amendment will not affect the status or content of the application as previously filed or amended.

61. Many of the comments objected to the proposal not to allow amendments after a petition to deny had been filed unless it responds to all the objections in the petition. Kadison argues that this will encourage petitions to deny as a means of interfering with the applicant's right to amend. TDS asserts that this proposal will encourage numerous and lengthy pleadings, and that this section will encourage carriers financially capable of litigating for long periods to force applicants with limited resources to agree to settlements on terms favorable to the protester. FCBA opposed the section on similar grounds.

62. Kadison agrees with allowing amendments within 90 days of the original filing date in compliance with § 22.29 (settlement agreements) as applicable. It also suggests that amendments be permitted after 90 days if good cause is shown, compliance with § 1.65 always being considered good cause. AT&T also agrees with the 90 day period, stating that existing policies have led to regulatory abuse and delays, and recommends that the 90 days begin at the time the application appears on public notice. FCBA in its comments also requests that the section be clarified to indicate whether § 1.65 amendments will be permitted to be filed after the 90 day period or after a petition to deny has been filed. It asked for clarification of § 22.23(a) in light of the § 22.23(c) major amendment rule, regarding whether all amendments are precluded after 90 days. Telocator in its comments assumes that the 90 day limit does not preclude the Commission from entertaining motions for leave to amend beyond the 90 days. FCBA also requested clarification of this aspect. Hill opposes the 90 days rule, stating it will create more work and will result in applications for modifications of construction permits being filed instead of amendments. Hill also criticizes the failure to provide for amendment under § 1.65 of the rules. As to amendments after petitions to deny have been filed, Hill states that this should not affect an applicant's right to amend within the same time period established for other applicants with which it is mutually exclusive. MCI in reply comments objects to the proposed rule, agreeing with Kadison's and Hill's comments.

63. Our 90-day rule was designed to expedite application processing. Likewise the other rule revisions are intended to streamline our procedures. However, after further consideration we have decided to modify subsection (a). We have been persuaded that the rule would not promote our objectives but instead would create additional burdens for applicants and the staff. Upon further analysis we believe the rule we had in the past is more efficient than the 90-day rule. Therefore, we are adopting a rule which will permit amendments as of right at any time prior to designation for hearing or before the application is placed on public notice for a random selection process.

64. We will also modify subsection (a)(2) which provides that after petitions to deny have been filed, amendments would be permitted if they responded to the objections raised in the petitions so that the petitions may be dismissed. We have been persuaded by the comments that our proposal goes too far and would probably precipitate additional pleadings and concomitant delays. We have provided that amendments which resolve interference conflicts or amendments under § 22.29 may be filed at any time.[21] We believe the rule we are adopting is more in line with our objectives without being unduly burdensome to the public.

65. We do not agree with the comments that we should include the filing requirements of § 1.65 under this subsection. Section 22.13(a)(5) already provides that applicants are required to maintain their applications substantially accurate and complete. The purpose of § 1.65 is merely to ensure that applicants inform the Commission of any information in their applications which is inaccurate. Thus, acceptance of an amendment for purposes of § 1.65 may involve no determination as to the effect to be given it for other purposes.[22]

66. *Major Amendments, Section 22.23(c).* We proposed to take a more liberal approach in classifying amendments to applications, deleting some of the categories of major amendments in the old rule. Instead we proposed that all amendments be considered minor (not subject to public notice requirement and cut-off rule) except for the categories we listed. We intended to clarify this rule and to streamline processing of applications by reducing the number of applications that unnecessarily appear on public notice.

67. Peters agreed with the proposed rule with the proviso that the requirement of submitting an exhibit showing both the original and proposed service contours apply only to situations involving § 22.23(c)(2) (amendments to base station facilities) and that (c)(1) (change in technical proposal) and (2) not apply to cellular applications. Peters also states that (c)(2) is ambiguous as to whether it refers to greater or lesser of 10% or one mile. Kadison suggested retaining current (c)(4) which governs amendments converting the proposal into a major environmental action under § 1.1305. Kadison states this type of amendment should be considered major because major environmental actions as provided in the National Environmental Policy Act of 1969 should be placed on public notice and be open to protest. Kadison also disagreed with the proposed language concerning changes in ownership or control, arguing that simplification may change the meaning of the section or make it ambiguous because "substantial" is undefined. Kadison suggests following "applicant" with "such that the change would require, in the case of an authorized station, the filing of a prior assignment or transfer of control application."

68. In its comments TDS disagrees with the proposal for subsection (c)(2) when overlapping base stations under common ownership are involved. It suggests creating an exception to read "where the enlargement is wholly encompassed by the reliable service area of base station facilities under common ownership." Vega had a similar proposal, i.e., that the rule should treat modifications as minor for wide-area systems where there is no change to the existing licensed service area or proposed service area. The contours of the wide-area system much like the

[21] However, any such amendments filed after designation for hearing must be approved by the Administrative Law Judge in accordance with § 22.23(b); any such amendments filed after the application is placed on public notice for a random selection process must be filed in accordance with that public notice's requirements for the filing of such amendments.

[22] Cellular Systems, Memorandum Opinion and Order, FCC 83-161, released April 22, 1983. In this order we recently indicated that § 1.65 is not intended for major amendments and should not be used to circumvent our rules.

cellular geographic service area, would be the composite outer service area contour. The existing licensed service area and proposed service area changes would be examined for that portion of the contour that makes up the overall area, under the one mile/10% rule. Proposed changes then, must not encompass any new territory, above and beyond the one mile/10% rule, that is not already served by at least one other site. Vega states this would allow greater system flexibility.

69. Comp Comm suggested clarifying (c)(2) by adding after 1 mile or 10%, the phrase "whichever value is greater",[23] and modifying § 22.23(c) by adding that the exhibit showing both the original service contour and the proposed service contour should be submitted on 1:250,000 USGS maps without reduction.

70. Hill recommends that proposed (c)(2) give credit to the area lost in a modification of a proposed service area complying with the 10%/1 mile rule. He states that in relocating a site, an applicant usually loses substantial service in areas to avoid the "major amendment" status. Then, when the area lost is critical, the applicant will often seek a modification to gain it back. Hill suggested that the rule have an alternative to the 10%/1 mile rule: that the modified proposal would be a minor amendment if the change in service area amounts to no more than a 10% net gain in service area (gain less loss area). He states that this would eliminate emphasis on gain area to the exclusion of the loss area. He also recommended that the rule recognize that it can be used to determine whether an application for modification of an existing facility can be processed on an expedited basis. As long as an application for modification has been filed and an appropriate showing submitted establishing that the nature of the application is "minor," the licensee should be allowed to proceed with the change. This would help eliminate the number of STA's filed and is analogous to the proposal to allow fill-in transmitters without formal filing requirements. MCI in reply comments agrees with Hill's comments concerning the credit for area lost but suggests that the standard be changed to 20% gain in any one of eight radial directions, eliminating the mileage criteria.

71. Telocator agreed with the proposed rule with one caveat. Telocator suggests that any change in station location should be classified as a major amendment for the limited purpose of affording co-channel licensees the opportunity to object to the amendment on interference grounds. It asserts that this will enable co-channel licensees independently to verify the applicant's calculations with respect to whether the amendment will enlarge the reliable service area by more than 10% or extend a radial of the reliable service area by more than one mile. Telocator argues that this will help insure the accuracy of independently maintained data bases which will be relied upon in the coordination of later frequency requests. It asserts that the application should not be considered newly filed unless the amendment expands the reliable service area by more than 10% or more than 1 mile. MCI agrees with Telocator's proposal but notes that interference standards should continue to be objective and amendments should be reviewed by the staff according to such standards.[24]

72. Telocator in reply comments agrees with Vega's and TDS's proposals for commonly controlled stations. It agrees with adding the language proposed by TDS, provided the Commission also adopts Telocator's proposal to classify amendments for change in the location of the station as major.[25]

73. TDS also suggested that the rule be clarified to state that an amendment filed by the first filed mutually exclusive applicant will not be considered a major amendment where the amendment is designed to make its reliable service area contour equivalent to that proposed by the competing applicant. Telocator objects to TDS' recommendation.

74. We are adopting the rule as proposed with minor modifications. In accordance with our decision not to require Carey interference contour maps we will not require that amendments to applications be accompanied with an exhibit showing the original service contour and the proposed service contour. This would be an additional burden for applicants. As required in the past we still require that all major amendments must make the interference free showing as specified in § 22.15(b). We also reject Kadison's proposal that we include in this rule amendments which constitute major environmental actions pursuant to § 1.1305 of the rules. Amendments which involve major environmental actions are listed on public notice under § 22.27(a)(4) of the rules merely for the purpose of filing comment based on environmental impact. See also § 1.1313 of the Rules. There is no reason to consider them major amendments for the purpose of treating the application as a newly filed application.

75. We will adopt TDS' and Vega's proposal concerning stations under common ownership and we will add a sentence at the end of subsection (c)(2) providing that it will not apply if the extension is into a service area presently authorized to the applicant and on the same frequency. We will also clarify this section to state that amendments which enlarge the reliable service area of base station facilities by more than one mile along any of the eight radials are considered major amendments. This criterion is less ambiguous than the proposed 10% or 1 mile rule and it establishes the same criteria for everyone regardless of the size of the service area. We are also rejecting Hill's and MCI recommendation that we consider the overall net gain in the service area (i.e., if an applicant decreases by one mile along the 315 radial and increases by 2 miles along the 45 radial, this should not be considered a major amendment). We will adopt the rule that any increases of more than a mile will be considered major. Hill's and MCI's suggestion has the potential for creating more interference for co-channel systems than the standard we are adopting.

76. As to Hill's recommendation that "minor" modifications to existing stations should be allowed to proceed as long as the application for modification has been filed, § 22.9 and the new Form 489 provide for this. However, a major modification requires the filing of a Formal 401 for an authorization.

77. We do not agree with Telocator that any change to a station location should be classified as a major amendment. We deem changes in the reliable service area to be the more important criteria and not changes to the station location. In addition, we disagree with TDS's proposal to consider as a minor amendment changes to the reliable service area to make it equivalent to the service area proposed by a competing applicant. We consider changes to the reliable service to be major amendments and we will not factor in whether the applicant wants to change its reliable service area to make it equivalent to that of a competing applicant. The language we are adopting

[23] MCI in reply comments suggested the same.

[24] Offshore suggested that the language in § 22.23(c)(1) "change in technical proposal such as but not necessarily limited to" be changed from "such as (but not necessarily limited to)" to "defined" as. We do not find this to be an improvement on the current language.

[25] MCI in its reply comments also suggests permitting amendments to reduce the size of the Cellular Geographic Service Area. The Commission has already granted the relief sought by MCI in the Cellular Rulemaking, CC Docket No. 79-318. Memorandum Opinion and Order, FCC 83-161, released April 22, 1983.

gives the staff the flexibility required to resolve issues that we may not be aware of at this time.

78. *Mutually Exclusive Application, Section 22.23(d).* The major amendment rule has two purposes: To require that amendments which are major under Section 309 of the Act and the rules be listed on public notice, and to establish the filing date for the application as the date on which the major amendment was filed. This latter proviso is crucial because of the cut-off rule, which provides that an application for the same frequency will be entitled to comparative consideration with an earlier-filed application if the later application is filed within 60 days of public notice that the first application was filed. The ambiguity of our old rule has created problems and delayed processing of applications when a mutually exclusive applicant files a second application, and the staff could not determine whether it was filed with the purpose of amending the earlier filed application. We therefore proposed to focus on two factors: (a) the cut-off rule and (b) expedited processing of mutually exclusive applications. In the NPRM we stated that we would process the mutually exclusive applicant's later file application which is not intended to amend the first, separately from the first. We also proposed that no major amendments of a mutually exclusive application would be permitted except to withdraw from the mutually exclusive situation (i.e., amendments which resolve frequency conflicts). We further stated that this policy would apply regardless of whether the 60 day period had passed. Finally, we also proposed in order to avoid delay in mutually exclusive situations, that an applicant which is mutually exclusive with an earlier applicant shall file a separate Form 401 for the frequencies which are not mutually exclusive with the first applicant. The last proposal would amend § 22.31(e).

79. Peters disagrees with this rule, stating that applicants should have a right to amend regardless of whether the application is mutually exclusive, assuming the major amendment is filed within the 60 day cut-off period for the amended application. Peters also states that the rule should specify what treatment is going to be accorded to an application in a situation where the applicant files a major amendment either without knowledge or in spite of a pending mutually exclusive application. Kadison suggested that the rule allow amendments that fall in the categories described in proposed § 22.23(h), which is now § 22.31(e), the exceptions to the major amendment classification. Kadison also suggests that all major amendments be allowed prior to the end of the cut-off period. The reasoning is that during this time period a newly filed application would not be cut-off in any event.

80. As we stated in the NPRM our purpose is to expedite resolution of mutually exclusive situations. However, after reviewing the comments we have concluded that the proposed rule would not result in expedited processing of mutually exclusive situations and would probably result in increased administrative burdens. Therefore, we will not adopt this proposal.

81. *Exceptions to major amendments classifications, Section 22.23(h).* We proposed to revise and relocate our present rule § 22.31(e). We proposed to revise subsection (2) to clarify that this exception to the major amendment classification only applies to amendments resolving frequency conflicts with other pending applications. The language in the old rule was misleading inasmuch as it referred to "authorized stations". We eliminated the exception dealing with change of equipment in accordance with our proposal to permit licensees to replace equipment without prior authorization. We also proposed to add a new exception where the applicant proposes only a change in a control or repeater frequency, since this is not such a substantial change in the original application as to require that it be considered as newly filed.

82. Telocator disagrees with the language in (h)(6) which provides an exception when the amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing. Telocator asserts that this provision requires subjective *ad hoc* determination of "demonstrably necessitated by events . . . foreseen at the time of filing." Telocator believes that the Commission should limit its role to determining objectively whether the amendment would create new or increased frequency conflicts.

83. We have made a minor modification to this rule adopting it as 22.23(g). We are not persuaded by Telocator's suggestion. The language in (g)(6) is the language we have in the current rules. That language has not created any problems either for the staff or for the applicants. We believe the section is in the public interest and we will therefore keep it in our rules.

84. *Public Notice, Section 22.27.* We proposed to amend subsection (a)(3) to provide that public notices released for informational purposes only do not create protest rights. Kadison and Telocator filed comments on this proposal. TDS filed reply comments. Kadison disagreed with the proposal because it may engender litigation as to which public notices create rights and which do not. It proposes that the rule be retained with its current wording. Telocator agrees with the proposal and suggests adding that the filing of proposed Form 489 (Notification of Status of Construction of Facilities) and minor amendments to applications are deemed to be of public significance. It asserts that the routine listing of such actions on public notice enables the industry to police compliance with construction requirements and maintain accurate data bases. TDS agrees that the filings of Form 489 should be listed on public notice.

85. We will adopt the rule as proposed. We see some merit to Telocator's proposal but we will not include it in the rule because of the heavy staff burden associated with it. The rule we are adopting permits our listing on public notice applications which we deem of public significance. We think it is not necessary to add Form 489 or minor amendments to the rule. We disagree with Kadison that the rule will engender litigation. As we stated in the NPRM we proposed this revision because our old rule has created confusion, and members of the public have believed that informational public notice entitled them to 30 days' notice and the right to file protests. We believe our rule will alleviate an unnecessary staff burden without compromising the rights of other applicants and licensees and without adding to public confusion. *See also* discussion in paragraphs 216 *infra, et seq.*

86. *Ownership changes and agreements to amend or dismiss applications or pleadings, Section 22.29.* We proposed to eliminate the prior approval requirement, proposing instead that applicants notify the Commission of any relevant settlement agreements at the time they make ownership changes, dismiss pleadings or amend or dismiss applications.[26] Peters, Kadison, Comp

[26] The present rule establishes standards by which the Commission reviews settlement agreements among parties to contested applications. In requiring prior approval of such agreements the Commission concerns have been: (1) To discourage financial incentives to file strike applications; (2) to discourage unreasonable buy-out of competitors; and (3) to discourage attempts to delay grants or unreasonably profit from the administrative process. See Domestic Public Land Mobile Radio Service, 60 FCC 2d 549 (1979).

Comm, Telocator, and Pagenet filed comments. Telocator and AT&T filed reply comments.

87. Peters states that the proposed rule is different from the current standards being used for cellular applications and that the rule does not state whether it applies to partial or complete settlement; Peters suggests that it be applicable to both.[27] Kadison disagrees with the proposed rule, stating among other things, that not having a limit on buy-outs for cellular applications will encourage the filing of more applications because applicants will know a profit can be made. Kadison suggests that buy-outs be limited to reimbursement of costs and that itemization be required for services like cellular and network paging for which the application costs are high. Comp Comm suggested further revising the rule to include requiring the filing of full details in all settlements involving frequency and time sharing, coordinated operation, and/or acceptance of interference. These agreements would be placed on an informational public notice to permit proper design of future adjacent systems and preparation of correct interference studies. Telocator and Pagenet support the proposed rule. Pagenet states that the proposal is a reasonable means to encourage settlements and an effort to return decision making to the market place. AT&T disagrees with the elimination of the requirement of prior Commission approval. It asserts that this will have a chilling effect on settlements, contrary to the Commission's goal of decreasing the number of comparative hearings. If the Commission abandons its role, AT&T believes other federal or state agencies may undertake greater scrutiny. There would be uncertainty about the standards used by these agencies, which may be different from the public interest standard in the Commission's regulations. Ultimately, AT&T contends, this may result in longer state certification proceedings.

88. Congress recently amended Sections 311 (c) and (d) of the Communications Act of 1934, liberalizing previous standards and providing that in approving agreements removing application conflicts for broadcast applicants, the Commission will examine whether the agreement is in the public interest and will ascertain that no party to the agreement filed its application for the purpose of reaching or carrying out such agreement. Communications Amendments Act of 1982, Pub. L. 97–259, Section 116. The broadcast rules now only require that the applicants submit an affidavit stating that the agreement is in the public interest and that no party to the agreement filed its application for the purpose of reaching or carrying out such agreement. *See Amendment of Section 73.3525*, FCC 83–152, released April 14, 1983.

89. Section 311 of the Act does not explicitly apply to the Public Mobil Services. Our current rule was modeled after the more restrictive old broadcast rules. We believe that the regulatory concerns embodied in our old rule are no longer relevant in the public mobile services. The critical shortage of frequencies which underlay the prior approval policy is no longer a concern. The mobile services market is a very competitive market and thus unlikely to create incentives for the type of behavior mentioned above. We also have adequate tools to deal with abuses of the regulatory process should they occur. In light of the policy embodied in the Congressional amendments to the Communications Act, and for the reasons we have indicated, we believe it is in the public interest to eliminate the prior approval requirement and adopt the rule as proposed.

90. *Informal Objections, Section 22.30 (b) and (c).* We proposed to eliminate the sections providing for informal objections to applications. Kadison, Vega, AT&T, Telocator, and USITA filed comments with regard to this proposal. MCI and TDS also filed reply comments.

91. Kadison opposes the proposal and suggests both subsections be retained as written. Kadison states that often, even with due diligence, it may take longer than 30 days to ascertain a problem and file a formal pleading; moreover, facts and circumstances may arise after the 30 day period which a party should be allowed to raise. Vega also opposes the proposal and suggests limiting the informal objections to those concerned with possible co-channel interference, because of the large number of applications, it takes longer to determine if an application would be harmful to an existing licensee. Telocator objects also, stating that trying to reduce the number of frivolous pleadings should not be accomplished by sacrificing procedures designed to insure informed decision making. MCI also objected, agreeing with Kadison and Telocator.

92. AT&T agrees with the proposal. USITA also agrees provided the Commission makes clear that informal comments will still be entertained as § 1.41 filings. TDS also agrees and asks for clarification of whether parties could file objections under §§ 1.45, 1.46 and even 1.106(b)(2) for a late petition.

93. We will adopt our proposal. The commentors have not persuaded us otherwise. As we stated in the NPRM, under our present rule many applications which would be otherwise granted routinely and quickly are delayed by informal objections. Parties are encouraged by the rules to file informal objections because among other things it is easy and inexpensive to do so. The staff spends approximately the same amount of time resolving informal objections as they spend on formal objections. The consideration given to these objections is often not materially different from the consideration given to formal objections. Consequently, a different filing requirement is unwarranted. We believe it is not unreasonable nor unduly burdensome to require that the objection be presented with the formality required by Part I of the rules.[28] Interested persons who cannot meet the 30 day deadline may request extensions of time under § 1.46, or they may file a properly supported motion to accept late filed pleadings. Consistent with Commission policy the staff will consider all properly supported motions.

94. *Petitions to Deny Major Amendment, Section 22.30(d).* We proposed to revise this rule to provide that petitions to deny a major amendment may only raise matters directly related to the amendment and not the underlying application, which has already appeared on public notice. Our current rule allows a petition to deny a major amendment to raise any public interest considerations, even if unrelated to the nature of the amendment and even if petitioner did not raise these matters when the original application was filed.

95. USITA and AT&T support the proposal. AT&T states that it will discourage duplicative challenges and help limit the time that an amended application may be delayed by a petition. Kadison opposes the adoption of this section. Kadison states that often a party reviews an application for the purpose of filing a petition to deny only after it receives notice of a major amendment, and that it may have had no interest or standing to oppose an

[27] The rule we are adopting will apply to partial settlement in non cellular services as well as a total settlement in the cellular radio service. As for partial settlement agreements in the cellular radio service we have indicated the procedure to be followed by applicants in *American Radio-Telephone Service Inc. and Post Cellular Telecommunications, Inc.*, FCC 83–179, released May 9, 1983, *modifying* CC Mimeo No. 812, released November 16, 1982

[28] Our proposal does not affect § 1.41 of the rules (informal requests for Commission action).

application until the amendment was filed. Thus, the amendment signals the opportunity for a party's initial petition and the party should be able to raise any issue it considers legitimate.

96. We will adopt the rule as proposed, with minor modifications. We will add a provision that the rule will not apply to petitioners who gain standing because of the major amendment. We believe our rule expedites application processing and preserves due process because an interested party has an adequate opportunity to comment on the information contained in the underlying application and on the amendment.

97. *Additional frequencies, Section 22.31(e).* We proposed to add a new subsection (e) to this rule providing that, when an applicant requests a frequency which is mutually exclusive with another application, he cannot in the same application request additional frequencies which are not mutually exclusive with the first application. The additional frequencies must be applied for in a separate application. *See* discussion of § 22.23(c). Kadison, and Telocator filed comments; MCI filed reply comments.

98. Kadison agrees with the proposal provided that the rule allows applicants to sever applications into two or more without penalty. It states that where the application creating potential conflict has not yet been placed on public notice, or if it is listed on public notice simultaneously, an applicant may inadvertently combine frequency requests.

99. Telocator states that the rule seems to imply that the second-filed mutually exclusive application that also requests non-mutually exclusive frequencies could be dismissed. It states that this result would be too harsh and that the proposed rule will invite litigation as to whether and when an applicant should be aware of the mutual exclusivity. It suggests changing the word "shall" in the first sentence to "should". Telocator recommends that the rule afford mutually exclusive applicants (including the first filer) an opportunity to amend applications, *nunc pro tunc* (as of its original filing date), for uncontested frequencies on a second Form 401. Telocator also recommends that the staff sever the applications on its own motion, granting them to the extent they are not mutually exclusive, prior to designating for comparative hearing. MCI disagreed with the proposed rule as too harsh. MCI agreed with Telocator's proposal to permit the second applicant to amend *nunc pro tunc*, bifucating into two requests, one clear of a conflict. It states that the clear application and any authorization should not be considered in a comparative hearing to avoid claims of prejudice.

100. We agree with the comments and are modifying the proposed rule. We are adding language to the effect that if an applicant requests a frequency which is mutually exclusive with another application that has previously been placed on public notice, it shall not request additional frequencies which are not mutually exclusive in the same application. Therefore, we are adding an objective test: if the first application has been placed on public notice, the second applicant is charged with actual knowledge and must request additional frequencies in separate applications. Any nonconforming application will be dismissed in its entirety. If, however, the first application has not appeared on Public Notice, we will assume that the second application violates the rule by chance, rather than by design. In such cases (expected to be few), we will allow the applicant to sever its mutually exclusive portion and to receive *nunc pro tunc* treatment for its additional frequencies or locations. Pursuant to this rule the request for additional non-mutually exclusive frequencies will be dismissed if they are filed on the same application. As we stated in the NPRM we believe our rule will expedite application processing of mutually exclusive applications and it is not burdensome on applicants.

101. *Transfer of Control or Assignment of Station Authorization, Section 22.39.* We proposed to revise this section to make it clearer, to indicate the forms to be used in these situations, and to eliminate unnecessary forms. Peters filed comments regarding proposed subsection (b)(5) (partial assignments) stating it was not clear. We proposed for partial assignments that the assignee file a Form 408 if the facilities are to be incorporated into an existing licensed station and Forms 401 and 408 if a new station is to be established. The assignor will file an FCC Form 408. Peters suggested using the proposed Form 705 (Application for Assignment or Transfer of Control), with the permits or licenses for which assignments is desired specified thereon. Due to the administrative requirements the number proposed for Form 705 has been changed to Form 490.

102. Upon further review we have decided to modify our proposal. Both the assignor and assignee when requesting a partial assignment of a license will submit a Form 401. If the partial assignment is not completed within 60 days the assignor must file a Form 489 to return the license to its original specifications and the assignee must submit his authorization for cancellation. The rule adopted promotes our objective of expediting application processing and does not create additional burdens for applicants. It is also the result of careful consideration and scrutiny as to the type of information needed in these situations.

103. *Trafficking.* We proposed to eliminate the rule dealing with "trafficking" in licenses or construction permits in § 22.40. This rule currently requires Commission review of a proposed transfer or assignment of a license to determine if the circumstances indicate "trafficking" in licenses or construction permits whenever the applications for assignment or transfer involve facilities which have been operated for less than two years by the proposed assignor or transferor. The Commission reviews whether the proposed assignor or transferor acquired the authorization or operated the station for the principal purpose of profitable sale rather than public service.

104. Peters, Kadison, TDS, Hill and Offshore filed comments; Telocator filed reply comments. Peters, Hill, Kadison and Telocator support the proposal. Kadison urged that the section continue to apply where a station has been operated for less than one year and where it was obtained by the transferor or assignor by means of a comparative hearing or a lottery. Kadison further suggests that deletion of § 22.40 in all circumstances could encourage use of straw men in lottery proceedings and would make a mockery of the comparative hearing process.

105. TDS and Offshore oppose the elimination of this section. They state that reliance on proposed § 22.309 (Representations) is inadequate, especially in view of the lottery procedures. They also contend that it is a bad time to eliminate the trafficking rule because there could be increases in speculative applications. Offshore, like Kadison, suggests maintaining the rule when the authorization was obtained through a hearing or a lottery and the station has been operated for less than one year; in such a case the sale should not be made at a profit. Telocator in its reply comments rejects Kadison's, TDS' and Offshore's arguments. Telocator states that it is not clear whether the present rule or the one proposed by the commenters will significantly ameliorate alleged abuses to the extent they do exist. Moreover, it is clear that the present rule substantially compromises a licensee's ability to respond to the marketplace.

106. As we stated in the NPRM, we believe that modification of the trafficking rule recognizes the reality of the marketplace. There are many situations when it is financially advantageous to sell a station even though it has been operated for less than two years. We proposed to recognize this and allow licensees more easily or readily to take advantage of these economic opportunities. We will modify our original proposal to conform the PMRS rule with similar rules recently adopted for the broadcast and Domestic Public Fixed Radio Services. *Amendment of Section 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control)*, BC Docket No. 81–887, FCC 82–519, released December 2, 1982, and *Multipoint Distribution Service*, General Docket No. 80–112 and CC Docket No. 80–116, FCC 83–243, released July 15, 1983 (*MDS Decision*). In those proceedings, the Commission relaxed the anti-trafficking rules to permit free transferability of most licenses (*i.e.*, stations constructed); however, we retained a limitation on the transferability of licenses awarded after comparative hearings and on the transferability of construction permits. The limitation is simply that the Commission will review carefully any application for transfer of a construction permit or a license for a station operated less than one year. Essentially, we reserved the right to require the transferor to demonstrate that he was not speculating in authorizations to use the spectrum. *See MDS Decision, supra*, at paras. 142–145.

107. For the reasons stated in the cited proceedings, we will adopt a rule for Public Mobile Radio Services similar to § 21.40, adopted in the *MDS Decision*, thus, we will review carefully any applications for transfer of an authorization of a facility which has not been constructed (construction permit)[29] or an authorization of a facility obtained as a result of a comparative hearing if the station has been operated for less than a year,[30] with one exception: we will not apply the rule to paging stations at 35, 43 and 900 MHz.[31] We find that the public interest does not require any restriction on the transferability of authorizations in these services. In the past two years we have made available 28 channels for paging at 35 and 43 MHz (Dockets 19327 and 80–189) and 40 channels at 900 MHz, 37 of which are available for local paging (Docket 80–183). Thus, in each community nationwide there are now a total of 73 paging channels available where there used to be only 8.[32] We have accepted more than 5,500 applications for the 65 new channels, and we have granted hundreds of those so far. Only in a handful of cities have we received more applications for 900 MHz channels than there are frequencies available. To state the situation broadly, virtually all those who want paging channels can apply for and receive them. Consequently, the value of a bare construction permit to a prospective transferee should approach the cost of the transferee of applying to the Commission for his own new construction permit. With virtually open entry in paging and a very low likelihood that there are incentives to profit from the transfer of construction permits (or licenses held less than a year, for that matter), we see no public interest reason to restrict the transfer of paging authorizations.[33] Accordingly, we will adopt a revised § 22.40 consistent with the *MDS Decision* except for lowband and 900 MHz paging.

108. *Term of Construction Permit, Section 22.43.* We proposed to revise this rule to provide that a station must commence operations within 12 months of the grant of the construction permit. We proposed to add language stating our policy not to grant extensions based on lack of financing, or lack of site availability. The proposed rule also provides for extensions necessitated by delays in obtaining state certification. Peters, Vega and FCBA filed comments.

109. Peters supports the proposal. Peters also asked for clarification on whether § 22.43(b) (extension of time to complete construction) applies to cellular construction permits, and a statement that the Commission should permit extension of cellular construction permits in appropriate circumstances. Vega suggested that in subsection (a) the date of grant of the application by the Public Notice of announcement of that action. FCBA suggested that the proposed rule be amended to provide that if the permittee shows it has been "reasonably diligent in pursuing state certification, a reasonable extension of time will be granted. Telocator supports extending the construction permit term to 12 months and codifying the policy denying extensions based on lack of financing. Telocator disagrees with denying extensions based on lack of site availability, stating that the rule should allow for the possibility that unavailability of the site may be beyond the permittee's control. The staff should have discretion to grant an extension upon an adequate showing. Telocator reiterates its proposal to create an objective basis for determining due diligence concerning state certification, discussed in § 22.13 *supra*.

110. In conformance with our new procedures we have changed the title of this section to Period of Construction. Thus, after the radio station authorization has been granted, the licensee will have 12 months to complete construction. We disagree with Vega that the date of grant of the application should be the public notice announcement of that action. Most of the time the applicant receives the authorization before the action is placed on public notice. The time lag is typically one or two weeks. Occasionally mechanical or other problems with our equipment can delay issuance of the authorization beyond the public notice date. For uniformity and consistency, we will rely on the grant date printed on the authorization. As to FCBA's and Telocator's suggestion regarding state certification, we are adopting a presumption to determine whether the applicant has acted with diligence in pursuing state certification. We are providing that if the licensee files for state certification within 90 days of the license grant, a presumption

[29] This rule applies even if the authorization is obtained through a lottery.

[30] In cases of facilities operated less than a year our review will be limited to cases when the license was obtained after a comparative hearing. The rule will not apply to licenses obtained after lotteries. *But see* Amendment of the Commission's Rules to Allow the Selection from Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings, 48 FR 27182 at 27190 (June 13, 1983), FCC 83–114 released May 27, 1983.

[31] In reaching a determination to allow the transfer of constuction permits in some circumstances, we recognize that prior Commission rulings have stated that any sale of a bare license or permit for profit is prohibited by Sections 301 and 304 of the Act. *See, e.g., Amendment of Section 73.3597 of the Commission's Rules, supra.* While we may review that interpretion of the Act in the future, we do not believe that in circumstances where the construction permit or license has *de minimis* value as a result of market conditions, Section 301 and 304 preclude the free transferability of permits and licenses. Where, as here, no public interest considerations weigh against allowing the transfers, we believe they may, and should, be permitted. However, we wish to make clear that our decision herein is not intended to in any way affect previous Commission rulings prohibiting for-profit sales to protect the integrity of our licensing process.

[32] Four of the existing paging channels (152.24, 152.84, 158.10, 158.70 MHz) are allocated equally between wireline companies and radio common carriers, and these channels are fully utilized in most large markets. We will not include these channels in our rule until we determine whether to abolish the separate allocation in the companion NPRM.

[33] We will award mutually exclusive channels by lottery rather than comparative hearing; thus, the comparative hearing reservation does not apply here.

of due diligence is created. We have also added the same presumption for extensions of time based on failure to order equipment (see discussion of § 22.13). We are not persuaded by Telocator's comments that extensions of time should be granted for lack of site availability. As we stated in the NPRM, we believe that only in unusual cases will lack of a site be beyond the permittee's control. Licensee should be able to make arrangements for a site without prolonging the construction period. In addition, at the time of filing an application the applicant certifies that it has obtained reasonable assurance that the site is available; thus, lack of a site should be the exception and not the rule.[34]

111. *Termination of Authorization, Section 22.44.* We proposed to revise this section to clarify it and to include our policy that a construction permit will be forfeited where the permittee is denied state certification and the state appeal process has been exhausted.[35] Peters and Telocator filed comments concerning the proposal.

112. Peters states that § 22.44(a) (termination of authorization) is too narrow, and suggests that all authorizations, construction permits and special temporary authorizations shall automatically terminate upon failure to comply with the conditions in the authorization. We proposed that special temporary authorization shall automatically terminate upon failure to comply with the conditions in the authorization. All other authorizations shall terminate on the date specified on the authorization or on the date specified by the rules. Telocator agrees with the proposed rule and reiterates its proposal that a construction permit be deemed forfeited if the permittee has not applied for state certification within 90 days of acceptance of the application for filing, discussed in § 22.13, *supra*.

113. Concerning Telocator's proposal, we have included a presumption in § 22.43 for due diligence in pursuing state certification. With regard to Peters' proposal, § 22.43 already provides that an authorization will automatically expire if the licensee has failed to complete construction within the period provided in the rule and has failed to timely request an extension of time to complete construction. We see no reason to impose the additional measures advocated by Peters when there are other procedures for dealing with licensees who fail to comply with the conditions in their authorizations, e.g., forfeitures or license revocation. We will adopt the rule as proposed.

114. *License period, Section 22.45.* We proposed to clarify this section which states when licenses expire. Kadison and Telocator filed comments, and Telocator and TDS filed reply comments.

115. Kadison recommended staggering license renewals, with one fifth of the stations applying for renewal each year, to ease administrative burdens. Telocator and TDS recommended revising the license term to 10 years pursuant to the Communications Amendments Act of 1982, *supra*. In its reply comments Telocator rejects Kadison's proposal to stagger license renewals, as increasing administrative burdens.

116. In *Common Carrier and Satellite Licensing Procedures Pursuant to the Communications Amendments Act of 1982,* CC Docket 83–371, FCC 83–276, released June 9, 1983, this rule was amended to provide that licenses will be granted for 10 years in accordance with the 1982 amendments to the Communications Act. We are not persuaded that staggering the ten-year renewal cycle is more efficient and less burdensome than requiring all renewals for a particular service in the same year. Accordingly, we will adopt the rule as proposed.

117. *Frequencies, Interference, Section 22.100.* We proposed to amend this rule to state more clearly existing rules concerning interference matters and to codify several interference policies. We also proposed to codify our policy with respect to mobile-to-base and mobile-to-mobile interference, namely, to state explicitly that we do not act upon this type of interference complaint. Peters, Comp Comm and Telocator commented on the proposal.

118. Comp Comm disagreed with subsection (b)(5) (mobile-to-base, mobile-to-mobile intereference), stating that the presumption we relied upon in the NPRM, that there are technical measures to eliminate this type of interference, is not entirely correct. Comp Comm states that the rules do not consider interference when a station is proposed that accepts a large amount of interference from an existing two-way facility while still offering full protection under the Carey Formula to that existng station. It suggests revising the rule to require applicants to offer full Carey protection to existing facilities and not be permitted to accept base-to-mobile interference. It asserts that the concept of a proposed two-way facility accepting base-to-mobile interference while offering full base-to-mobile protection is equivalent to authorizing the mobiles of the proposed facility to destroy the mobile-to-base transmissions of the originally authorized facility. Comp Comm agrees that protection of a base station receiver from mobile interference is not justified solely to eliminate noise in an idle base station receiver, particularly since there are technical means available to eliminate the problem.

119. Telocator also disagreed with subsection (b)(5), stating that the proposed language is unnecessarily and unadvisably categorical. Telocator suggests that the rule be worded such that protection against mobile-to-mobile or mobile-to-base interference will be considered on a case by case basis. Telocator also suggested as a technical correction that § 22.100(g) should reflect that control and repeater stations may be authorized in the PLMS at 928–929 MHz, by adding at the end of paragraph (g) ". . . except as provided in § 22.501(g)(1)."

120. We are not persuaded by Comp Comm's and Telocator's suggestions concerning (b)(5). We will not offer protection for mobile-to-base or mobile-to-mobile interference. Our rules do not protect a licensee from the reception of a co-channel signal of a mobile unit operating in accordance with Part 22. A licensee not wishing to receive radio signals from mobiles not affiliated with its service may, for example, reduce the sensitivity of its base station receiver so that signals from mobiles beyond its reliable service area contour (RSAC) are generally beneath receiver threshold. Another technical measure is available to a licensee which does not wish to receive signals from any nonsubscribing mobile, even if it is within the licensee's RSAC. The base station receiver may be modified to accept a signal from only those mobile units which the licensee desires to serve by equipping it for tone-coded signals. If mobile units and the base station receiver are properly equipped, only those mobile units prefacing their normal signals with a unique code can have their signals detected and amplified by the base station receiver.

121. The key characteristic of the Public Land Mobile Service is the "mobility" of "mobile" units. They will frequently be moving from place to place, sometimes many miles from the RSAC of the licensee to which they subscribe. Many carriers specifically offer service to roamers as transient service. Unless its base station receiver is equipped not to detect and amplify

[34] In reply to Peters' question we note that subsection (b) (extensions of time to complete construction) is a rule of general applicability to all the radio services covered by this Part.

[35] Hazle-Tone Communications, Inc., FCC Mimeo 6645, released February 10, 1981.

the signals of mobile units subscribing to a different licensee, a licensee should anticipate receiving such signals, even if it considers them to be interfering. There is not now, nor has there ever been, any rule, policy or practice requiring mobile-to-base protection. We also believe it is excessively burdensome if not impossible to deal with this matter on a case by case basis. If we offered protection for this type of interference, it likely would prompt licensees to use this as a complaint mechanism to try to keep new carriers out or to protract the processing of their applications. Furthermore, we would not be surprised to see licensees attempt to use the complaint procedure as a competitive ploy against each other. Subsection (g) has been corrected as Telocator pointed out. In view of the above, we will adopt the rule as proposed.[36]

122. *Frequency Tolerance, Transmitter Measurements, Sections 22.101, 22.102, 22.207.* We proposed to make various changes to § 22.101 and to delete §§22.102 and 22.207. The transmitter measurement requirements in § 22.207 would be simplified and placed in § 22.101(b). We proposed to specify frequency tolerance limits, and leave it to the licensee's judgment to conform to these standards. Motorola and Telocator filed comments, pointing out errors in the rule.

123. Motorola points out that the mobile station tolerance for the 450–470 MHz band should be corrected to .0005 and that the footnote beginning "Below 512 MHz" (note 1) could be deleted as it no longer serves any useful purpose. Output, rather than input, power is now used in all bands so that this notation is no longer required. Telocator has similar comments, observing that the frequency tolerance for mobiles in the 470–512 MHz band should be .0005 and that base stations in the 821–896 MHz band may not exceed .00015 and mobiles .00025. We agree with the comments and have corrected the rule accordingly.

124. *Standards governing use of 72–76 MHz band, Section 22.103.* We proposed various revisions to this rule section, mainly to eliminate duplication. Only Peters commented on the proposal. Sections (b) and (c) establish parameters to be followed by applicants proposing stations located between 10 and 80 miles from TV channel 4 or 5 in the 72–76 MHz band. Peters suggested that there should not be an absolute prohibition as proposed in subsections (b) and (c). Peters believes that there should be some provision for operation of 72–76 MHz transmitters where an adequate showing is presented which clearly indicates no threshold interference. Peters further states that if interference does occur after installation, corrective measures are available.

125. We are not persuaded by Peters' proposals. As we stated in the NPRM, our current rule provides that applications for use of the 72–76 MHz band less than 10 miles from TV channel 4 or 5 stations will be returned without action. This policy was adopted in order to avoid harmful interference to television signals. If, however, the transmitter is co-located with the television transmitter, harmful interference is actually minimized. We have regularly granted waivers in these cases. We proposed, therefore, to update the language in this section to take into account the co-location situation. In the NPRM we also rejected a proposal from Beehive Telephone Company similar to Peters' here. We reiterate that this rule is necessary to prevent or correct this type of interference.

126. *Emission types, Section 22.104.* We proposed to clarify this section which provides for the types of emissions permitted in our services. Peters and Motorola suggested including F9Y, an emission used in digital systems, as an authorized type of emission. Motorola states that authorizing this emission will assure routine approval of systems proposing it and that the NPRM indicated support for digital techniques. We agree with the commenter and have included this type of emission in the rule being adopted. We believe this adds flexibility to our rules concerning digital transmissions. *See also* discussion of § 22.106 *infra*. In accordance with this rule we have amended § 22.507 and eliminated §§ 22.603 and 22.1003.

127. *Emission Limitations, Section 22.106.* We proposed to amend this rule to provide, *inter alia*, for systems employing digital modulation techniques. We also requested comments on whether rules should be added to specify the circumstances under which digital system may operate, and to allow flexibility regarding in-band use of assigned frequencies.

128. Comments were filed by, IMM, AT&T, and Offshore Telephone. IMM supports the proposed provisions for digital transmissions. IMM states that the Commission should recognize that digital is not synonymous with nonvoice that this confusion appears in the Commission's explanation for the proposed changes to this section. IMM also supports permitting licensees to manage their in-band transmissions with greater flexibility, in particular establishing multi-voice channels (transmission channels) within the standard 25 kHz bandwidth. This flexibility, asserts IMM, would allow licensees to operate with greater spectrum efficiency. IMM also requests that consideration be given to the possibility of allowing greater "cross-band" flexibility of multiple assigned frequencies. In other words, when one operator holds licenses for a small group of contiguous frequencies, it may be feasible and desirable to allow the operator to regard this channel group as common, or in essence, one large channel. IMM recommends that the Commission refrain from regulating the manner in which the operator divides this "meta channel" into specific individual voice channels, as long as it does not cause interference for other operators at adjoining frequencies. IMM asserts that by means of packet-switiching, TDMA (time division multiple access), and related techniques, this form of trunking would encourage greater spectrum efficiency by making it possible for operators to utilize portions of the current guardband between channels in their channel group. IMM further asserts that this may become feasible with certain digital modulation schemes in which adjacent-channel interference can be adequately controlled with a reduced guardband requirement.

129. AT&T agrees with the proposed rule assuming any emission may be used if the transmitter has been type accepted for such an emission under Part 2. Offshore opposes allowing existing licensees to freely split their authorized spectrum. It asserts that the use of interstitial frequencies should be considered by the Commission on a service by service basis (e.g., mobile, rural). Offshore states that the rules must provide for strict frequency coordination.

130. We believe the suggestion made by IMM has merit. We have given considerable thought to allowing applicants to use any emission mode, it would be advantageous to allow licensees (and new applicants) flexibility in choosing the type of emission mode they use and to the extent possible, the amount of bandwidth they occupy in all frequencies licensed under Part 22. Provided technical feasibility could be demonstrated, such flexibility would permit combinations of modulation and bandwidth that best serve the public interest. However, the only data available to us on modulation techniques which could justify

[36] We have followed Peters suggestion and added the term "repeater stations" to paragraph (b)(6).

authorizations is on amplitude compandored single sideband modulation, although that data is limited in scope. Therefore, we will authorize the use of amplitude compandored single sideband modulation pursuant to the following requirements. Applicants proposing to use amplitude compandored single sideband modulation must demonstrate that the proposed facilities will not cause harmful electrical interference to known pending and licensed amplitude compandored single sideband and FM stations in excess of the ratio of desired-to-undesired field strengths as is presently required for FM co-channel interference. The interference studies will be made in accordance with § 22.15 of the rules. Out-of-band emissions will be restricted to that required for an FM station on an assignable frequency, in accordance with §§ 22.106, 22.501, 22.600 and 22.1000, to assure that this approach will not create greater interference levels than currently allowed. This plan allows applicants to establish more than one channel within this defined authorized bandwidth. For example, it is believed possible to insert several amplitude compandored single sideband channels within the authorized bandwidth, provided that the total peak envelope power of all the channels so inserted is accounted for in supporting interference studies, and the assumption is made that the total effective radiated power is that at an assignable frequency and the antenna-center height above average terrain is the highest of the various proposed antennas. We believe this approach will encourage more efficient use of the spectrum while still protecting from harmful electrical interference.[37] We intend to treat such proposed multiple amplitude compandored single sideband channels within an authorized bandwidth as a single channel on an assignable frequency for traffic loading study purposes, so as not to penalize anyone for efficiency.[38] However, we will look at each request on its own facts. Applications proposing amplitude compandored single sideband modulation employing greater total effective radiated power or other types of emissions will be considered on a developmental basis. Regarding IMM's suggestion that adjacent channels of assignable frequencies should be able to be grouped to form one large channel, we also believe this approach may have benefits. The present record is insufficient however, to support its adoption. Within the limits of our resources, we hope to undertake further evaluation of this approach.

131. *Transmitter power, Section 22.107.* We proposed to delete portions of this rule which have become obsolete through developments in technology. We proposed to eliminate the provisions relating to maximum power output authorized for transmitters, and instead continue to request rated power output as a means of computing effective radiated power (ERP). Peters suggested that this rule be omitted as unnecessary because it does not provide regulatory standards.

132. We disagree with Peters' suggestion. The proposed rule informs applicants that they should only use the amount of power needed for their system (i.e., not exceeding the output power for which the transmitter in question has been type-accepted). However, we do not think it is necessary that the rule particularly specify the maximum rated power of a transmitter. We are more concerned with interference and coverage, which is a function of ERP. ERP is a function of power output, losses between the transmitter output terminals and antenna input terminals, and antenna gain (Sections 22.505 and 506). Therefore, in light of the above we will adopt the rule as proposed.

133. *Directional Antennas, Section 22.108.* We proposed to restate this rule in positive terms and delete various sections which do not apply to Part 22. The rule would describe when directional antennas are required and, in these situations, the required beam width. Comp Comm and IMM commented on the proposal. Comp Comm suggested that the rule specify what the applicant has to submit with the application if it proposes using an antenna radiating power in an other than an omni-directional manner. Comp Comm suggests that the following be required: if the radiation pattern is in any way being determined by the mounting structure, applicants should supply engineering drawings showing the size and shape of the structure, antenna mounting configuration with reference to the structure, orientation of antenna and mounting structure relative to true north. It asserts that this will ensure that the proper directional pattern is being used and, ultimately, that the facility can reasonably be expected to radiate as proposed. IMM suggested that the Commission eliminate the requirement that rural radio subscribers necessarily use directional antennas. It states that there are some situations where a directional antenna for local distribution makes no economic or technical sense. IMM proposes that subsection (a) be amended to allow use of omnidirectional antennas in rural radio service when communicating to only one point.

134. We agree with Comp Comm's suggestions that the rules should require an additional engineering showing for side mounted antennas and we have amended § 22.15(j)(4) accordingly. However, we are not persuaded by IMM's proposal that we should, as a general matter, allow use of other than directional antennas in the rural radio service. This provides more efficient use of the spectrum. The rule we are adopting provides that a multi- or omni-directional antenna may be authorized upon a proper showing where a station communicates with more than one point. This accommodates IMM's concerns.

135. *Antenna Polarization, Section 22.110.* We proposed to clarify this section by adding headings for the types of polarization discussed and revising the language into a more readable format. This rule specifies which stations shall employ vertically, horizontally or circularly polarized antenna signals. Only Peters and IMM commented on the proposal. Peters suggests that we retain the substance of the current rule. Peters asserts that under the proposed rule a licensee lacks discretion to utilize polarization techniques in designing radio systems. In addition, Peters states that polarization techniques can prevent or minimize harmful interference. Finally, Peters argues that polarization changes have been and should continue to be major changes. IMM disagreed with proposed subsection (c) and suggest it be amended to allow any station without excluding the stations described in paragraph (a) as we proposed, to radiate a circularly polarized signal upon a satisfactory showing. It also suggested using the strength of the vertically polarized components where necessary for allocation purposes, since this corresponds to the "normal" orientation of a mobile of portable antenna. IMM also recommended that the section be expanded to allow, upon a satisfactory showing, for elliptical polarization and feedback controlled variable polarization.

136. We disagree with Peters' comments; we believe the proposed rules does retain the substance of the

[37] We believe this approach will protect existing users employing frequency modulation. The Commission is examining certain technical regulations in A Re-Examination of Technical Regulations, Gen. Do. 83-114, FCC 83-67, released March 16, 1983.

[38] This flexibility is consistent to that which we have adopted for 900 MHz systems. See 900 MHz stations, 89 FCC 2d 1337 (1982), at para. 67.

current rule. In addition, the comments have not persuaded us that we should change the rule at this time. Allowing the use of circular polarization or any other type of polarization may increase interference potentials. We do not have sufficient data in these services at this time to allow use of these types of polarization. However, if applicants can demonstrate that interference potential would not be increased we would consider a request for use of other types of polarization. Changes in polarization will be considered major changes.

137. *Topographic Data, Section 22.115.* We proposed to rewrite this section into plain English and eliminate unnecessary specificity. This rule provides the method for determining average terrain elevation. Peters, Vega, Comp Comm, Motorola and All Florida filed comments. Fletcher and Peters also filed reply comments. We have also considered informal comments from Jubon.

138. In subsection (a)(2) we proposed to keep the current language in the rule requiring that at least one radial include the principal community to be served. Peters, Vega, Comp Comm and Motorola suggested that this section be eliminated on similiar grounds. Peters, for instance, states that the reliable service area is fixed to a certain contour value and there is not other required reporting procedure or signal level over a principal community. We agree with the comments and we have therefore eliminated the "principal community" language from this section.

139. In proposed subsection (a)(3) we kept the language requiring radials to be drawn to co-channel or adjacent stations within 75 miles and added language requiring that stations in the 470–512 MHz band plot additional radials to co-channel TV stations. Peters suggested eliminating this subsection since there are thousands of stations operating in the 470–512 MHz frequencies, most of which require no terrain analysis. Peters believes this section could be deleted without affecting existing television stations. Peters goes on to state that the entire section can be deleted because interference to stations within 75 miles is already specified in Form 401 and in other places. The showings required for co-channel station interference studies could be unified in § 22.15. Vega, instead, suggests that the paragraph be rewritten as "additional radials shall be drawn to co-channel stations within the applicable interference distances."

140. We are not persuaded by the comments. We believe the rule as proposed is necessary to assure interference-free operation and to avoid problems before they occur. The burden on applicants is small.

141. In subsection (a)(4) we proposed, in response to a request by the Mobile Services Advisory Committee, to clarify what is included in average elevation when a portion of a radial extends over water or foreign territory but crosses U.S. land. We proposed that in these cases the portion of the radial shall not be included on the profile graphs or in the computation of average elevation unless the radial passes over U.S. land within 83 miles of the station. Peters suggests eliminating (a)(4) because the requirement relating to stations within 83 miles is superfluous and the calculation of average elevation over any distance of water is neither time consuming nor difficult. Peters reasons that eliminating (a)(4) would provide a more conservative estimation of the radiation center heights of all stations in these circumstances inasmuch as the present rules often result in understating the antenna height above average terrain by a considerable amount.

142. Vega suggests that this subsection be written to indicate that radials over foreign territory or water shall not include water or foreign territory as part of the average terrain calculations. Comp Comm suggests that (a)(4) be modified so that the radials over water or foreign countries be included in the profile graphs and in the computations of average elevations. It reasons that excluding them leads to a need for defining when the exclusion is appropriate and the only valid reason would be a total absence of terrain elevation informaion for paths over foreign countries.

143. We are not persuaded by Peter's or Comp Comm's comments and we will adopt the rule as proposed. When a portion of a radial extends over foreign territory or water, such portion shall not be included on the profile graphs or in the computation of average elevation unless the radial passes over U.S. land within 83 miles of the station. We believe keeping this requirement is necessary because its elimination could potentially increase the effective radiated authorized power, thus decreasing co-channel protection to neighboring co-channel licensees.[39]

144. We proposed to add language concerning assumed average elevation in certain areas, for instance 10 feet for Miami, Florida. In the NPRM we requested comments concerning other areas in which average elevation can be assumed. All Florida suggests that subsection (c) include at a minimum, the Miami Urbanized area, and preferably all of Dade and Broward Counties. It contends that the terrain is virtually flat throughout Dade and Broward also. We agree with All Florida and are including Dade and Broward Counties in the rule.

145. In this section we also proposed to keep the current language in the rule that the average elevation of the 2 to 10 mile portion of each radial shall be determined from the profile graphs. Various parties addressed the use of computerized bases to calculate average terrain.[40]

146. As stated in our discussion of § 22.15(j)(8), we agree with the comments that this is a very good idea. It will reduce the cost of applications for the public, and the computer generated information yields relatively accurate results. Consistent with § 22.15(j)(8), we will add a subsection (2) to paragraph (c) of this section to allow the use of computer generated information in the computation of average terrain elevation.

147. *Transmitters, Section 22.117.* We proposed to combine § 22.117 and 22.118 into one rule since both deal with transmitters. In subsection (a) we kept the language concerning location of transmitters and eliminated the language concerning engineering considerations to be used in selecting transmitter sites. Peters, Comp Comm and Telocator commented on the proposal. TDS also filed reply comments.

148. Peters suggested that the phrase in subsection (a), "urban population of the area to be served" should be deleted because it is ambiguous and troublesome, for instance, in contiguous urban areas like the Northeast corridor. We agree and have eliminated the proposed section (a) in its entirety because it does not provide useful information or guidance.

149. In proposed subsection (d) we provided that additional transmitters [41]

[39] Vega suggests that the section be eliminated since the profile graphs will not be filed with the application. As was the case in § 22.15(j), there is a need for applicants to prepare the profile graphs even though they will not be filed as a matter of course. The graphs are used to infrequently by the staff to require all applicants to submit them. In order to relieve burdens both for applicants and the staff, we will require them on an as needed basis. This section is necessary because it describes the methods for determining average terrain elevation.

[40] Jubon petitioned for declaratory ruling on whether the current section allows the use of the National Telecommunications and Information Administration (NTIA) Topographic Data Base in Boulder, Colorado, as the primary topographic data source and average terrain elevation determinations. We are treating it as informal comments in this proceeding.

[41] The reference to fill-in transmitters in the NPRM at p. A–104 was incorrect. In this section we

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may be constructed without Commission authorization, so long as the Commission is notified (Form 408), and the authorized service area is not increased in any direction. We also added specific provisions describing when this may be done.

150. Telocator, Peters, Comp Comm agreed with the proposal. Telocator had one caveat: that co-channel licensees must be protected. Telocator suggests adding a phrase after the word "area", in (d)(1), to read "and predicted interference contour." Telocator states that the system's reliable service area or its predicted interference contour should not be expanded by fill-in transmitters. Peters, TDS and Comp Comm also suggested that construction of fill-in transmitters should be placed on Public Notice and interested parties should be allowed to review and comment on such stations, even after the fact, in view of potential interference. Comp Comm also suggested that the Commission require a complete engineering showing, with full average terrain information, to demonstrate that the fill-in is really a fill-in and does not enlarge the service area. TDS also suggested incorporating in this section its recommendation concerning § 22.23(c)(2), relocation of base stations. It suggests that subsection (d) should read: "licensees may construct and operate additional transmitters or relocate existing transmitters without obtaining prior Commission approval, provided: (1) The currently authorized service area of the transmitter or system of commonly owned transmitters is not enlarged in any direction. . . ."

151. We agree with Telocator's proposal to add language concerning "predicted interference contour" to this section. We are requiring that Form 489 be submitted with a certification that the reliable service area contour and the predicted interference contour of the proposed station are totally contained within the reliable and interference contour of the existing station. We also accept TDS' recommendation for commonly owned transmitters and will add language to this effect in Subsection (d)(1).

152. *Replacement of equipment, Section 22.121.* We proposed a less burdensome alternative to the current notification requirement when equipment is replaced. Instead of notifying the FCC each time a change is made, the licensee would include such changes as a part of the next application filed (e.g., renewal or major modification). We proposed to retain the present requirement that only type accepted equipment be used. Peters, Comp Comm and Offshore commented on the proposal.

153. We proposed in the NPRM that a licensee may replace any equipment without authorization (1) if the antenna height or antenna structure height, whichever is greater is not increased above the authorized height; and (2) if the equipment does not cause the station to increase its effective radiated power in any direction, or otherwise violate the rules in this part. Peters suggested that the phrase "antenna height" in subsection (a)(2) should be changed to "radiation center height". Peters also suggested that the section be clarified as to the effects of a licensee lowering his radiation center height or effective radiative power by a permissive change. Peters questions whether the change and subsequent notification serve to reduce the licensee's authorized height or power or whether they remain as initially authorized. Peters further questions whether the licensee would have authority to increase his height or power back to the originally-authorized limits without prior Commission approval.

154. Comp Comm suggests that the Commission require that an amended Form 489 be filed for any power reductions and equipment substitutions and that they be listed on public notice. Offshore states that the language in the rule appears to be broad and should be clarified. Offshore believes the rule should allow free interexchange of equipment as long as the characteristics of the authorization remain the same e.g., frequency, power and emission.

155. We will not adopt Peters' suggestion to include "radiation center height" in subsection (a)(2). Section (a)(2) provides for changes in antenna height or antenna structure height for air navigation purposes. Therefore, we require information as to the height to the tip of the antenna or antenna structure. Subsection (a)(3) deals with propagation information which includes antenna radiation center height and effective radiated power (ERP). As to Peters' question concerning a licensee lowering his radiation center height or ERP, this would be a minor modification requiring the filing of a Form 489. *See* § 22.9(d). To further clarify our rules concerning replacement of equipment, we provide in § 22.121(a) that equipment may be replaced without prior authorization only if the equipment is type-accepted, there is no increase in the antenna height or antenna structure height, and there is no increase or decrease in the reliable service area contour. This also responds to Comp Comm's comments.

156. *Operator and Maintenance Requirements (Licensee Responsibility), Section 22.205.* We proposed to simplify and relax our operator and maintenance requirements, and to provide that no operator's license will be required for a person to operate or perform maintenance on facilities authorized in these radio services. We also proposed to add a new subsection establishing a general standard that licensees will be responsible for the proper operation and maintenance of their facilities. Peters, Vega, Motorola, AT&T, Pagenet, and Offshore commented on the proposal.

157. Peters, AT&T and Pagenet agree with the proposal. Vega suggests that the phrase "the agreement shall be in writing" in subsection (b) should be deleted because it has no merit today. In this subsection we proposed that when maintenance of a radio station or antenna structure is provided for by agreement with an entity unrelated to the licensee, the agreement shall be in writing.

158. Motorola and Offshore disagree with the elimination of the requirement that maintenance and transmitter measurements be performed by an FCC licensed technician and the transmitter measurements be recorded when the work is done. Motorola states that it is not convinced that this area can be left to the marketplace or that the operator's status is inconsequential. Motorola believes the examinations to be an FCC licensed technician bear a relationship to a technician's competence. Motorola further asserts that the best method to ensure compliance and minimize interference is to maintain, with some modification, the rules requiring an FCC licensed technician.

159. We will adopt the rule as proposed. The rule is consistent with our policies and eliminates unnecessary regulations. We find that pursuant to Section 318 of the Communications Act, waiver of the operator licensing requirements is in the public interest. The Commission is currently studying eliminating these requirements in various other services, *Requirements for Licensed Operators in Various Radio Services, Notice of Proposed Rulemaking,* FCC 83–113, released April 20, 1983 and has already decided, in Docket 20817, 46 FR 35450, that it is no longer necessary to require that broadcast stations be operated and maintained only by persons who hold operator licenses based on

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are referring to additional transmitter locations on the same frequency, that do not require prior Commission approval, not to fill-ins which may increase the reliable service area and interference contours.

examinations. We have also abolished the Broadcast Endorsement, the Radiotelephone Third Class Operator Permit, and the Radiotelephone First Class Operator License. We continue to believe that it is necessary that the maintenance agreement be in writing. Since we are eliminating various related requirements, we believe the requirement of having the maintenance contracts in writing assures accountability for proper operation.

160. *Station Identification, Section 22.213(d).* We proposed to revise this requirement to ease the burden of station identification. We proposed that the station identification shall be made every half hour.[42] Comments were received from Flight Infolk, Motorola and Offshore.

161. Offshore and Flight Infolk both request that the rule accommodate the use of an automatic tone signal. Offshore also disagreed with the half hour requirement because it could be disruptive of data transmission. Offshore states that with automatic tone signaling, identification is required at the start and the end of transmissions, and this is sufficient. Motorola requests clarification of whether identification is only required during periods when the transmitter is in use.

162. We agree with Offshore and Flight Infolk and have included automatic tone signaling in the rule. As to Offshore's recommendation, we will not modify the rule to include an exemption from the half hour station identification requirement because we have not been persuaded that it is necessary. A data transmission less than one-half hour with identification before and after the transmission would meet the requirement in any event. As to Motorola's request for clarification, this is covered by paragraph (a) of this section which requires identification with each communication or exchange of communication; thus, if there is no communication, there is no need for station identification.

163. *Discontinuance of station operation, Section 22.303.* We proposed to revise this section to make it more concise and practical, eliminating the burdensome notification requirements associated with temporary discontinuances. In addition, we added a presumption that a station will be considered to have been permanently discontinued if operation ceases for 90 days. Peters agreed with the proposal, provided that the 90 day rule should not apply if the licensee notifies the Commission to the contrary. Peters states that there may be circumstances where operation must cease for more than 90 days.

164. We agree with Peter's comments and have included a notification requirement in the rule. Thus, the licensee will notify the Commission within the 90 day period that the discontinuance of operation will last longer than 90 days and include a date when operation will resume, which shall not be in excess of 30 additional days. If a licensee has not operated during all this time, he has not complied with his duty to provide service to the public and should, therefore, lose his license.

165. *Tariffs, other reports, Section 22.304.* We proposed that this rule explicitly state that we require radio common carriers to file Form L (Annual Report). Peters and USITA filed comments. MCI filed reply comments. Peters and USITA suggested deleting the reference to Form L. MCI in reply comments suggested that wireline carriers be required to file Form L also or that radio common carriers be relieved of this requirement.

166. We will revise the proposed rule to delete the reference to Form L. The filing of this Form was eliminated on October 27, 1982. See CC Docket No. 82–85, *Report and Order*, FCC 82–451, released October 27, 1982,[43] *recon. denied* FCC 82–142, released April 19, 1983.

167. *Incidental Communication Services, Section 22.308.* In the past, the Commission has approved licensee requests to use their frequencies and facilities to provide "incidental" communications service (e.g., weather information and stock market quotes). We proposed to add a rule stating the general conditions under which incidental communications services may be provided. We found that incidental services meet a public demand and can be fashioned so as to make more efficient use of spectrum without interfering with the growth or availability of public mobile radio service.

168. All parties addressing proposed § 22.308 support the Commission's approval of incidental services, although they differ in regard to what, if any, standards the rule should impose. MCI disagrees with the idea of formal Commission authorization or monitoring of incidental services. MCI argues that the marketplace will assure efficient, effective utilization of the spectrum, and surveillance of the kind or content of such service is inappropriate where communications will be private even though transmitted by common carriers. MCI further suggests that in the interest of competitive equity, the Commission should not restrain RCCs from offering the same services which broadcast licensees may be able to offer if the Commission adopts the Notice of Proposed Rulemaking in the FM Subsidiary Communications Authorizations (SCA) proceeding. BC Docket No. 82–536, 47 FR 46118 (1982).[44]

169. MCI supports Kadison's suggestion to delete proposed subsections (b) and (c) which provide that the costs or charges of subscribers not using the incidental services may not be increased and that the quality of service may not deteriorate. MCI and Kadison would modify subsection (a) to refer to electrical interference only, rather than interference "with the public mobile radio service." Kadison and MCI express confidence that the marketplace will fairly and efficiently regulate price, quality and availability of service, without the excessive litigation often engendered by administrative standards.

170. We also sought comments on whether prior approval should be required. Kadison considers unnecessary prior Commission approval of incidental service offerings, stating that prior notification, including a general description of service and explanation of how it will work, would fully protect all parties concerned without producing any unnecessary burden or delay in administrative processing.

171. AT&T supports the rule provided that the incidental service does not exceed 10 percent of the total airtime usage of the applicable frequency. In the same vein, until incidental services are clearly defined, AT&T would not allow applicants for additional channels to count incidental services more than 10 percent of total channel occupancy time under § 22.516 (demonstration of need for additional channel). In addition, AT&T suggests that the qualifying term "materially" precede "deteriorate", and that the phrase "beyond a minimal degree" follow the word "diminish" in subsection (c). The foregoing provisions are necessary, states AT&T, because insertion of any incidental service, will have some impact, however slight, on the authorized service and growth and availability will necessarily be reduced

[42] We note that our discussion in the NPRM was not entirely accurate in stating that 3 repetitions are required every half hour.

[43] 47 FR 50694, November 9, 1982.

[44] The Commission did authorize non-broadcast use of SCAs in its First Report and Order, Amendment of Parts 2 and 73 of the Commission's Rules Concerning Use of Subsidiary Communication Authorizations, FCC 83–154, released May 19, 1983. [53 RR 2d 1519 (1983)]

by the amount of airtime used for incidental service.

172. AT&T disagrees with the proposal to treat service to vessels and rural subscriber stations as incidental communications. AT&T argues that service to these stations should not be considered incidental communications; nor should a licensee be required to notify the Commission of the provision of these services to customers. Finally, AT&T proposes that service to vessels and rural subscriber stations be included in airtime measurements used to show the need for an additional channel.

173. In their reply comments, MCI and Telocator criticize AT&T's 10 percent limitation as an arbitrary and unnecessary standard. The commenters believe any such limitation will likely inhibit subscriber choice and frustrate the inauguration of incidental services in newly implemented or as yet lightly loaded systems. Telocator foresees enforcement problems as well, noting that Section 605 of the Communications Act prevents monitoring by anyone other than the Commission. And, while channel occupancy data ostensibly would serve as a self-regulating measure, a carrier could easily subvert the data by limiting incidental services to 10 percent of airtime only during the busy hour. It is loading during the busy hour that determines need for additional channels. Telocator is not persuaded that 10 percent, let alone any percentage of airtime (as opposed to revenues or some other criteria), is an appropriate standard and suggests, along with MCI, that the balance be left to the marketplace where individual carriers generally may be relied upon to optimize their competitive posture by providing the best possible service.

174. Telocator also takes issue with AT&T's proposal to further qualify subsection (c). Telocator contends that AT&T's modifying terms are implicit in the Commission's proposal and the concept of "incidental" and that the terms proposed by AT&T could breed litigation. To the extent the proposed qualifications impose potentially overly restrictive limitations in incidental service, Telocator concurs with Kadison and MCI that subsection (c) should be deleted.

175. Peters agrees with the proposed rule provided the term "incidental service" is carefully defined so as not to limit DPLMRS development. Peters suggests that service be labelled incidental "if the licensee's subscribers who receive a specific service each do not pay a discrete, clearly identified cost for the service. If the service serves the public interest (i.e., conforms to FCC policy and is individually subscriber-supported), it should be a regularly-authorized service" according to Peters. Noting the Commission's proposal [45] to authorize provision of common carrier-like functions on FM subcarriers, Peters would view "incidental services" as the offering of broadcast-like services on a secondary basis.

176. Telocator questions how this discrete fee test proposed by Peter's serves its purported rationale of avoiding the arbitrary limitation of DPLMRS development. The definition in Telocator's view seems to beg the question of whether classification hinges on the carrier's decision to bill. Telocator thus cautions against defining "incidental service."

177. MTC also commented on the proposed rule stating that it affords licensees a substantial competitive advantage by enabling them to offer both land and maritime radiotelephone and paging while UHF maritime carriers are precluded from entering adjacent DPLMRS markets. It suggests that a rule be adopted permitting UHF public coast carriers to provide land mobile one-way signalling and two-way radio service in adjacent on shore areas. In the alternative it requests that current § 22.509 (b) and (c) not be deleted, especially the requirement that licensees terminate service to vessels when a UHF public coast station is inaugurated in the area involved.

178. We disagree with MCI and Kadison and we will not delete or modify subsections (a), (b) and (c). We believe they impose minimum safeguards which are necessary to protect mobile radio subscribers. We agree, however, with the comments proposing to eliminate prior Commission approval. We will add the terms suggested by AT&T to proposed subsection (c); we believe the terms provide helpful guidance and will not produce uncertainty. Concerning AT&T's proposal for a 10 percent airtime limit, we will not adopt it. We believe the provision of incidental services should be a business decision of a licensee in a competitive marketplace. We will not impose artificial constraints with an arbitrary percentage. As a collorary matter, in order to protect the primary purpose of our allocated frequencies and our objective of not permitting the quality of the licensee's authorized service to be diminished, we will not consider the airtime of incidental services for calculating channel occupancy pursuant to § 22.516 and 22.16. We agree with AT&T's comments that rural subscriber service should not be referred to as incidental services; we have therefore amended § 22.509(b)(4) to delete the reference to incidental service from it. We disagree with Peters' comments concerning a definition for incidental services. We find that the proposed definition would only create controversy without actually defining the service.

179. We will not adopt MTC's proposal. We will permit incidental service to vessels and we will eliminate the prior subsections (b) and (c) of § 22.509 (limiting service to vessels if a public coast station was authorized in the area). Any amendment to the rules concerning public coast stations is beyond the scope of this proceeding.

180. *Developmental Authorizations, Additional Application Content, Section 22.405.* We proposed to clarify this section and adopt a new rule dealing with renewals for developmental authorizations. The only party filing comments was AT&T. It requests that the rule be broader to allow for experimental market trials as part of a developmental service. AT&T states that this was allowed in the development of cellular service and provided a basis for determining public acceptability.

181. We do not agree with AT&T's proposal that the rules should routinely allow experimental market trials. Developmental service is, with few exceptions, non-commercial. Market trials have potentially significiant competitive implications and, therefore, should only be authorized when adequately justified and approved by the Commission.

182. *"Secondary basis" paging service, Section 22.501(c).* We proposed to revise the rules to state that the frequency pairs listed in § 22.501(c) are allocated for two-way mobile service but may also be used to provide one-way service if there is a public demand for such service, provided that two-way service is also offered. In so doing, we proposed to eliminate the "secondary basis" language in this subsection. We also proposed the same modification to § 22.501(b) which makes similar allocations and includes the "secondary basis" language.[46]

183. The commenters filing jointly with Empire, as well as Peters, Zip-Call, AT&T and Telocator, generally support deletion of the "secondary basis" language. According to Empire, *et al.*, the proposed revision reflects the fact that marketplace forces already have

[45] BC Docket 82-536, *supra.*

[46] In accordance with policies established in CC Docket 80-189, note 2, *supra*, we have amended § 22.501(a) by including procedures for grants of 43 MHz applications.

determined the proper use of the frequencies at issue and Commission resources will be conserved by reducing wasteful, costly litigation. Zip-Call asserts that the secondary basis language has outlived its usefulness.

184. IMM was the only commenter disagreeing with the proposal. IMM asserts that the economics of paging, except in unusual circumstances, mandate that one-way service drive out two-way service, stunting the latter's development. In reply Empire claims that there is an absence of any evidence on this point. It argues that, since adoption of the secondary basis language in 1970, growth of two-way has not been impeded. Empire states further that the proposal does not amount to a reallocation of spectrum and will not result in inefficient spectrum use. Zip-Call asserts that perpetuating the secondary status of paging would constitute undesirable use of the Commission's regulatory powers.

185. FCBA, which reads the rule as requiring a carrier to "offer" two-way on a "minimum" basis if the frequency is used for paging, requests clarification of the terms "minimal" and "offered". For example, if a licensee finds no demand for two-way, must it purchase the equipment anyway and include two-way rates in its tariff? Hill suggests that if the Commission does not intend to permit tacit conversion of two-way channels to paging service (which Hill counsels against), it should substitute the word "provided" for "offered". Hill believes the proposed language appears to contemplate merely that two-way service will be avaialble only to those who ask specifically for it.

186. TDS suggests that if (as the NPRM implies) a licensee need not provide two-way service unless it has obligations to existing customers, the last clause of proposed § 22.501(c), "provided that two-way service is offered", should be deleted. If such is not the Commission's intent, clarification of "offered" is needed. For example, if two-way service must be accommodated even absent current demand, how should applicants seeking additional channels provide for this fact in loading studies? If clarification is not possible, TDS believes that the one-way service should be permitted without restriction.

187. Telocator rejects any modification of the terminology. According to Telocator, while Hill appears concerned that the rule would require no minimum effort to provide two-way service, use of the word "provided" would do no more than require that two-way service be provided to a single subscriber. Empire and Telocator read the NPRM as proposing formal recognition of marketplace reality and current Commission practice; thus, the marketplace and prior Commission decisions may be expected to define the extent to which two-way must be "offered".[47]

188. AT&T supports deletion of the secondary basis language provided that the Commission assigns frequencies one at a time, rather than in pairs; requires carriers applying to use a two-way frequency for one-way signalling to make an extended co-channel interference study to two-way mobile systems; and requires carriers to show that existing one-way signalling allocations in the same frequency band are already assigned in the service area. Further, AT&T would limit the use of the frequencies for paging to those carriers or their affiliates which also offer two-way service or cellular service. Telocator attacks this proposal as an unsupported attempt by AT&T to resurrect the company's suggestion, rejected in Docket 20907, to effectively reallocate two-way frequencies to one-way service on a primary basis.

189. Peters agrees that § 22.501 should be revised but suggests that the word "wireline" be added to the definition of telephone company in § 22.501(b) and to the language of § 22.501(c) to distinguish cellular operators from carriers providing local exchange telephone service. As noted above, IMM disagrees with the proposed liberalization of restrictions on paging and argues that paging should be encouraged, but on frequencies specifically allocated for this use. IMM argues that the market's preference for paging reflects not so much demand *per se*, but rather demand for good low-cost mobile radio which current two-way systems cannot satisfy. Digital technology, however, soon will address this need and its development should not be impeded by a shortage of two-way channel capacity. Finally, IMM argues that any impetus for more efficient paging technology will be thwarted by this *de facto* allocation of additional paging frequencies.

190. Dean George Hill also expresses concern that two-way service may be denied to prospective subscribers in need of service. Furthermore, a question of efficient spectrum utilization arises if one half of the paired frequencies remain unused. Hill requests that if the Commission does not intend to permit conversion to paging exclusively, it substitute the word "provided" for "offered". In addition, Hill points to the plethora of paging frequencies currently available and urges adoption of some sort of reporting/relicensing procedure to ensure efficient spectrum utilization.

191. We agree with IMM that paging should be encouraged, but on frequencies specifically allocated for this use. We also agree with the commenters that paging on two-way channels has the potential to drive out two-way service stunting its development and thwarting the development of more efficient paging technologies. We agree with Hill that allowing one-way paging on two-way frequencies raises a question of spectrum efficiency in that one-half of a paired channel remains unused.

192. In our view, the extensive use of two-way channels for paging in urban areas has represented a marketplace response to the traditional shortage of paging channels. Until 1981, there were only eight. Currently, there are 76 frequencies allocated for paging (32 in the 35 and 43 MHz band, 4 in the 150 MHz band and 40 in the 900 MHz band) and 40 in reserve for advanced technology paging. In light of the number of paging frequencies now available, the public interest requires a more stringent approach. Use of two-way frequencies for paging constitutes inefficient use of the spectrum. While it is likely that most two-way service will be provided on cellular systems in the future, we would be remiss in permitting a *de facto* reallocation of the 44 paired VHF and UHF channels to paging. Moreover, it is quite possible that conventional two-way service will continue to meet the needs of many users who do not want to pay the anticipated higher price for cellular service, who wish to continue to use existing equipment, or who wish to take advantage of new technology, as suggested by IMM. Accordingly, we will adopt the proposed requirement that carriers providing paging on two-way channels "offer" two-way service as well. By "offer", we mean that a carrier must have the capability of serving a two-way customer upon request. If a carrier has no interest in providing two-way service, we expect it to exchange its two-way channel for a paging channel so that new entrants, or

[47] Telocator also notes that the Communications Amendment Act (1982), prohibits providing "dispatch service" except by stations licensed prior to January 1, 1982, and requests, therefore, that the rule be revised accordingly. 47 U.S.C. 331(c)(2). We agree with Telocator but we are amending Section 22.519 instead to provide that no new dispatch stations or dispatch points will be permitted. A common carrier which had authority to provide dispatch service prior to January 1, 1982, may continue to provide such service. Reference to dispatch stations and dispatch points in the rules, specifically, §§ 22.2, 22.509, 22.515 and 22.519 are applicable to grandfathered stations and the cellular radio service pursuant to § 22.911.

incumbents who do want to offer conventional two-way service, are not foreclosed from the market. At some point it may well be desirable to consider reallocating the paired 150 and 450 MHz channels. We would then examine whether some or all of the channels should be used for common carrier paging or whether the public interest requires an entirely different allocation. For now, we will maintain the *status quo.*

193. *Waiver of Frequency Allocation, Section 22.501(n).* We proposed to adopt a rule to establish standards for granting waivers of the separate allocation of frequencies to radio common carriers and wireline common carriers in present subsection (b), (c), and (h) ("the fence"). The proposed rule would establish criteria for waivers and the assignment of a wireline frequency to an RCC, or *vice versa.* We also requested comments on whether the waiver policy should apply during the 60-day cut-off period after an application is filed. We stated that the elimination of the separate allocation structure itself involves a major policy assessment which is beyond the scope of this proceeding. We also stated that we intended to undertake a review of the "fence" in a separate proceeding. The proposed waiver policy was limited to the 450 MHz band frequencies in § 22.501 (b) and (c) and the guardband frequencies listed in § 22.501(h). We stated in the NPRM that for technical reasons the waiver policy would not apply to the 150 MHz band, because the WCC frequencies allocated in this band have different base and mobile channel separations than those allocated to the RCC's.

194. Peters, Kadison, TDS, Vega, IMM, RTC, AT&T, Telocator, Big Sandy, USITA, Cactus, and Message Center filed comments on the proposal. Empire, Telocator, MCI, Cactus and TDS filed reply comments.

195. Some of the comments supported the waiver policy but differed on its application. For instance Peters, Telocator and others supported revisiting the *Bonduel* policy [48] and limit the fence to locations where the wireline companies provide local exchange telephone service. The comments also differed on the applicability of the waiver policy during the 60-day cut-off period. AT&T stated that applying the waiver during the cut-off period would be a giant step toward eliminating the fence, which is a decision the Commission stated is beyond the scope of this proceeding. TDS generally objected to the waiver policy. MCI, Peters and Kadison requested that the waiver policy include the 150 MHz frequencies; also, they suggested that the incompatibility explanation in the NPRM failed to recognize modern technologies.

196. After reviewing the comments, we have decided not to adopt the proposed rule. Instead, we will issue a Notice of Proposed Rulemaking as a companion item to this Report and Order, asking for comments on the elimination of the separate allocation or fence. *See Notice of Proposed Rulemaking,* FCC 83-477, CC Docket 83-1146, released December 12, 1983. This proposal encompasses all the frequencies in §§ 22.501 (b), (c), (h), (i) and (j). As discussed below, we will establish the policies here to govern waivers until the conclusion of this new rulemaking proceeding concerning the elimination of the fence.

197. As stated in the accompanying *Notice,* the fence was adopted to foster a competitive environment by providing separate frequencies within which companies which did not provide local exchange telephone service (RCC's) could develop. There is today strong competition between RCC's and WCC's. The Commission's purposes in fostering this competition have been met. We tentatively believe that today no useful purpose is served by keeping the fence in place. Therefore, instead of adopting the proposed limited waiver policy, we are proposing to eliminate the fence.

198. As a result of our decision here we are hereby disposing of a Petition for Interim Relief and Objection to Grant of Applications, filed on October 26, 1982 by Telocator and a Petition for Reconsideration filed by Telocator on December 17, 1982. In the Petition for Interim Relief in this proceeding Telocator requested that the proposed waiver policy be adopted pending the conclusion of this rulemaking. Telocator's request was limited to the guardband paging frequencies in § 22.501(h)(1). Telocator also requested that an additional 60 day cut-off period be established and applications be accepted for filing which would be mutually exclusive with applications filed by American Paging Inc. (API), a subsidiary of TDS. The API applications referenced by Telocator were filed between January and October 1982.[49] Telocator petitioned for reconsideration of the grant of two API applications on November 17, 1982, based on the fact that the two applications had been granted after its Petition for Interim Relief was filed. API filed an Opposition.[50]

199. As we stated before, in this proceeding we proposed a limited waiver policy of the separate frequency allocation. Our proposal did not apply to the cellular service which also has a fence. Further, our proposal had prospective effects and we did not in any way intimate that we would adopt the proposal on an interim basis pending the conclusion of the rulemaking. Since we are now proposing to eliminate the fence, we will grant in part Telocator's Petition for Interim Relief, limited to the following: (a) Wireline applications filed *before* the adoption of the NPRM in this proceeding, or July 29, 1982, will be granted under pre-existing standards, provided they otherwise comply with our rules. (b) All wireline applications filed *after* July 29, 1982, which are not mutually exclusive will be granted. (c) Wireline applications filed *after* July 29, 1982, which are, as of the date of adoption of this Report and Order, mutually exclusive with applications filed by RCC's requesting waiver of the separate allocation will be held in abeyance until the new proceeding on elimination of the fence is terminated. We are not extending the cut-off date for these applications as requested by Telocator. (d) RCC applications filed *after* July 29, 1982, requesting wireline frequencies and a waiver which are not mutually exclusive with other applications will also be held in abeyance as described in the preceding sentence. However, if during the pendency of the new rulemaking proceeding the prescribed 60 day cut-off period for any of these applications has not expired, we will allow applicants to file mutually exclusive applications. During the pendency of the new rulemaking proceeding and after its release date, we will allow RCC's to file for WCC frequencies and *vice versa.* Our normal cut-off procedures will apply. The channel loading standards will also apply. Our policy of granting one initial channel per market for paging frequencies and our policy that an application for a 900 MHz frequency amends a pending application for a

[48] Bonduel Telephone Co., 68 FCC 2d 497 (1978). Under this policy, a wireline or its affiliate or subsidiary may apply for wireline frequencies in any market regardless of where it does business as a telephone company.

[49] API filed an Opposition to this Petition. Dean George Hill also filed comments opposing the Petition for Interim Relief. Omni Communications, Inc. (Omni) filed comments in support of Telocator's proposal. Replies to the opposition were filed by Telocator and Omni.

[50] Various RCC's have filed applications requesting waivers of the separate allocation since the adoption of the NPRM in ths proceeding, some of these applications have been opposed and all are pending Commission action.

paging channel on any other frequency will also apply. Likewise, an application for a paging frequency filed subsequent to a pending 900 MHz application amends the 900 MHz paging application. As a result of our decision here, Telocator's Petition for Reconsideration will be denied to the extent it referred to applications filed before July 29, 1982.

200. We believe these procedures effectively safeguard the public interest and prevent the possibility that elimination of the fence will *de facto* be irrelevant because all frequencies will have been assigned in the interim. In order that service to the public not be delayed an inordinate amount of time we will expedite our disposition of the rulemaking concerning elimination of the separate allocation. We emphasize that the interim policies we are adopting here in no way indicate that we have decided the merits of the new rulemaking. They are specifically designed to permit the return of the applications to the *status quo ante* should we decide against eliminating the fence.

201. *Classification of base stations, Sections 22.502 and 22.503.* We proposed to rewrite § 22.502, clarifying that stations using antennas higher than 500 feet will be designated Class A. We did not propose any changes to § 22.503, which provides geographical separations for co-channel stations. Peters filed comments on these two sections suggesting that both serve no purpose and should be deleted, especially in light of § 22.15(b), which prescribes the method of determining interference to co-channel stations. MCI in comments also states that the separation tables in § 22.503 should be deleted. Hill had similar comments stating that § 22.503 could be refined by adding minimum distances and eliminating the charts. Hill states that at 500 feet/500 watts, the minimum separation on either a 150 or 35–43 MHz channel to be interference fee is 68 miles.

202. We disagree with the comments. Maintaining these two sections is necessary to assure interference-free service areas, and the sections do not create unnecessary burdens for applicants. However, we have revised the sections somewhat in line with our revisions to § 22.15.

203. *Service area of base stations, Section 22.504.* The only change proposed to this rule was changing the title and the word "reliably" to reliability. The only one commenting on the rule was Comp Comm. It suggests including in the rule several standardization procedures addressed by the Mobile Services Advisory Committee. Comp Comm states that the present propagation tables of § 22.504(b) do not include distances from base stations of fewer than 5 miles and in the interest of standardization, it is essential that the FCC staff propose extended propagation curves that contain values both below 5 miles and also at greater distances than presently shown. It argues that extensions are necessary so that all engineering submissions use the same basic curves over the entire range.

204. We believe that Comp Comm's suggestion has some merit. Nevertheless, adopting the changes suggested would involve conclusory determinations on our part, because we do not have sufficient data on the record to support the adoption of the proposal.

205. *Antenna height-power limit, Section 22.505.* We clarified this section and excluded air-to-ground radio stations because this section was not applicable to them. Peters suggested that we replace the curve in subsection (a) with an equivalent tabular or mathematical form like the one for 900 MHz stations in subsection (b). Peters states that this is easier, less ambiguous and more amenable to computerization. We concur with Peters and we have added a table to subsection (a) and removed the current chart.

206. *Bandwidth and emission limitation, Section 22.507.* We did not propose any changes for this section. However, Wulfsberg suggested adding "F9" emissions for automatic signaling to the table describing types of emissions. Wulfsberg suggested adding "F9" at the bottom of the column headed "Type of Emission" and adding the figure "20" under authorized bandwidth and the figure "5" under frequency deviation at the bottom of the column headed "150–512". We agree and have amended the section accordingly. *See* paragraph 126, *supra.*[51]

207. *Permissible communications, Section 22.509.* We proposed to clarify this rule and reorganize the subsections. We also requested comments on whether the policy on taxi cab operations and dispatch service should be modified. We especially questioned whether the prohibition on taxi cab service should be eliminated and left to the business judgment of the carrier. We also questioned whether the Commission should eliminate the policy that a dispatch station operator may communicate only with its own associated mobile units.

208. Peters and Telocator suggested that we eliminate subsection (c), dispatch stations, and subsection (f), taxi dispatch. Peters states that this should be left to the licensee's discretion. Telocator again cites the Communications Amendment Act and proposes that the prohibitions of the Act be codified in § 22.501 (a)(1), (b) and (c).[52] As mentioned in our discussion of incidental services, § 22.308, AT&T suggested that service to vessels and rural subscriber stations not be treated as incidental services. MTC requested that current subsections (b) and (c) dealing with service to vessels be retained.

209. We will not adopt Peters' and Telocator's comments. We will retain proposed subsections (c) and (f). However, subsection (c) will make reference to § 22.519, which we have amended pursuant to the Communications Amendments Act of 1982. We agree with AT&T concerning rural subscriber stations. *See* discussion of § 22.308.

210. *Additional showing requirement, Section 22.516.* We proposed to conform this rule to our present requirements, replacing the term "holding time" with "channel occupancy time", and requiring traffic load studies for only the busiest one hour. Peters, Kadison, Vega, FCBA, Telocator, USITA and TDS filed comments on the proposal.

211. Peters suggests that the licensee be required to survey the entire day (8–12 hours) but only be required to report the single busiest hour for each of those days. USITA had the same comment. Peters, Kadison, FCBA, Telocator and TDS also filed other comments which we have addressed in the *Third Report and Order* in CC Docket No. 20870, FCC 83–53, where we adopted a new § 22.16, "*Objective Need Standards*"; therefore we will not address these comments. See also, *Further Notice of Proposed Rulemaking*, FCC 83–38, released

[51] We have also modified § 22.508 (d) and (e) to conform to changes we have made in other rules.

[52] We are treating as an informal comment a Petition for Rulemaking filed by Fairmount Telephone Company, Inc. on November 3, 1982, requesting uniform nationwide service rules governing roamer/transient land mobile stations. It requests a revision creating a strong presumption in favor of a roamer's right to service through "foreign" base stations and imposing a strict burden on the foreign base station operator who may not want to serve roamers. Fairmount asserts that the current rules are ambiguous and that some foreign base station operators engage in unjust, unreasonable and discriminatory practices against roamers, cutting off or impairing service to them. We received a motion to dismiss the petition filed by AT&T. Fairmount's request obviously arose from a controversy between Fairmount and AT&T involving roamers, which the Common Carrier Bureau resolved in AT&T's favor. Fairmount Telephone Co. v. Southern Bell Telephone & Telegraph Co. and American Telephone & Telegraph Co., File No. E–83–2, CC Mimeo 2676, released March 2, 1983. In any case, the question of roamer-access is beyond the scope of this proceeding.

February 14, 1983, CC Docket No. 20870. Vega also suggested there is an inconsistency in the proposed rule in subsection (c) because it states that an applicant must report separately for each hour; however, in the discussion preceding the rule, we stated that we would ask only for the single busiest hour of the day.

212. We have revised the proposed rule to clarify it further. In conformance with our decision in Docket No. 20870, the rule will state that the survey must report separately the channel occupancy for the busiest hour on each of the three days and that the study shall survey traffic on each channel assignment for three days in a seven day period having normal usage.

213. *Air-ground radiotelephone service, Section 22.521.* We proposed to combine all sections dealing with this service into this section. Flight Inc. and Wulfsberg filed comments requesting that a rulemaking petition filed on January 22, 1980 by Wulfsberg be considered in this proceeding. Wulfsberg requests that frequency 459.675 MHz be assigned as an automated signaling channel in communications by and with airborne stations. We will not adopt the commenter's proposal. The request is beyond the scope of this proceeding since it entails the reallocation of the frequency for the requested purpose. However, we expect to take action separately on the rulemaking petition in the near future.

214. *Rural radio, Eligibility and Frequencies, Sections 22.600 and 601.* We proposed to eliminate the licensing of certain subscriber stations in an effort to reduce administrative burdens, and we also proposed to clarify § 22.601. IMM commented on the proposal. IMM suggests that § 22.601(a) (Frequencies) be redrafted to eliminate the term "on a secondary basis" in reference to rural radio, thus placing rural radio on and equal footing with mobile radio. It asserts that this would not disadvantage mobile users, and would benefit rural subscribers. IMM also requests clarification of the rule in terms of whether an RCC can offer full-fledged rural radio service as opposed to acting as an agent or intermediary between the subscriber and the wireline carrier. It states the rules should permit an RCC to provide the full-fledged service. It supports the elimination of the individual licensing requirements for subscriber stations which do not exceed 60 watts ERP. Also, IMM requested that the requirement that rural radio subscribers use directionalized antennas be eliminated.

215. As to IMM's recommendation that we eliminate the term "secondary basis", we cannot agree. Rural radio is a fixed operation which does not have its own frequencies specifically allocated. If rural radio were elevated to primary status, it is likely that mobile subscribers in areas with high rural radio usage would be deprived of service. As to the request for clarification, our rules only allow an RCC to communicate with a rural subscriber station through its base station in specified cases. *See* § 22.600 *et seq.* In this service the frequencies are intended primarily for use in rendering public message service between Rural Subscriber and Central Office stations and to provide radio trunking facilities between central offices. Central office and interoffice station frequencies are allocated only to wireline carriers. RCC's are permitted to use subscriber station facilities which operate through the RCC base station, where the use of wirelines is not practicable or feasible (where the establishment of central office station facilities is shown to be impracticable) and upon a showing that it will not degrade the mobile communication service rendered by the base station. Rural subscriber stations are normally authorized to communicate with and through the central office station with which they are associated. A change from this procedue is not within the scope of this rulemaking. We will not adopt IMM's suggestion that we eliminate the requirement that rural subscribers use directionalized antennas. Our rules provide that stations which communicate with one point must use directional antennas. We believe that allowing the use of omnidirectional antennas would increase interference potential to mobile systems. We have also made minor editorial corrections to the rule concerning meteor burst communications § 22.601(b) adopted in *Meteor Burst Communications*, Docket 82-694, FCC 83-348, released July 22, 1983.

216. *Forms.* We proposed to revise Form 401, and to adopt new Forms 489 and 490. Almost all of the commenters suggested revisions to these forms.

217. Peters, among other things, suggests cross-referencing to Form 430 (Qualifications Report), items 20-30 on proposed Form 401, and deleting the requirement of an exhibit for major environmental actions. Kadison also suggested corrections or clarifications to Forms 401 and 490 and suggested adding a check-off box for an applicant to state it has received reasonable assurance of antenna site availability. Vega commented on Forms 401 and 489, suggesting that the Forms could be shortened with required items being referenced by exhibits rather than filling in blanks. Vega also suggested deleting the items dealing with control point information from Form 401 and making them part of Form 489. TDS concurred with this proposal. TDS also suggested that the Commission make available to the public the data base so applicants can periodically check to see if the information concerning Form 489 has been entered.

218. Comp Comm suggested that Form 489 should be accompanied by a detailed engineering study showing that co-channel interference information originally submitted on Form 401 is not adversely affected by corrections or changes to the facilities and that the filing of FCC Form 489 should be listed on public notice. It also suggested requiring an amended Form 489 to be filed for any power reductions and equipment substitutions. Comp Comm disagreed with the requirement that the FAA study be included with Form 401.

219. AT&T included a proposed Form 401 in its comments. Telocator concurrend with AT&T's proposed Form 401 and recommended some changes to it. Telocator also suggested some revisions and asked for clarification of certain items of the Forms. All Florida suggested that applicants for multiple sites provide site-by-site information on separate exhibits and also recommended the deletion of certain items and various corrections to Form 489. USITA suggested a shorter Form 489 could be adopted as a simple notification of readiness for service.

220. Peters and Offshore also suggested that the Commission should accept substantively-equivalent computer prepared Form 401's provided they satisfy the following: (a) Printed on 8.5 x 11 paper; (b) contain the same text as Form 401; and (c) are intended to have the same effect as the Form 401. In addition, it was suggested that the Commission revise the Form 401 to a format that could be easy to duplicate by computer. They both state that much time and expense can be saved for applicants by allowing this.

221. The comments also contained the following suggestions concerning the forms: (1) That the profile sketch be filed as a separate Exhibit and not integral to a Form item; (2) that the applicant certify that it is the real party in interest; and (3) that the applicant has made no agreement to transfer or assign the license at a later date. They also point out that the reference to satellite earth

station in Form 401 should be deleted.[53] The comments also suggested that items 6–9 dealing with whether the station has been completed should be deleted from Form 489, since they are repetitious of Form 701, and that a check-off box for major environmental actions should be included in Form 401.

222. We have reviewed the comments concerning the proposed forms. We have followed some of the recommendations. Others we have not followed for various reasons, including either increased administrative burdens or increased reporting requirements for applicants.

223. We disagree with Peters and we will not cross-reference to Form 430. We believe applicants should fill out the required information with every Form 401 they file.[54] It is not particularly burdensome, but it does help us fulfill the ownership and citizenship requirements of the Act. A principal reason we have for maintaining the legal and ownership items is that the Commission is currently studying the possibility of eliminating Form 430, *Notice of Proposed Rulemaking*, 47 FR 5732, Feb. 8, 1982. In light of this we will continue to require this information on Form 401.

224. We have added an item to the Form 401 concerning major environmental actions; applicants may check a box to indicate whether the proposal is major or not pursuant to § 1.1311 of the rules. We have also added a check off box for applicants to certify that they have received reasonable assurance of site availability. See discussion of Section 22.15.

225. We have modified proposed Form 489. It will also be used to request extensions of time to complete construction, minor modifications to existing facilities, and reinstatement of authorizations. We have changed the title of this form to Notification of Status of Facilities. Therefore, we will eliminate Form 701 (Requests for Extensions of Construction Permits). This simplifies procedures and eliminates another Form. We disagree with TDS' comments that all Forms 489 should be placed on public notice. This is an additional administrative burden, which we discussed above. The Form 489 will be used *inter alia*, for minor modifications of the authorization and we have limited and specified these changes; thus, we see no need to increase burdens by placing all the filings on public notice. Those changes that we deem of public importance in a Form 489 will go on Public Notice. Concerning TDS' related request that we make available the data base to the public, the Commission is currently examining this request in another proceeding. *Allowing the Public Direct Remote Access to Commission Computer Data Bases, Notice of Inquiry*, FCC 83–217, released May 20, 1983. We will keep the items dealing with control points on Form 401, and on Form 489 applicants will notify of any changes of the control point. We are not requiring that a copy of the FAA studies be attached to the Form 401; however, if the applicant has received the FAA determination it should include a copy of this. If the determination is not available, the applicant should indicate the date and regional office where the FAA filing was made.

226. We have adopted the suggestion that applicants for multiple sites provide site-by-site information on separate exhibits. We believe this will make the Form easier to fill out and will facilitate application processing.

227. We agree with the recommendation that we accept substantively equivalent computer generated Form 401's. We believe this reduces costs for applicants and facilitates their application preparation. In order not to increase burdens for our staff, we do request applicants to submit their proposed computer-generated forms for informal staff review before using them in formal applications.

228. We do not agree with the recommendation that we include in the applicant's certification that there has been no agreement made to transfer or assign the license at a later date. Section 22.309 provides that the filing of an application shall be a representation by the applicant that the motivation for the application is the applicant's intention to provide service to the public. We believe this is sufficient.

229. We will not adopt the recommendation that the antenna sketch be a separate exhibit and not an integral Form item. Keeping the antenna sketch an integral Form item facilitates preparation of applications by the public and processing by the staff.

Regulatory Flexibility Act—Final Analysis

230. *Need for Rules and Objective.* We have eliminated unnecessary forms, information gathering and regulatory burdens whenever possible in the public mobile radio service. We have streamlined the administrative process affecting these licensees and permitted self-regulation whenever possible. Our objective is to eliminate unnecessary regulations and policies and to provide service to the public in the most efficient, expeditious manner possible.

231. *Issues Raised by the Public In Response to the Initial Analysis.* We have taken into account the various issues raised by the public concerning the proposed rules. As a result of these comments and whenever possible, we have modified our proposals.

232. *Alternatives that would lessen impact.* We have reduced burdens whenever possible, some we had to retain in order to carry out our duties under the Communications Act. We will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities.

Ordering Clauses

233. Authority for this rulemaking is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(4), and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

234. Accordingly, it is ordered, That Part 22 of the Commission's Rules and Regulations is amended as specified in Appendix B, effective 30 days after publication in the **Federal Register.**

235. It is further ordered, that FCC Forms 401, 403, 701, 702, 704 and 714 are superseded by new FCC Forms 401, 489 and 490, as set forth in Appendix B, subject to review by the Office of Management and Budget.[55]

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A—List of Parties Filing Comments

(1) Arthur K. Peters and Wewer & Mahn, P.C. (Peters)[1]
(2) Kadison, Pfaelzer, Woodard, Quinn & Rossi (Kadison)
(3) Telephone and Data Systems, Inc. (TDS)
(4) Flight-Infolink, Inc. (Flight)
(5) Richard L. Vega & Associates (Vega)
(6) Comp Comm Inc. (Comp Comm)
(7) International Mobile Machines Corporation (IMM)

[53] The existing Form 401 is used by applicants under Part 25, as well as Part 22, of the rules.

[54] An applicant may attach a current copy of its Form 430 to its Form 401.

[55] Tentative copies of FCC Forms 401, 489 and 490 are appended to this Report and Order. These forms are filed as a part of the original document and are therefore not published in the **Federal Register.** These forms are not to be used until they have received the approval of the Office of Management and Budget. A Public Notice will be issued when the new forms have been approved and are available for use. Until that time, the existing forms 401, 403, 701, 702, 704 and 714, should be used. Copies of these forms are available for public inspection in the Public Reference Room at the FCC, Room 230, 1919 M St., NW., Washington, D.C.

[1] By letter dated October 21, 1983, we were informed that Wewer & Mahn, P.C. has changed its name to Mahn, Franklin & Goldenberg, P.C.

(8) Federal Communications Bar Association—Mobile Services Division Committee (FCBA)
(9) Rochester Telephone Corp. (RTC)
(10) Motorola, Inc. (Motorola)
(11) Dean George Hill, P.C. (Hill)
(12) American Telephone & Telegraph Company (AT&T)
(13) Marine Telephone Co., Inc. (MTC)
(14) Telocator Network of America (Telocator)
(15) Big Sandy Telecommunications, Inc.; Kathy Paging Inc.; Southwest Telecomm, Inc. and T-Com, Inc. (Big Sandy)
(16) United States Independent Telephone Association (USITA)
(17) Paging Network Inc. (Pagenet)
(18) The Offshore Telephone Company (Offshore Telephone)
(19) Empire Paging Corporation d/b/a Radiofone (Empire), Mobile Communications Corporation of America (MCCA), Two-Way Radio of Carolina, Inc. (Carolina), and Florida Radio Phone Co. (Florida)
(20) Cactus Communications, Inc. (Cactus)
(21) Message Center, Inc. (MC)
(22) Joy A. Miller d/b/a All Florida Communications Co. (All Florida)
(23) Wulfsberg Electronics, Inc. (Wulfsberg)

Other Comments

Jubon Engineering Inc. petition for Declaratory Ruling & Expedited Determination filed January 31, 1983 (Jubon). We are treating it as informal comments in this proceeding.

Informal Comments from Michael S. Tierney, VMD (Tierney).

Petition for Rulemaking, Fairmount Telephone Company, Inc. (Fairmount) filed November 3, 1982 Re: Rule 22.509(b) treated as informal comments.

Reply Comments

(1) Fletcher, Heald & Hildreth (Fletcher)
(2) Empire Paging Corporation d/b/a Radiofone (Empire), Mobile Communications Corporation of America ("MCCA"), Two-Way Radio of Carolina, Inc. (Carolina) and Florida Radio Phone Company (Florida)
(3) Telocator Network of America (Telocator)
(4) American Telephone & Telegraph Company (AT&T)
(5) MCI, Airsignal, Inc. (MCI)
(6) Wulfsberg Electronics, Inc. (Wulfsberg)
(7) Cactus Communications, Inc. (Cactus)
(8) Arthur K. Peters & Wewer & Mahn, P.C. (Peters)
(9) Telephone & Data Systems, Inc. (TDS)
(10) Supporting Comments of Zip-Call, Inc. (Zip-Call)

1. By revising the Table of Contents and the Part heading to read as follows:

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22.1 Other applicable rule parts.
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22.5 Formal and informal applications.
22.6 Filing of applications, fees, and number of copies.
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22.8 [Reserved]
22.9 Standard application forms for Public Land Mobile, Rural Radio, Domestic Public Cellular Radio Telecommunications and Offshore Radio Services.
22.10 [Reserved]
22.11 Miscellaneous forms shared by all public mobile services.
22.12 [Reserved]
22.13 General application requirements.
22.14 [Reserved]
22.15 Technical content of applications.
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22.17 [Reserved]
22.18 [Reserved]
22.19 Waiver of rules.
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2. By adding an Index after the listing describing the rule sections and subparts to read as follows:

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3. Part 22 is amended by removing the words "Public Mobile Radio Services" and "Domestic Public Land Mobile Radio Service"; and "construction permit" everytime they appear in this Part and inserting in their place "Public Mobile Service"; "radio station authorization".

4. Section 22.0 is revised as follows:

§ 22.0 Authority and scope.

(a) The rules in this part are issued pursuant to titles I through III of the Communications Act of 1934, as amended, which vest authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications and to regulate radio transmission and issue licenses for radio stations.

(b) The purpose of the rules in this part is to prescribe the conditions under which portions of the spectrum are made available for domestic common carrier radio communications which utilize transmitters on land or in specified offshore coastal areas within the continental shelf, and certain other situations as authorized under this part.

(c) The rules in this part apply only to stations authorized under this part. Rules in a subpart apply only to stations authorized under that subpart.

(d) Correspondence relating to this part of the rules may be sent to the Mobile Services Division, Federal Communications Commission, Washington, D.C. 20554.

(e) Unless otherwise specified, the section numbers referenced in this part are contained in Chapter I, Title 47, of the Code of Federal Regulations.

7. A new § 22.1 is added to read as follows:

§ 22.1 Other applicable rule parts.

Other Commission rule parts of importance that may be referred to with respect to licensing and operations in radio services governed under this part include the following:

(a) Part 0 of the Commission's Rules describes the Commission's organization and delegations of authority. This part also lists available Commission publications and standards and procedures for access to Commission records, and location of Commission Field Offices.

(b) Part 1 includes rules of practice and procedure for adjudicatory proceedings including hearing proceedings, rule making proceedings, procedures for reconsideration and review of the Commission's actions; provisions concerning violation notices and forfeiture proceedings; and the requirements for environmental impact statements.

(c) Part 2 contains the table of frequency allocations and special requirements in international regulations, agreements, and treaties. This part also contains standards and procedures for marketing of radio frequency devices, and for obtaining equipment type acceptance and type approval.

(d) Part 5 contains standards and procedures for obtaining experimental authorizations.

(e) Conditions under which the operations of incidental and restricted radio devices are permitted are in Part 15.

(f) Part 17 contains detailed requirements for constructions, marking, and lighting of antenna towers.

8. Section 22.2 is revised to read as follows:

§ 22.2 Definitions:

Airborne station. A mobile station licensed for use only on an aircraft.

Air-ground radiotelephone service. A public radio service between a base station and airborne mobile stations.

Antenna structure. The antenna, its supporting structure, and anything attached to it.

Antenna power input. The radio frequency peak or RMS power, as the case may be, supplied to the antenna from the antenna transmission line and its associated impedance matching network.

Assignment. The transfer, by any means, of an authorization from the present holder to another person as defined in Section 3(i) of the Communications Act.

Authorized bandwidth. The maximum width of the band of frequencies permitted to be used by a station. This is normally considered to be the necessary or occupied bandwidth, whichever is greater.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The maximum power a station is permitted to use. This power is specified in the station's authorization.

Auxiliary test station. A fixed station used for test transmissions.

Base station. A land station in the public mobile service communicating with authorized mobile and fixed stations.

Carrier frequency. The output of a transmitter when the modulating wave is made zero.

Cell. The are reliably served by a transmitter location in a cellular system.

Cellular Geographic Service Area. The geographic area served by a cellular system within which the licensee is required to provide reliable service.

Cellular System. A high capacity land mobile system in which assigned spectrum is divided into discrete channels which are assigned in groups to geographic cells covering a cellular geographic service area. The discrete channels are capable of being reused in different cells within the service area.

Central Office. A landline termination center used for switching and interconnection of public message communication circuits.

Central Office Station. A fixed station used for transmitting communications to rural subscriber stations associated therewith.

Co-channel Electrical Harmful Interference. An undesired electromagnetic signal at the same frequency as a desired signal which reduces the intelligibility of the desired signal to the extent that the ratio of the desired signal to that of the undesired signal is less than R, equation 8, FCC Report R–6406.

Channel occupancy time. The total time a channel is utilized for the transmission of communications, including necessary signaling. It does not include time waiting for a channel to become available.

Communication common carrier. Any person engaged in rendering communication services for hire to the public.

Control Channel. The channel used for transmission of digital control information from the base station to the mobile station or from the mobile station to the base station.

Control point. The location at which the base station is controlled and supervised by the licensee.

Control station. A fixed point-to-point or point-to-multi-point station used to control a remote base station transmitter.

Digital modulation. The process by which some characteristic (frequency, phase, amplitude or combination thereof) of a carrier frequency is varied in accordance with a digital signal, e.g., one consisting of coded pulses or states.

Dispatch communication. Two-way voice communication, normally of not more than one minute's duration, between a common carrier base and land mobile stations, or between a common carrier land mobile station and a landline telephone station not connected to a public message telephone system.

Dispatch point. See *dispatch station.*

Dispatch station. A fixed station operating on a mobile station frequency and operated by the subscriber to communicate with the subscriber's own mobile station or stations.

Effective radiated power. The product of the antenna power input and the antenna power gain. This product should be expressed in watts. (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

Exchange. A unit of a communication company or companies for the administration of communication service in a specified area, which usually embraces a city, town, or village and its environs, and consisting of one or more central offices, together with the associated plant, used in furnishing communication service in that area.

Exchange area. The geographic area included with the boundaries of an exchange.

Fixed station. A station at a fixed location.

Frequency deviation. The maximum deviation from the center of the frequencies emitted due to modulation.

Frequency tolerance. The maximum permissible variation of the carrier frequency expressed as a percentage or in hertz.

Interference contour. The locus of all points having a field strength from the emission of one antenna at one frequency equal to the limit specified in § 22.504(a) minus the value of R, equation 8, FCC Report No. R–6406, "Technical Factors Affecting the Assignment of Facilities in the Public Mobile Services."

Interference free area. That area within the field strength contour, determined in accordance with § 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R, equation 8, in FCC Report R–6406.

Interoffice station. A fixed station in the rural radio service used for the interconnection of telephone central offices.

Land station. A station in the mobile service not intended for operation while in motion.

Landing area. A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

License. An authorization granting permission to operate a radio station according to these rules and the terms of the license.

Maps. A representation on a flat surface, of a part or the whole of the earth's surface. All maps submitted under this part shall include latitude, longitude, and scale.

Meteor burst communications. Communications by the propagation of radio signals reflected by ionized meteor trails.

Microwave frequencies. As used in this part, this term refers to frequencies of 890 MHz and above.

Miscellaneous common carriers. See *radio common carrier.*

Mobile service. See *public mobile service.*

Mobile station. A radio-communication station capable of being moved and which ordinarily does move.

Necessary bandwidth of emission. For a given class of emission, the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions.

Offshore central station. A fixed station in the offshore radio service with facilities for interconnection with the land telephone system.

Offshore mobile station. A radio-communication station in the offshore radio service capable of being moved and which ordinarily does move.

Offshore radio service. A public mobile radio service for communication with stations in the offshore coastal waters of the Gulf of Mexico.

Offshore subscriber station. A fixed or mobile station in the offshore radio service normally used for communication with an offshore central station.

Pager. A mobile receiver for paging communications, also known as a "beeper."

Paging service. A service provided by a communication common carrier engaged in rendering one-way communication.

Paging service, optical readout. Paging service consisting of communication of a message to a receiver which displays the message on an optical or tactile readout, whether in a permanent form (see Record communication) or a temporary form.

Paging service, tone-only. Paging service designed to activate an aural, visual, or tactile signaling device when received.

Paging service, tone/voice. Paging service in which a tone is transmitted to activate a signaling device and audio circuit in the addressed receiver, following which a voice-grade signal is transmitted, to be amplified by the audio circuitry.

Private line services. A service whereby facilities for communication between two or more designated points are set aside for the exclusive use or availability for use of particular customer and authorized users during stated periods of time.

Protected service area. A fixed 20 mile radius from a 900 MHz paging transmitter which is protected from harmful interference. For other frequency bands *see reliable service area.*

Public land mobile service. A public communication service for hire between land mobile stations wherever located and their associated base stations which are located within the United States or its possessions, or between land mobile stations in the United States and base stations in Canada.

Public Mobile Service. The radio services licensed under this part. These services include the Public Land Mobile, Rural Radio, Air-ground radio telephone, Offshore Radio, and Cellular Radio Telecommunications Services.

Radio Common Carrier (RCC). A common carrier engaged in the provision of Public Mobile Service, which is not also in the business of providing landline local exchange telephone service. These carriers were formally called "miscellaneous common carriers."

Rated power output. Normal radio frequency power output capability (Peak or Average Power) of a transmitter, under optimum adjustment and operation as specified by its manufacturer.

Reference frequency. A frequency coinciding with or having a fixed and specified relation to the assigned frequency. This frequency does not necessarily correspond to any frequency in an emission.

Relay station. A fixed station used for the reception and retransmission of the signals of another station or stations.

Reliable service area. The area specified by the field strength contour as defined by § 22.504 of the Rules and FCC Report R–6406 "Technical Factors Affecting the Assignment of Facilities in the Public Land Mobile Service," within which the reliability of communication service is 90 percent, i.e., the area within which nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit. For 900 MHz paging facilities, see *protected service area.*

Repeater station. A fixed station which automatically retransmits the mobile communications and/or transmitter information about the base station, along a fixed point-to-point link between the base station and the control station.

Roamer. A mobile station which communicates with a land station other than one with which it is normally associated.

Rural radio service. A public radio service rendered by fixed stations on frequencies below 1000 MHz used to provide (1) public message communication service between a central office and subscribers located in rural areas to which it is impracticable to extend service via landlines, or (2) public message communication service between landline central offices and different exchange areas which it is impracticable to interconnect by any other means, or (3) private line telephone, telegraph, or facsimile service between 2 or more points to which it is impracticable to extend service via landline.

Rural subscriber station. A fixed station in the Rural Radio Service used by a subscriber for communication with a central office station

Signaling communication. One-way communications from a base station to a mobile or fixed receiver, or to multipoint mobile or fixed receivers by audible or subaudible means, for the purpose of actuating a signaling device in the receiver(s) or communicating information to the receiver(s), whether or not the information is to be retained in record form.

Special temporary authority (STA). An authorization granting permission to operate a station when circumstances require immediate or temporary operation of a station.

Standby transmitter. A transmitter installed and maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

State certification. Official authorization by a State or its public utilities commission for a common carrier to provide service within that State. Certification requirements vary from State to State, and some States require no certification.

Temporary fixed station. A fixed station which is to remain at a single location for less than six months.

Temporary fixed offshore subscriber station. A station in the Offshore Radio Telecommunications Service which operates from various fixed locations for periods not exceeding six months.

Transfer of control. A transfer of a controlling interest in a corporation or partnership which is not an assignment.

Wireline common carrier. Common carriers which are in the business of providing landline local exchange telephone service.

9. Section 22.3 is revised to read as follows:

§ 22.3 Authorization required.

No person shall use or operate any device for the transmission of energy or communications by radio in the services authorized by this part except as provided in this part.

10. Section 22.4 is revised to read as follows:

§ 22.4 Eligibility.

(a) *General.* Authorizations will be granted upon proper application if:

(1) The applicant is qualified under the applicable laws and the regulations, policies and decisions issued under those laws;

(2) There are frequencies available to provide satisfactory service; and

(3) The public interest, convenience or necessity would be served by a grant.

(b) *Alien ownership.* An authorization may not be granted to or held by:

(1) Any alien or the representative of any alien.

(2) Any corporation organized under the laws of any foreign government.

(3) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or any corporation organized under the laws of a foreign country.

(4) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

11. Section 22.5 is amended by revising paragraph (a) to read as follows:

§ 22.5 [Amended]

(a) Except for an authorization under any of the conditions stated in § 308(a) of the Communications Act of 1934 [47 U.S.C. 308(a)], the Commission may grant only upon written application

received by it, the following authorization: construction permits; station licenses; modifications of construction permits or licenses; renewals of licenses; transfers and assignments of construction permits or station licenses, or any right thereunder.

* * * * *

12. Section 22.6 is amended by revising the first sentence of paragraph (a) to read as follows:

§22.6 [Amended]

(a) As prescribed by §§ 22.9 and 22.11 of this Part, standard formal application forms applicable to the Public Mobile Service may be obtained from either:

* * *

* * * * *

13. Section 22.9 is amended by revising paragraphs (a) through (d) to read as follows:

§ 22.9 Standard application forms for Public Land Mobile, Rural Radio, Domestic Public Cellular Radio Telecommunications, and Offshore Radio Services.

(a) *Application for new or modified common carrier radio station under Part 22.* Except for facility changes for which FCC Form 489 is prescribed in paragraph (d), FCC Form 401 ("Application for New or Modified Common Carrier Radio Station Under Part 22") shall be submitted for each station in the following categories of station construction or modification:

(1) Each base station.

(2) Each auxiliary test station, unless the auxiliary test station is located at the same place as the base station, in which case only one combined application need be filed.

(3) Each fixed station.

(b) *Notification of status of Facilities (FCC Form 489).* (1) When construction has been completed, in accordance with the radio station authorization the licensee shall so notify the Commission, using Form 489. When a licensee has not completed construction in accordance with the provisions of Section 22.43 of this part, a timely application for extension (FCC Form 489) must be filed.

(2) If a Form 489 is not filed after completing construction or is filed but is not in accordance with the rules of this part the authorization will automatically expire.

(c) *License for mobile station.* (1) *Land mobile stations.* These stations are considered to be associated with and covered by the authorization issued to the carrier serving the land mobile station. No additional authorization is required.

(2) *Airborne mobile stations.* Applications for a license for airborne mobile stations submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be filed on FCC Form 409. This form will also be used for the modification and renewal of such licenses. Such applications shall also be accompanied by the supplemental showing set forth in §§ 22.15(i)(2) and 22.15(i)(3)

(d) *Minor modifications of authorization.* An FCC Form 489 may be filed to make only those categories of changes to an existing station as listed below:

(1) Change in or additional authorized emission;

(2) Request to delete or change antenna obstruction markings;

(3) Change in points of communications (Rural Radio Service); or

(4) Correction of coordinates; provided it is not a major amendment under § 22.23(c);

(5) Engineering changes which change the distance from the base station to the reliable service area contour in any direction, if the distance is decreased or the distance is not increased by more than one mile.

* * * * *

§ 22.11 [Amended]

14. Section 22.11 is amended by removing paragraphs (b), (d), (e) and (f) and redesignating paragraph (c) as (b).

15. Section 22.13 is amended by removing paragraph (g) and revising paragraphs (a)(2), (a)(6), (c)(1), and (f) to read as follows:

§ 22.13 General application requirements.

(a) * * *

(2) Demonstrate the applicant's qualifications to hold an authorization.

* * * * *

(6) Show compliance with the special requirements applicable to each radio service and make all special showings that may be applicable.

* * * * *

(c) * * *

(1) As may be required by these rules; and

* * * * *

(f) State certification. (1) *General rule.* Licensees are required to comply with all applicable state certification requirements.

Applicants may, but are not required to, include evidence of state certification when filing FCC Form 401 or 489. The licensee under this part must complete construction in accordance with section 22.43 of the rules. A licensee must have all requisite state authority and be in operation within a year of the license grant or the license will automatically expire and must be submitted for cancellation.

(2) *Denial of state certification.* A pending application will be returned as unacceptable for filing where the applicant is denied state certification necessary to construction and/or operate the proposed facilities, and the state appeal process has been exhausted. Such applications will not be retained on file while the applicant pursues subsequent state applications. Where an applicant has been denied the necessary state certification and has exhausted the state appeal process, the applicant shall not resubmit its application to the Commission until after obtaining state certification.

(3) *Applicant's duty to inform.* The applicant shall include in Form 401 information regarding any adverse action which has been taken regarding the state certification application. The applicant shall promptly and fully advise the Commission if any adverse action regarding state certification is taken while the application is pending.

16. Section 22.15 is amended by removing the introductory text, by removing and reserving paragraphs (d) through (h), by revising paragraphs (a) through (c), paragraph (i), paragraphs (j) introductory text, (j) (4), (6), (8) and (10), and by revising paragraph (k) to read as follows:

§ 22.15 Technical content of applications.

(a) All applications required by this part shall contain all technical information required by the application form and any additional information necessary to fully describe the proposed construction and to demonstrate compliance with all technical requirements of the rules governing the radio service involved (see Subparts C, F, G, H, I, J and K as appropriate). The following paragraphs describe a number of general technical requirements.

(1) Applications for fixed stations shall list the proposed antenna site. The applicant shall have obtained reasonable assurance that it can use the site.

(b) Each public land mobile service application for a radio station authorization for a new base station or a major modification to an existing base station shall make the following showings:

(1) *Co-channel facilities.* The application must explicitly state whether there are any co-channel facilities (whether existing or proposed by applications pending for more than 60 days from their public notice dates)

within the following mileage separation standards:

(i) *One-way and two-way communication facilities.* The minimum mileage separation established by §§ 22.502 and 22.503.

(ii) 125 miles along any radial direction where the combination of effective radiated power in that direction and antenna height above average terrain in that direction exceeds the limit that is computed by applying the provisions of § 22.505 to that direction.

(2) *Interference studies.* (i) The application shall contain interference studies demonstrating that the proposed facilities will not cause harmful electrical interference to those co-channel facilities (existing or proposed) identified in response to paragraph (b)(1), of this section. The interference studies must use procedures consistent with § 22.504 and FCC Report No. R-6406, "Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service," by Roger B. Carey.

(ii) For each pair of base stations studied, the following data shall be provided:

(A) The name of the applicant or licensee.

(B) The geographic name of the location of the transmitter.

(C) The geographic coordinates.

(D) The call sign (if granted previously).

(E) The file number, if pending.

(F) The distance between the proposed station and the co-channel station.

(G) The radial bearing from the proposed station to the co-channel station.

(H) The radial bearing from the co-channel station to the proposed station.

(iii) The following figures shall be given relative to the interstation radial:

(A) The distance from the proposed station to its reliable service area contour (RSAC).

(B) The distance from the co-channel station to its RSAC.

(C) The distance from the proposed station to the RSAC of the proposed station.

(D) The distance from the co-channel station to the RSAC of the proposed station.

(E) For the point of intersection of the interstation radial and each RSAC:

(*1*) "R" (equation 8, Carey Report).

(*2*) Field strength of the undesired signal, in dBu.

(*3*) Ratio of (2) and the field strength of the protected contour in Section 22.504 of the Rules.

(F) Any additional data that the applicant feels is necessary or desirable may be included.

(iv) All supporting data and calculations shall be retained by the applicant and furnished to the Commission upon request. The interference studies shall be conducted within 60 days prior to the filing of the application.

(c) *Antenna height.* (1) *Sketch.* Every application for a new antenna, an antenna increased in height, a new antenna structure, or an antenna structure increased in height shall include a vertical profile sketch.

(i) The sketch shall include the overall structure height including appurtenances, height of the tip of the proposed antenna, ground elevation and the height of any supporting building. Heights shall be elevation above mean sea level (AMSL), and above ground level (AGL).

(2) *FAA Notification.* Every application for a new antenna structure or for an increase in antenna structure height shall state whether FAA notification is required. If notification is required, a copy of the FAA determination shall be included; if it is not available, the appalicant shall state the name filed under, the date of filing and the location of the FAA office.

(d)–(h) [Reserved]

(i) In the Public Land Mobile Service each application shall contain, as appropriate, the following information:

(1) [Reserved]

(2) All applications for new or additional facilities will identify any other pending or concurrently filed applications in this service for new or additional facilities within a 40 mile radius of the proposed station that appplicant, or any principal thereof, may be a party to or have an interest in, either directly or indirectly. All applications shall also identify all existing facilities within a 40 mile radius of the proposed station licensed to the applicant or in which the applicant has an ownership interest, regardless of call sign or licensee name.

(3) An application for one or more airborne mobile units shall be accompanied by an affirmative showing that:

(i) The mobile units for which authorization is sought are for the applicant's own use;

(ii) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application.

(j) Each application for a station authorization for a base station in the Public Land Mobile Service which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized shall be accompanied by technical engineering information with respect to:

* * * * *

(4) For directional antenna the antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels. If the antenna is side mounted near a structure and the radiation pattern is in any way affected by the mounting structure, engineering drawings showing the size and shape of the structue, antenna mounting configurations with reference to the structure, orientation of antenna and mounting structure relative to true north.

* * * * *

(6) Antenna height above average terrain for each of the eight radials specified in § 22.115.

* * * * *

(8) Topographic maps showing:

(i) Exact station location; and

(ii) Location of radials used in determining elevation of average terrain, and

(iii) Lines of latitude and longitude, and a scale.

(iv) Drawn on a U.S. Geological survey to topographic map with a scale of 1:24,000 (7½ minute map).

(v) These maps as well as the profile graphs under § 22.115(b) will *not* be filed with the application but instead shall be retained as part of the applicant's records and shall be made available to the Commission's staff upon request. These maps shall also be promptly furnished to members of the public at reasonable reproduction costs. In the event there is a transfer or assignment of a license these maps as well as the profile graphs will become part of the tranferee or assignee station records. If the method of § 22.115(c)(2) (Computer generated data bases) is used this section will not apply.

(vi) *900 MHz one-way paging.* Exact station location should be plotted on a map with a scale of 1:250,000 and the protected service area should be depicted by a 20 mile radius for each base station.

* * * * *

(10) For 900 MHz one-way applications, the profile graphs referred to in § 22.115 are not required.

(k) The location of the transmitting antenna shall be considered to be the station location. Applications for stations at specified fixed locations

shall describe the transmitting antenna site by its geographical coordinates and also by conventional reference to street number, landmark, or the equivalent. All such coordinates shall be specified in terms of degrees, minutes, and seconds to the nearest second of latitude and longitude.

* * * * *

17. A new § 22.19 is added to read as follows:

§ 22.19 Waiver of rules.

(a) *Request for Waivers.* (1) Waivers of these rules may be granted upon application or by the Commission on its own motion. Requests for waivers shall contain a statement of reasons sufficient to justify a waiver. Waivers will not be granted except upon an affirmative showing.

(i) That the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and that grant of the waiver is otherwise in the public interest; or

(ii) That the unique facts and circumstances of a particular case render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest. Applicants must also show the lack of a reasonable alternative.

(2) If the information necessary to support a waiver request is already on file, the applicant may cross-reference to the specific filing where it may be found.

(b) *Denial of waiver, alternate showing required.* If a waiver is not granted, the application will be dismissed as defective unless the applicant has also provided an alternative proposal which complies with the Commission's rules (including any required showings).

18. Section 22.20 is amended by removing and reserving paragraphs (b)(5), (b)(7), (b)(10) and (c), and revising paragraphs (a)(2), (b)(1), (b)(4) and (b)(8), to read as follows:

§ 22.20 Defective Applications.

(a) * * *

(2) The application does not comply with the Commission's rules, regulations, specific requirements for additional information or other requirements.

(b) * * *

(1) The application is not filled out completely and signed (responses intended to be omitted must include the notation "not applicable" or "N/A");

* * * * *

(4) The application does not demonstrate compliance with the special requirements applicable to the radio service involved;

(5) [Reserved]

* * * * *

(7) [Reserved]

(8) The application is filed after the cutoff date prescribed in § 22.31 of this part;

* * * * *

(10) [Reserved]

(c) [Reserved]

* * * * *

19. Section 22.23 is amended by revising paragraphs (a), (c) and redesignating paragraph (e)–(g) as (d)–(f) respectively and adding a new paragraph (g) to read as follows:

§ 22.23 Amendment of applications (See also Section 22.918).

(a) *Amendments as of right.* A pending application may be amended as a matter of right if the application has not been designated for hearing or placed on public notice for a random selection process.

(1) Amendments shall comply with § 22.29, as applicable; and

(2) Amendments which resolve interference conflicts or amendments under § 22.29 may be filed at any time.

* * * * *

(c) *Major amendments, minor amendments.* The Commission will classify all amendments as minor except in the cases listed below. An amendment shall be deemed to be a major amendment subject to § 22.27 and 22.31 under any of the following circumstances:

(1) *Change in technical proposal.* If the amendment results in a substantial change in the engineering proposal such as (but not necessarily limited to):

(i) A change in, or an addition of, a radio frequency; or

(ii) A change in the class of station (*e.g.*, from control to base).

(2) *Amendments to proposed base station facilities.* If the amendment enlarges the reliable service area of the proposed base station facilities by more than one (1) mile along any of eight radials spaced every forty-five (45) degrees from zero degree True North. This will not apply if the extension is into a service area presently authorized to the applicant and on the same frequency.

(3) If in the Domestic Public Cellular Radio Telecommunications Service, the amendment results in an increase in the Cellular Geographic Service Area.

(4) *Changes in ownership or control.* If the amendment specifies a substantial change in beneficial ownership or control (*de jure* or *de facto*) of an applicant. *Provided, however,* such a change would not be considered major if it is involuntary or if the amendment merely reflects a change in ownership or control that has previously been approved by the Commission.

* * * * *

(g) *Exceptions to major amendment classifications.* An application will be considered to be a newly filed application if it is amended by a major amendment (as defined in this section), except in the following circumstances:

(1) The application has been designated for hearing under the random selection process or for comparative hearing, or for comparative evaluation pursuant to § 22.35, and the Commission or the presiding officer accepts the amendment pursuant to § 22.23(b);

(2) The amendment resolves frequency conflicts with other pending applications but does not create new or increased frequency conflicts;

(3) The amendment reflects only a change in ownership or control found by the Commission to be in the public interest, and for which a requested exemption from the "cut-off" requirements of § 22.31 is granted;

(4) The amendment reflects only a change in ownership or control which results from an agreement under § 22.29 whereby two or more applicants entitled to participate in a random selection process, or comparative consideration of their applications, join in one or more of the existing applications and request dismissal of their other application(s) to avoid the random selection process or the delay and cost of comparative consideration;

(5) The amendment corrects typographical transcription, or similar clerical errors which are clearly demonstrated to be mistakes by reference to other parts of the application, and whose discovery does not create new or increased frequency conflicts;

(6) The amendment does not create new or increased frequency conflicts, and is demonstrably necessitated by events which the applicant could not have reasonably foreseen at the time of filing, such as, for example:

(i) The loss of a transmitter or receiver site by condemnation, natural causes, or loss of lease or option;

(ii) Obstruction of a proposed transmission path caused by the erection of a new building or other structure; or

(7) The amendment proposes only a change in a control or repeater frequency.

20. Section 22.27 is amended by removing and reserving paragraph (c)(5)

and revising paragraph (a)(3) to read as follows:

§ 22.27 [Amended]

(a) * * *

(3) Information which the Commission in its discretion believes of public significance. Such notices are solely for the purpose of informing the public and do not create any rights in an applicant or any other person.

* * * * *

(c) * * *

(5) [Reserved]

* * * * *

21. Section 22.29 is revised to read as follows:

§ 22.29 Ownership changes and agreements to amend or to dismiss applications or pleading.

(a) *Applicability.* This section applies to applicants and all other parties interested in pending applications who wish to resolve contested matters among themselves with a formal or an informal agreement or understanding. This section applies only when the agreement or understanding will result in (1) a major change in the ownership of an applicant to which § 22.23 and 22.23 (g) apply, or (2) the individual or mutual withdrawal, amendment or dismissal of any pending application, amendment, petitioner or other pleading.

(b) *Policy.* Parties to contested proceedings are encouraged to settle their disputes among themselves. Parties which, under a settlement agreement, apply to the Commission for ownership changes or for the amendment or dismissal of either pleadings or applications, shall at the time of filing notify the Commission that such filing is the result of an agreement or understanding.

22. Section 22.30 is amended by removing paragraph (c) and revising paragraphs (a)(3) and (b) to read as follows:

§ 22.30 Opposition to applications.

(a) * * *

(3) Contain specific allegations of fact which, except for facts of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof, and which shall be sufficient to demonstrate that the petitioner (or respondent) is a party in interest and that a grant of, or other Commission action regarding, the application would be prima facie inconsistent with the public interest;

* * * * *

(b) A petition to deny a major amendment to a previously filed application may only raise matters directly related to the amendment which could not have been raised in connection with the underlying, previously filed application. This does not apply to petitioners who gain standing because of the major amendment.

23. Section 22.31 is amended by revising paragraph (e) in its entirety to read as follows:

§ 22.31 Mutually exclusive applications.

* * * * *

(e) *Additional frequencies.* An applicant requesting a frequency which is mutually exclusive with another application that has previously been placed on public notice shall not in the same application request additional frequencies which are not mutually exclusive with the first application. Instead, additional frequencies may be applied for in a separate application.

24. Section 22.32 is amended by revising paragraph (b)(5) to read as follows:

§ 22.32 Consideration of applications.

* * * * *

(b) * * *

(5) the applicant is qualified under current FCC regulations and policies.

* * * * *

25. Section 22.39 is revised to read as follows:

§ 22.39 Transfer of control or assignment of station authorization.

(a) *Approval required.* Authorizations shall be transferred or assigned to another party, voluntarily (for example, by contract) or involuntarily (for example, by death, bankruptcy, or legal disability), directly or indirectly or by transfer of control of any corporation holding such authorization, only upon application and approval by the Commission.

(1) A change from less than 50% ownership to 50% or more ownership shall always be considered a transfer of control.

(2) In other situations a controlling interest shall be determined on a case-by-case basis considering the distribution of ownership, and the relationships of the owners, including family relationships.

(b) *Form required.* (1) *Assignment.* (i) FCC Form 490 shall be filed to assign a license or permit.

(ii) In the case of involuntary assignment, FCC Form 490 shall be filed within 30 days of the event causing the assignment.

(2) *Transfer of Control.* (i) FCC Form 490 shall be submitted in order to transfer control of a corporation holding a license or permit.

(ii) In the case of involuntary transfer of control, FCC Form 490 shall be filed within 30 days of the event causing the transfer.

(3) *Form 430.* Whenever an application must be filed under paragraph (1) or (2) above, the assignee or transferee shall file FCC Form 430 ("Common Carrier Radio License Qualification Report") unless an accurate report is on file with the Commission.

(4) *Notification of completion.* The Commission shall be notified by letter of the date of completion of the assignment or transfer of control.

(5) *Partial assignment.* If only a portion (less than 100%) of the authorized facilities are transferred or assigned to another party, voluntarily or involuntarily, such action is considered a partial assignment. Request for authorization for partial assignment of a license shall be made—

(i) By the assignee: on FCC Form 401.

(ii) By the assignor: on FCC Form 401.

(iii) The partial assignment must be completed within 60 days of FCC authorization. If the assignment is not timely completed, FCC Form 489 must be filed to return the license to its original specifications. The assignee must submit his authorization for cancellation.

(c) In acting upon applications for transfer of control or assignment, the Commission will not consider whether the public interest, convenience, and necessity might be served by the transfer or assignment of the authorization to a person other than the proposed transferee or assignee.

26. Section 22.40 is revised to read as follows:

§ 22.40 Considerations involving transfer or assignment applications.

(a) *Applicability.* This section applies to all authorizations issued under this Part, except those for paging services at 35, 43 or 900 MHz, and to all authorizations obtained as a result of a comparative hearing if the facility has been operated for less than one year.

(b) The Commission will review a proposed transaction in authorizations whenever applications (except those involving *pro forma* assignment or transfer of control) for consent to assignment of an authorization granted under this Part, or for transfer of control of a permittee or licensee, involve facilities which have not been constructed or which have been operated for less than one year by the proposed assignor or transferor and the authorization was obtained as a result of a comparative hearing. At its

discretion, the Commission may require the submission of an affirmative, factual showing (supported by affidavits of a person or persons with personal knowledge) to demonstrate that the proposed assignor or transferor has not acquired an authorization or operated a station for the principal purpose of profitable sale rather than public service. This showing may include, for example, a demonstration that the proposed assignment or transfer is due to changed circumstances (described in detail) affecting the licensee subsequent to the acquisition of its authorization, or that the proposed transfer of radio facilities is incidental to a sale of other facilities or merger of interests.

27. Section 22.43 is revised to read as follows:

§ 22.43 Period of construction.

(a)(1) *General Rule.* A radio station authorization shall specify the date of grant as the earliest date for commencement of construction.

(2) The station must be completed and ready for operation, as shown by commencement of service tests (§ 22.212), within 12 months after the grant of the radio station authorization. In the case of offshore telephone stations, the period shall be 18 months.

(3) If construction is not completed within the time period set forth in this rule or if an extension of time to complete construction is not timely requested the license will automatically expire.

(b) *Extension of Time to Complete Construction.* (1) *General rule.* Application for extension of time to complete construction may be made on FCC Form 489. Extensions will be granted only if the applicant shows that the failure to complete is due to causes beyond his control. No extensions will be granted for delays caused by lack of financing, lack of site availability, for the transfer of an authorization, or for failure to timely order equipment. If the licensee orders equipment within 90 days of the license grant, a presumption of due diligence is created.

(2) *State certification.* No extension will be granted when state certification has been denied and all state appeals have been exhausted. If an applicant requests an extension due to lack of state certification, one 8-month extension may be granted when state law permits construction before certification is obtained. No more than two 8-month extensions may be granted when state laws prohibit construction before certification is obtained. Lack of state certification must be due to a cause beyond applicant's control, and extensions will not be granted if there is lack of diligence in pursuing state certification. If the licensee files for state certification within 90 days of the license grant, a presumption of due diligence is created.

(c) *Cellular base stations.* Cellular base stations, which will provide coverage over 75% of the cellular geographic area, as defined in § 22.905 of these rules, shall be completed and the station ready for operation within 36 months from the date the radio station authorization is granted.

28. Section 22.44 is revised to read as follows:

§ 22.44 Termination of authorization.

(a)(1) All authorizations shall terminate on the date specified on the authorization or on the date specified by these rules unless an application for renewal or reinstatement is timely filed.

(2) If no application for renewal or reinstatement has been made before the authorization's expiration date, a late application for renewal or reinstatement will be considered only if it is filed within 30 days of the expiration date and shows that the failure to file a timely application was due to causes beyond the applicant's control. A request for extension of time and reinstatement during the 30-day period shall be filed on Form 489. Service to subscribers need not be suspended while a late filed renewal application is pending, but such service shall be without prejudice to Commission action on the renewal application and any related sanctions.

(b) *Special Temporary Authority.* A special temporary authorization shall automatically terminate upon failure to comply with the conditions in the authorization.

(c) *State certification.* Where the holder of an authorization is denied state certification and the state appeal process is exhausted before the end of the one-year period, the license will be forfeited. If the licensee regains state certification before the end of the one year period, a request for reinstatement may be considered.

29. Section 22.45 is revised to read as follows:

§ 22.45 License period.

(a) Licenses will be granted for 10 years. When a date is specified in paragraph (b) below, the license will be valid until that date in the tenth year of the license. Developmental licenses shall be granted for one year. When the Commission determines the public interest, convenience or necessity would be served by a shorter license period, the license will be granted for such period.

(b) *License Termination.* Station licenses will expire on the dates listed below, on the last year of the license:

Public Land Mobile (radio common carriers), Apr. 1
Public Land Mobile (wireline common carriers), July 1
Offshore Telephone, Aug. 1
Public Land Mobile (air-ground base stations), Sept. 1
Rural Radio, Nov. 1
Cellular Radio, Oct. 1

30. Section 22.100 is amended by removing and reserving paragraph (d)(3), by revising paragraphs (a) and (b), by adding new paragraphs (c) and (e) thru (h), by adding a caption to paragraph (d) and by revising the first two sentences of paragraph (d) introductory text to read as follows:

§ 22.100 Frequencies, interference.

(a) The frequencies available for use in the services covered by this part of the rules are listed in the applicable subparts of this part. Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most efficient use of the authorized facilities.

(b) *Interference.* (1) *General rule.*

(i) The Commission will take no action upon complaints of interference against any station which is operating within the Commission's rules and its authorization, except as provided in this section.

(ii) The Commission will only consider complaints of interference which significantly interrupt or degrade a radio service.

(iii) In cases where this section protects against interference, the Commission will take whatever action it deems necessary in response to interference complaints.

(2) *Operation in accordance with authorization or rules.* A station causing interference by failing to operate in accordance with its authorization or these rules shall discontinue radiation until it can comply with the authorization or rule regardless of the amount of interference caused, except for transmission concerning the immediate safety of life or property, in which case transmission shall be

suspended immediately after the emergency is terminated.

(3) *Secondary uses of frequencies.* All uses of frequencies specified in these rules as secondary to the primary uses shall be discontinued if harmful interference to the primary use cannot be eliminated.

(4) *Base-to-base station interference.* When an authorization has been properly granted, interference between base stations in the public mobile radio service shall be resolved by the licensees. If the licensees cannot resolve the interference, the Commission, after notice and opportunity for hearing, may order whatever changes in equipment or operation it deems necessary.

(5) *Mobile-to-base, mobile-to-mobile.* No protection will be provided against mobile-to-base or mobile-to-mobile interference.

(6) *Control and repeater stations.* Control and repeater stations shall not cause harmful interference to other stations.

(7) *Dispatch stations.* Dispatch stations shall not cause harmful interference to other stations.

(c) *35 MHz band.* No protection against tropospheric and ionospheric propagation of signals will be given except as provided in § 22.501(a).

(d) *2100 MHz bands.* All applicants for regular authorization for use of the bands 2110–2130 MHz and 2160–2180 MHz shall, before filing an application or major amendment to a pending application, coordinate proposed frequency usage with existing users in the area and other applicants with previously filed applications, in this radio service and in the point-to-point Microwave and Local Television Radio Services, whose facilities could affect or be affected by the new proposal in terms of frequency interference or restricted ultimate system capacity. Use of frequencies in these bands is subject to the interference conditions in § 22.501(e). * * *

* * * * *

(3) [Reserved]

* * * * *

(e) *72–76 MHz band.* Stations operating in the 72–76 MHz band shall comply with the interference conditions set forth in § 22.103.

(f) *Control and repeater stations (450 MHz band).* Control or repeater stations using the frequencies 454.025–454.650 MHz and 459.025–459.650 MHz shall not cause harmful interference to any other type of station authorized to use those frequencies and shall be secondary to rural radio and mobile service by other classes of stations.

(g) *890–952 MHz band.* (1) Stations in the 890–940 MHz band will not be protected against interference from industrial, scientific and medical equipment operating on 915 MHz or radiolocation stations in the 890–942 MHz band.

(2) Stations in the 890–940 MHz band shall not cause harmful interference to radiolocation stations in the 890–942 MHz band.

(3) New control and repeater stations will not be authorized in the 890–940 MHz band, except as provided in § 22.501(g)(1).

(4) Proposed stations in the 942–952 MHz band shall not cause harmful interference to existing stations. Such proposed stations must also comply with the other conditions set forth in § 22.601(f).

(h) *Quiet zones.* Stations operating in the vicinity of Green Bank, West Virginia, Sugar Grove, West Virginia, and Boulder, Colorado, shall comply with the "quiet zone" provisions of § 22.113.

31. Section 22.101 is revised to read as follows:

§ 22.101 Frequency tolerance.

(a) *Tolerance.* The carrier frequency of each transmitter shall be maintained within the following tolerances from the assigned frequencies:

Frequency range (MHz)	Frequency tolerance (percent)		
	All Fixed and base stations	Mobile stations over 3 watts	Mobile stations 3 watts or less
25 to 50	0.002	0.002	0.005
50 to 450	.0005	.0005	.005
450 to 512	.00025	.00025	.0005
821 to 896	.00015	.00025	.00025
928 to 929	.0005	.....	.....
929 to 932	.00015	.....	.....
959 to 960	.00015	.....	.....
2010 to 2220	.001	.....	.....

(b) *Transmitter measurements.* The licensee of each station shall employ a suitable method to ensure that the transmitter operates within the tolerances prescribed by these rules and on the assigned frequency.

§22.102 [Reserved]

32. Section 22.102 is removed and reserved.

33. Section 22.103 is revised to read as follows:

§ 22.103 Standards governing use of 72–76 MHz band.

(a) Applicants requesting authority to operate on frequencies in the 72–76 MHz band must agree to eliminate any harmful interference which such operations may cause to television reception on either Channel 4 or 5. If the interference cannot be eliminated within 90 days of the time the matter is first brought to a licensee's attention by the Commission, operation of the interfering fixed station shall be immediately discontinued.

(b) *Less than 10 miles.* Applications for use of 72–76 MHz band frequencies less than 10 miles from Channel 4 or 5 television stations will be returned without action, except where the proposed transmitter is co-located with the television transmitter. In the latter case, the application will be processed according to the 10–80 mile standard.

(c) *Between 10 and 80 miles.* Where an applicant proposes to locate a 72–76 MHz band fixed station between 10 and 80 miles from a Channel 4 or 5 television station, the applicant shall consult the charts included in this section and then submit a showing of the number of family dwelling units within the relevent area surrounding the proposed station. The applicant need not count family dwelling units 70 or more miles from the television station. In communities where televisions channels are assigned but not in operation, the applicant shall consider the community post office as the television station site.

(1) In cases where more than 100 family dwelling units are contained within the circle (determined according to this section), the number of dwelling units shall be stated and a factual showing made that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a definite plan, which must be disclosed, to control any interference that might develop to television reception from its operations.

(iv) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate interference caused by its operations.

(2) No station assignments shall be made in the frequency range 72.65–72.85 MHz within 80 miles from the site of a television transmitter operating on Channel 5 (or from the post office of a community to which such television channel is allocated, in cases where a television station has not been authorized).

(3) Stations authorized on December 1, 1961, in the 73.00 to 74.60 MHz band are not required to protect the radio astronomy service.

34. Section 22.104 is revised to read as follows:

§ 22.104 Emission types.

(a) *General.* (1) Emissions authorized to stations in the public land mobile, rural radio and offshore radio services include but are not limited to F1, F2, F3, F4, and F9Y.

(2) Applications for base stations employing amplitude compandored single sideband modulation (ASSB) shall be submitted on Form 401.

(i) The application shall describe fully the modulation characteristics, emission and occupied bandwidth, and specify the center frequency of the emitted bandwidth for each channel, carrier frequency (though suppressed), and pilot frequencies, if any. All center frequencies shall fall within the authorized bandwidth, as defined in section 507(b). The authorized bandwidth shall be based on an assignable frequency in §§ 22.501, 22.600 and 22.1000. The total of the out-of-band emissions shall meet the requirements of section 22.106, assuming an FM transmitter with an output power equal to the sum of all ASSB output powers in the authorized bandwidth.

(ii) The reliable service area contours of each channel shall be determined in accordance with § 22.504. Multiple channels in one authorized bandwidth are considered as a "group" if the overlap between the reliable service area contours of all channels in the group is fifty percent or greater. The sum of the peak effective radiated powers of all ASSB channels within a group shall not exceed 500 watts.

(iii) Interference studies between stations within an authorized bandwidth, whether FM-to-ASSB, ASSB-to-FM, or ASSB-to-ASSB shall be in accordance to the following. For ASSB stations, the location of the station in the group nearest to the station studied for interference shall be selected. The effective radiated power in the direction of the other station shall be the sum of the peak effective radiated powers in the group, each in the direction of the other station. The antenna-center height above average terrain shall be the maximum antenna-center height of any station in the group in the direction of the studied station. The frequency of the group shall be sssumed to be the same as that of the other station (co-channel), and studies shall be made in accordance with § 22.15(b).

(iv) A showing of need is not required in an application requesting one or more initial ASSB channels in one authorized bandwidth. Licensees authorized one or more channels in an authorized bandwidth requesting one or more additional ASSB channels in the same bandwidth and in the same market area will not be required to conduct traffic loading studies. In cases not cited above, §§ 22.16 and 22.516 of the rules apply and the ASSB channels within an authorized bandwidth will be treated as a single channel on an assignable frequency for traffic loading studies.

(3) Any other types of emissions not listed in (a) (1) and (2) above shall be submitted on Form 401 with interference showings to existing and known pending stations and shall be considered on a developmental basis.

(b) *Unmodulated emissions.* (1) Authorization to employ types of modulated emissions shall include authority to employ unmodulated emissions fortemporary or short periods for equipment testing.

(2) Continuous unmodulated emissions may be utilized at a maximum of 1 watt output power to prevent the indication of false channel occupation.

35. Section 22.106 is revised to read as follows:

§ 22.106 Emission limitations.

(a) For transmitters other than those employing digital modulation techniques, the mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

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

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

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

(b) For transmitters not equipped with an audio low pass filter required by the provisions of paragraphs (f) and (g) of § 22.508, and for those employing digital modulation techniques, the power of any emission shall be attenuated below the unmodulated carrier power (P) in accordance with the following schedule:

(1) For those transmitters that operate in the frequency bands of 35.0 to 44.0 MHz, 72.0 to 73.0 MHz, 75.4 to 76.0 MHz or 152.0 to 159.0 MHz,

(i) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in kHz) of more than 5 kHz up to and including 10 kHz: at least 83 Log_{10} (fd/5) decibels;

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in kHz) of more than 10 kHz up to and including 250 percent of the autorized bandwidth: at least 29 Log_{10} (fd2/11) decibels or 50 decibels, whichever is the lesser attenuation;

(iii) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 43 plus 10 Log_{10} (output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

Note.—The measurements of emission power can be expressed in peak or average values provided they are expressed in the same parameters as the unmodulated transmitter carrier power.

(2) For those transmitters that operate in the frequency bands 450.0 to 512.0 MHz, or 929.0 to 932.0 MHz,

(i) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in kHz) of more than 5 kHz up to and including 10 kHz: at least 83 Log_{10} (fd/5) decibles:

(ii) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (fd in kHz) of more than 10 kHz up to and including 250 percent of the authorized bandwidth: at least 116 Log_{10} (fd/6.1) decibels or 50 plus 10 Log_{10} (P) or 70 decibels, whichever is the lesser attenuation;

(iii) On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: at least 43 plus 10 Log_{10} (output power in watts) decibels or 80 decibels, whichever is the lesser attenuation.

Note.—The measurements of emission power can be expressed in peak or average values provided they are expressed in the same parameters as the unmodulated transmitter carrier power.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in this section.

36. Section 22.107 is revised to read as follows:

§ 22.107 Transmitter power.

(a) The power which a station will be permitted to use in these services will be the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception.

(b) Standby transmitters having a power in excess of the main transmitter with which it is associated will not be authorized.

37. Section 22.108 is revised to read as follows:

§ 22.108 Directional antennas.

(a) *Directional antennas required.* Rural radio stations, control stations, repeater stations, and dispatch stations shall use a directional antenna with the major lobe of radiation in the horizontal plane directed toward the receiving station or the passive reflector with which the station communicates. A multi- or omni-directional antenna may be authorized if necessary where a station communicates with more than one point.

(b) *Beam width required.* Stations required to use directional antennas shall meet the standards indicated below. Maximum beam width is for the major lobe of radiation at the half power points. Suppression is the minimum attenuation required for any secondary lobe signal and is referenced to the maximum signal in the main lobe.

Frequency range	Maximum beam width (degrees)	Suppression (dB)
Below 512 MHz	80	10
512 to 1000 MHz	20	13
1500 to 2500 MHz	12	13

(c) *Temporary fixed station requirement.* Temporary fixed stations may use antenna structures not exceeding the height criteria in Part 17 of this chapter. Greater height requires FAA or FCC approval.

(d) All applications for station authorization (Form 401) shall include the beam with of the major lobe of the antenna pattern (polar diagram). For this purpose the beam width is defined as the arc, in degrees, including all points on the polar diagram which are within 3 decibels of the point of maximum gain (half power points). For omnidirectional antennas the beam width is defined as 360 degrees.

38. Section 22.109 is revised to read as follows:

§ 22.109 Antenna structure.

(a) *General provisions.* (1) Permittees and licensees shall not allow antenna structures to become a hazard to air navigation.

(2) Antenna structures shall be marked and maintained in accordance with section 303(q) of the Communications Act of 1934, as amended (47 U.S.C. 303(q)) and Part 17 of this chapter and all applicable rules and requirements of the Federal Aviation Administration. Specific lighting and marking requirements are described in FCC Form 715 or FCC Form 715A.

(b) *Maintenance contracts.* Permittees and licensees may be contract delegate the marking and maintenance requirements specified for these radio services. All licensees or permittees who make such contractual arrangements, including situations in which a common antenna is used, shall be responsible for the contractor's performance. The general requirements of § 22.205 apply.

39. Section 22.110 is revised to read as follows:

§ 22.110 Antenna polarization.

(a) *Vertical.* The following types of stations shall employ an antenna which radiates a vertically polarized signal:

(1) Base, mobile, dispatch, and auxiliary test stations operating in the Public Land Mobile Service;

(2) Offshore Telephone stations;

(3) Stations operating in the 72–76 MHz band.

(4) Stations operating in the Cellular Radio Telecommunications Service.

(b) *Horizontal.* (1) Stations not required by section (a) above to use vertical polarization shall employ horizontal polarization.

(2) Rural subscriber stations communicating with base stations may employ vertical polarization.

(c) *Circular.* Upon satisfactory showing that transmission will be improved and harmful interference will be reduced, the Commission may authorize a station, other than those listed in paragraph (a) above, to radiate a circularly polarized signal.

(d) *Above 890 MHz.* Public Land Mobile stations operating above 890 MHz are not limited as to the type of polarization.

§§ 22.111 and 22.112 [Reserved]

40. Sections 22.111 and 22.112 are removed and reserved.

§ 22.114 [Reserved]

41. Section 22.114 is removed and reserved.

42. Section 22.115 is revised to read as follows:

§ 22.115 Topographic data.

(a) *Radials.* (1) *General case.* Average terrain elevation shall be determined from the elevation between 2 and 10 miles from the antenna site. Radials shall be drawn from the antenna site extending for 10 miles. Eight radials shall be drawn for each 45 degrees of azimuth starting from True North.

(2) *Co-Channel or adjacent stations.* (i) Additional radials shall be drawn to co-channel stations within 75 miles.

(ii) In the case of Public Land Mobile stations in the 470–512 MHz band, additional radials shall be drawn to co-channel TV stations within 162 miles and to adjacent channel TV stations within 67 miles.

(3) *Foreign territory or water.* When a portion of a radial extends over foreign territory or water, such portion shall not be included on the profile graphs or in the computation of average elevation unless the radial passes over United States land within 83 miles of the station.

(b) *Profile graphs.* The profile graph for each radial should be plotted by contour intervals of 40 to 100 feet so that, where the data permit, at least 50 points of elevation are generally evenly spaced on each radial. This information may be obtained using topographic quadrangle maps with a scale of 1:24,000. If the terrain is very rugged so that the use of 100-foot intervals would result in several points in a short distance, 200- or 400-foot contour intervals may be used. If the terrain is uniform or gently sloping, the smallest contour on the topographic map should be used, even though only relatively few points may be available.

(1) The profile graphs must:

(i) Indicate the topography accurately;

(ii) Be plotted with distance in miles on the horizontal axis and elevation in feet above mean sea level on the vertical axis;

(iii) Show the elevation of the center of the antenna's radiating system;

(iv) Be plotted on rectangular coordinate paper or curvature of earth paper (although it is not necessary to consider the curvature of the earth.); and

(v) Indicate the source of the data.

(c) *Computation of average terrain elevation.* The average elevation of the 2 to 10 mile portion of each radial shall be determined from the profile graphs. Profile graphs shall not be submitted with the application but shall be made available to the Commission upon request.

(1) In Dade and Broward Counties, Florida, average terrain elevation is assumed to be 10 feet.

(2) The average terrain elevation may be computer-generated using the National Geophysical and Solar-Terrestrial Data Center, 30 second point elevation file. This data must be processed for intermediate points along each radial employing linear interpolation techniques. The height above mean sea level of each antenna site must be obtained using appropriate topographic maps. See also § 22.15.

§ 22.116 [Reserved]

43. Section 22.116 is removed and reserved.

44. Section 22.117 is revised to read as follows:

§ 22.117 Transmitters.

(a) *Installation.* (1) The transmitter shall be installed so that unauthorized persons will not have access to the transmitter or its control point(s).

(2) Transmitters in the Public Mobile Service shall be installed so that controls which may cause the transmitter to exceed its authorized parameters are accessible only by properly licensed personnel.

(3) Transmitter control circuits shall be installed so that grounding or shorting any line in the control circuit shall not cause the transmitter to radiate.

(4) Each transmitter (other than hand carried or pack-carried) and each control point shall be equipped with some means of indicating when the transmitter's control circuits have been placed in a condition to activate the transmitter. Each transmitter shall be equipped so that the transmitter can be turned on and off independently of any remote control circuits.

(b) *Additional Transmitters.* Licensees may construct and operate additional transmitter locations on the same frequency without obtaining prior Commission approval, provided:

(1) The currently authorized reliable service area contour and predicted interference contour of the station or other commonly owned stations are not enlarged in any direction;

(2) The Commission is notified of the new transmitter(s), through the filing of a Form 489. The Form 489 shall include a certification that the reliable service area contour and predicted interference contour of the proposed station are totally encompassed within the reliable service area contour and predicted interference contour of the existing station(s);

(3) Full FAA approval has been obtained. The notification shall state that such clearance has been granted; and

(4) The application is not a "major action" as defined by rule § 1.1305. If it is a major action, then prior approval is required, and the requirements of § 1.1311 apply

§ 22.118 [Reserved]

45. Section 22.118 is removed and reserved.

46. Section 22.120 is revised to read as follows:

§ 22.120 Type-acceptance of transmitters.

(a) *Type-acceptance required.* All transmitters shall be type-accepted for use under this part of the Rules. Transmitters must be type-accepted when the station is ready for service, not necessarily at the time of filing an application. Developmental systems may use transmitters which have not been type-accepted.

(b) *Procedure for type-acceptance.* Transmitters shall be type-accepted by the Commission pursuant to Subpart J of Part 2 of this chapter (§ 2.901 et seq.).

(1) An applicant for a station authorization may apply for individual transmitter type-acceptance.

(c) *Lists of type-accepted transmitters.* Type-accepted transmitters are listed in the Commission's "Radio Equipment List," which is available for inspection at the Commission in Washington, D.C., and its field offices. Type-accepted individual transmitters normally will not be included in this list, but only specified on the station authorization.

(d) *Cellular equipment.* In addition to the normal type-acceptance procedures contained in Part 2 of this Chapter and to the technical standards contained in this Part, transmitters designed for operation under Subpart K of this Part shall comply with requirements contained in the Commission's cellular system compatibility specification (See § 22.915).

47. Section 22.121 is revised to read as follows:

§ 22.121 Replacement of equipment.

(a) A licensee may replace any equipment in its station without authorization if:

(1) The equipment is currently type-accepted for use in this Part of the rules;

(2) Antenna height or antenna structure height, whichever is greater, is not increased above the authorized height; and

(3) The distance from the base station to the reliable service area contour is not changed in any direction.

(b) Except as provided in paragraph (a) above, a licensee must obtain authorization prior to making changes to or replacements of station equipment.

(c) When equipment is replaced under paragraph (a) above, the licensee shall notify the Commission of such changes upon the next application for renewal or modification of the license.

§ 22.122 [Reserved]

48. Section 22.122 is removed and reserved.

49. Section 22.201 is revised to read as follows:

§ 22.201 Posting station licenses.

(a) The current original authorization for each station shall be retained as a permanent part of the station records but need not be posted.

(b) A clearly legible photocopy of the authorization for each base or fixed station shall be posted at every control point of the station and the local business office if the control point is not in the local area of operation

§§ 22.203 and 22.204 [Reserved]

50. Sections 22.203 and 22.204 are removed and reserved.

51. Section 22.205 is revised to read as follows:

§ 22.205 Operator and maintenance requirements (licensee's general responsibility).

(a) *General.* The station licensee shall be responsible for the proper operation and maintenance of the station. No operator's license is required for a person to operate or perform maintenance on facilities authorized in these radio services. The station licensee shall at all times comply with the Commission's rules, regulations, and policies.

(b) *Maintenance by contract.* When maintenance for a radio station or antenna structure is provided for by agreement with an entity unrelated to the licensee, the agreement shall be in writing.

(1) The licensee shall retain effective operational control over the radio facilities and their operation.

(2) The licensee shall remain fully responsible for the quality of maintenance, for compliance with all the Commission's rules, and for the general instructions given to the contractor.

52. Sections 22.206 and 22.207 are removed and reserved.

53. Section 22.208 is amended by removing paragraphs (e) through (i).

54. Section 22.209 is removed and reserved.

55. Section 22.210 is amended by removing the words "and to the Engineer in Charge of the radio district in which the station is located," in paragraph (a) in this section, and remouning the words "and the Engineer in Charge" in Paragraph(c) of this section.

§ 22.211 [Reserved]

56. Section 22.211 is removed and reserved.

57. Section 22.212 is revised to read as follows:

§ 22.212 Tests.

(a) *Equipment tests.* When construction or modification of a station

has been completed in accordance with the radio station authorization, the licensee may conduct equipment and service tests.

(b) *Maintenance tests.* Licensees are permitted to make such tests as are necessary for the proper maintenance of their stations.

(c) *Tests in general.* All tests shall be conducted so as not to cause interference to other communication systems. The Commission reserves the right to cancel or modify the licensee's testing authority when the public interest so requires.

58. Section 22.213 is amended by revising paragraph (d) to read as follows:

§ 22.213 Station identification.

* * * * *

(d) Where transmission of station identification is required, such transmission shall be capable of being received and understood at an appropriate receiver, without the use of special channeling or transmission unscrambling devices. The identification shall be made by means of Morse code, aural transmission, or tone signaling.

§ 22.214 [Reserved]

59. Section 22.214 is removed and reserved.

§§ 22.300 and 22.301 [Reserved]

60. Sections 22.300 and 22.301 are removed and reserved.

61. Section 22.302 is revised to read as follows:

§ 22.302 Duty of licensees to respond to official communications.

(a) Licensees are required to respond to official communications with reasonable dispatch and according to the tenor of the communication. Failure to do so will be considered by the Commission to (1) reflect adversely on a person's qualifications to hold licenses, or (2) create liabilities for other appropriate sanctions.

(b) Any person receiving official notice of an apparent or an actual violation of a federal statute, international agreement, Executive Order, or regulation pertaining to communications shall respond in writing within 10 days to the office of the Commission originating the notices. If an answer cannot be sent within 10 days, an acknowledgement and answer shall be sent as soon as possible with a satisfactory explanation of the delay.

(c) All answers to official communications shall be complete and self-contained without reference to other communications unless copies are attached.

62. Section 22.303 is revised to read as follows:

§ 22.303 Discontinuance of station operation.

If a station licensed under this part discontinues operation on a permanent basis, the licensee shall forward the station license to the Commission for cancellation. For the purposes of this section, any station which has not operated for 90 continuous days is considered to have been permanently discontinued, unless the applicant has notified the Commission otherwise prior to the expiration of the 90 day period and provided a date when operation will resume, which shall not be in excess of 30 additional days.

63. Section 22.304 is revised to read as follows:

§ 22.304 Tariffs, other reports.

All common carriers shall file the reports required by the rules of this chapter (See §§ 1.771–1.815).

§§ 22.305 and 22.306 [Reserved]

64. Sections 22.305 and 22.306 are removed and reserved.

65. A new § 22.308 is added to read as follows:

§ 22.308 Incidental communication services.

Licensees authorized to operate in these radio services may also use their facilities to provide other communications services incidental to those specified in the authorization, provided that:

(a) The incidental service does not interfere with the public mobile radio service specified in the authorization;

(b)The costs or charges of subscribers who do not wish to use the other communication service are not increased;

(c) The quality of service does not materially deteriorate, and neither growth nor availability of the licensee's authorized service is diminished beyond a minimal degree;

(d) The provision of the incidental services does not violate and is not otherwise inconsistent with other Commission rules, regulations, and policies; and

(e) The Commission is notified by letter prior to the provision of any incidental communication service. Such notification shall include a general description of the service and an explanation of the technical proposal.

66. A new § 22.309 is added to read as follows:

§ 22.309 Representations.

(a) *Duty of disclosure.* All parties shall make full and continuing disclosure as required by § 1.65 of this chapter. No party shall make misrepresentations of any kind.

(b) *Service to the public.* The filing of an application shall be a representation by the applicant that the motivation for the application is the applicant's intention to provide service to the public.

67. Section 22.400 is revised to read as follows:

§ 22.400 Eligibility.

Developmental authorizations may be issued to communications common carriers for experimentation leading to the development of a service regulated by this part.

§ 22.401 [Amended]

68. Section 22.401 is amended by redesignating paragraph (c) as paragraph (b).

69. Section 22.405 is revised to read as follows:

§ 22.405 Additional application content.

Authorizations for development of a proposed radio service in the Public Mobile Services will be issued only upon a showing that the applicant has a definite program of research and development, which has reasonable promise of substantial contribution to the services authorized by this Part. The applicant must make a specific showing as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose. The Commission may, in its discretion, require a showing of financial qualification.

70. A new § 22.407 is added to read as follows:

§ 22.407 Renewal.

(a) Expiring developmental authorizations may be renewed upon (1) the applicant's compliance with the applicable requirements of § 22.406 (a) and (b) relative to the authorization sought to be renewed, and (2) a showing that further progress in the program of research and development requires further radio transmission.

(b) If instead of renewal the licensee requested permanent authorization a Form 408 shall be filed prior to the expiration of the developmental authorization.

71. Section 22.500 is revised to read as follows:

§ 22.500 Eligibility.

(a) Base stations and auxiliary test stations may be licensed to communications common carriers.

(b) Airborne mobile stations (or "air/ground stations") may be licensed to the individual user.

(c) Other mobile stations are licensed as part of base stations authorizations.

72. Section 22.501 is amended as follows:

A. By removing and reserving paragraph (j).

B. By revising paragraphs (a)(5), (b) introductory text, (c), (e), (f), footnote 1 to paragraph (f), (h) and (i).

C. By adding new footnote 2 to paragraph (f).

D. By adding a caption to paragraph (k) and revising the introductory text.

E. By revising the heading to the second column of the table in paragraph (k) to read *"Mobile Frequency (MHz)."*

F. By adding and reserving paragraphs (n) and (o).

§ 22.501 Frequencies.

The following frequencies are available to the Public Land Mobile Service for the use set forth in this section.

(a) * * *

(a)(5) 43 MHz applications (Interference study required).

(i) Applicants which request 43 MHz applications listed in (a)(4) shall explicitly state whether or not there are any existing co-channel two-way facilities within 125 miles (201 km) of the proposed paging station and shall include an engineering study of the potential interference to these two-way stations. The predicted undesired field strength at the existing base station antenna shall not exceed 14 dB above one microvolt per meter. The predicted value shall be calculated by the Bullington method (Kenneth Bullington, "Radio Propagation at frequencies above 30 Megacycles", Proceedings of the I.R.E., October, 1947). Applicants may assume that the two-way base station receiving antenna is the same as that of the base transmitting antenna as filed with the Commission.

(ii) Due to interference potential the frequencies listed in (a)(4) will only be granted on a developmental basis for one year subject to the provisions of § 22.404 (a) and (c). The provisions of § 22.404(d) are waived to permit licensees to offer service for hire. Licensee shall inform customers that service on these channels is developmental and therefore subject to cancellation at any time. When construction is completed a Form 408 shall be filed. Prior to the expiration of the developmental authorization a Form 408 shall be filed to request permanent authorization.

(iii) In accordance with § 22.406 quarterly surveys of possible interference with television reception in the geographic area within a two-mile radius of the base station(s) authorized herein shall be made during the first year of operation. Each quarter, a different sample of at least 25 television viewers distributed approximately evenly throughout the geographic area described above shall be contacted to determine whether they have experienced TV interference. If interference complaints are received either as a result of interviews or in the normal course of business, the licensee shall determine the source and extent of such interference. The licensee shall promptly report all interference complaints and act to correct any problems, or follow official instructions.

(iv) The licensee shall submit a written report soon after the completion of each quarter, fully evaluating the continued existence of interference. Quarterly reports shall include but shall not be limited to the following information:

(*1*) Survey date(s).

(*2*) Method (telephone/on-site/other).

(*3*) Names, addresses and telephone numbers of persons contacted.

(*4*) Time of day survey conducted (morning/afternoon/night).

(*5*) Technical solutions tested and results.

(*6*) Names and telephone numbers of technical representatives consulted and/or employed.

Note.—Prior to September 11, 1982, these frequencies were available for assignment for two-way services. Existing operations of this nature on these frequencies will be permitted to continue until June 30, 1988. Applications to modify existing facilities will be accepted as long as at least fifty percent (50%) of the proposed service area is already covered by the existing service area. No applications for new two-way facilities on these frequencies will be accepted. After June 30, 1988 the restrictions in § 22.501 (a)(2), (a)(3), and (a)(5) concerning two-way stations will no longer apply.

(b) For assignment to wireline common carriers. These frequencies are available for two-way public land mobile service. One-way public land mobile service may also be furnished, provided that two-way service is offered.

* * * * *

(c) For assignment to radio common carriers. These frequencies are available for two-way public land mobile service. One-way public land mobile service may also be furnished, provided that two-way service is offered.

* * * * *

(e) On a shared basis with fixed stations in the Point-to-Point Microwave Radio Service, frequencies in the bands 2110–2130 MHz and 2160–2180 MHz may be authorized for use by control and repeater stations functioning in conjunction with the Public Land Mobile Service. The emission band-width shall be limited to the minimum necessary to serve the purpose required, including the applicant's future growth plans. No new assignments will be made in the 2160–2162 MHz for stations located within 50 miles of the coordinates of the sites listed in § 22.901(c), except upon a showing that no alternative frequencies are available. Channel bandwidths in excess of 800 kHz will not be authorized. In each of these bands, the highest frequency which would not cause harmful interference to any other stations shall be assigned.

(f) *72–76 MHz band.* The following frequencies are available for assignment to public land mobile control and repeater stations on a shared basis with certain other radio services. A repeater station normally will not be authorized unless the public land mobile system with which it is associated is continuously open for public correspondence.

72–76 MHz Band [1] [2]

* * * * *

[1] Stations existing on December 1, 1961, in the 73.0–74.6 MHz band are not required to protect the radio astronomy service.

[2] Stations operating in this band shall cause no harmful interference to operational fixed stations or reception of television channels 4 or 5 (See § 22.103). Existing stations authorized in the 73 to 74.6 MHz band as of December 1, 1961, may continue to operate, are not required to afford protection to the radio astronomy service and must comply with the following technical specifications:

Frequency Tolerance: .005 percent.
Frequency Deviation: ±15 kHz.
Authorized Bandwidth: 40 kHz.
Modulation Limiter: Required.
Audio Low Pass Filter: Not required.

* * * * *

(h) *150 MHz band (Paging).* The following frequencies may be assigned for use exclusively in providing paging:

(1) Radio common carriers.
152.24 MHz, 158.70 MHz.

(2) Wireline common carriers.
152.84 MHz, 158.10 MHz.

(i) *450 MHz band (control, repeater).* The frequencies in this paragraph may be assigned for use for control stations or repeater stations. Series operation of more than one control or repeater station is not permitted.

(1) These frequencies may be assigned to radio common carriers.

454.025	459.025
454.050	459.050
454.075	459.075
454.100	459.100
454.125	459.125
454.150	459.150
454.175	459.175
454.200	459.200
454.225	459.225
454.250	459.250
454.275	459.275
454.300	459.300
454.325	459.325
454.350	459.350

(2) These frequencies may be assigned to wireline common carriers.

[MHz]

454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650

(3) *Location.* Control stations and repeater stations authorized pursuant to this section, shall be located over 50 airline miles from the nearest boundary of any urbanized area with a population of 300,000 or more, according to the most recent report of the U.S. Bureau of the Census.

(4) *Waiver of location.* (i) Paragraph (i)(3) of this section may be waived upon a showing that there are frequency pairs in the 152–164 MHz band not assigned or applied for which can provide service to the urbanized area.

(ii) If a waiver is granted, such facilities shall be secondary to the uses permitted by paragraph (c) of this section. Operation shall be terminated within 60 days after notice from the Commission is received that the frequencies are needed for such use.

(5) *Power.* Effective radiated power shall not exceed 150 watts.

(6) *Interference, secondary basis.* The use of the frequencies by a control or repeater station shall not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations.

(j) [Reserved]

(k) *470–512 MHz band (Two-Way).* The following frequencies may be assigned to radio common carriers within the listed urban areas:

* * * * *

(n) [Reserved]

(o) [Reserved]

(p)(1) * * *

* * * * *

73. Section 22.502 is revised to read as follows:

§ 22.502 Classification of base stations.

(a) Base stations in the public land mobile service shall be classified according to antenna height above average terrain and effective radiated power in the relevant direction. This classification is not applicable to base stations in the frequency bands 454.6625–455.000 MHz, 459.6625–460.000 MHz, 470–512 MHz and 929–932 MHz.

Antenna height above average terrain (feet)	Class of station				
400 to 500	C	B	B	A	A.
300 to 400	C	C	B	B	A.
200 to 300	D	C	C	B	B.
100 to 200	D	D	C	C	B.
0 to 100	E	D	D	C	C.
	30	60	120	250	500

Effective radiated power (watts).

(b) Any station with antenna height more than 500 feet above average terrain, shall be considered to be a Class A station.

74. Section 22.503 is revised to read as follows:

§ 22.503 Geographical separation of co-channel stations.

(a) A co-channel interference study in accordance with § 22.15(b)(2) is not required where base stations engaged in two-way communications, employing frequency modulation or phase modulation and operating co-channel in this service, are separated by not less than the distances shown below. In all other cases, a co-channel interference study is required.

Class of two-way station in the band 152–162 MHz	Minimum mileage separation between co-channel stations				
A	84				
B	80	74			
C	75	69	58		
D	70	64	54	44	
E	66	60	50	40	30
	A	B	C	D	E

Class of Station

Class of two-way station in the band 450–460 MHz	Minimum mileage separation between co-channel stations				
A	67				
B	64	58			
C	61	54	47		
D	58	51	44	37	
E	55	47	42	34	26
	A	B	C	D	E

Class of Station

(a) A co-channel interference study in accordance with § 22.15(b)(2) is not required where base stations engaged in one-way communications, employing frequency modulation or phase modulation and operating co-channel in this service, are separated by not less than the distances shown below. In all other cases, a co-channel interference study is required.

Class of one-way station in the band 35–162 MHz	Minimum mileage separation between co-channel stations				
A	67				
B	64	58			
C	59	54	45		
D	56	51	42	34	
E	53	47	38	32	30
	A	B	C	D	E

Class of Station

(c) In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the tables in paragraph (a) and (b) of this section, or make assignments at lesser stations spacing. Reference may be made to § 73.611(d) of this chapter for methods of computing mileage separation between station locations.

(d) The mileage separation between base stations in the 929–932 MHz band operating simultaneously on a co-channel basis is at least 113 km. (70 miles.)

75. Section 22.504 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 22.504 Reliable service area.

(a) The limits of reliable service area of a base station engaged in two-way communications service with mobile stations are considered to be described by a field strength contour of 31 decibels above 1 microvolt per meter for stations operating on frequencies in the 35 MHz band, 37 decibels above microvolt per meter for stations operating on frequencies in the 152–162 MHz band, and 39 decibels above 1 microvolt per meter for stations operating on frequencies in the 450–460 MHz and 470–512 MHz bands. The limits of reliable service area of a base station engaged in one-way signaling service is considered to be 43 decibels above 1 microvolt per meter. Service within such areas is generally expected to have an average reliability of not less than 90 percent.

Note.—For stations in the 35 MHz band, see Note in § 22.501(a).

* * * * *

(c) *All* applications for base station authorization (Form 401) shall show the maximum distance, in miles, from the base station to the reliable service area contour as determined from each of the eight radials shown in § 22.115(a)(1), and (b).

76. Section 22.505 is amended by revising paragraph (a) to read as follows:

§ 22.505 Antenna height-power limit.

(a)(1) Base stations, other than in the air-to-ground radio service the 470–512 MHz and the 929–932 MHz bands, with antennas more than 500 feet above average terrain shall reduce effective radiated power below 500 watts as provided in the table below.

(2) Optimum antenna placement and configuration is preferable to higher power.

Antenna height (AAT) (feet)	Effective radiated power (ERP) (watts)
500	500.00
550	397.0
600	323.0
700	223.0
800	166.0
900	126.0
1000	97.5
1250	56.8
1500	37.1
2000	19.9
2500	13.1
3000	10.2
3500	8.9
4000	8.1
4500	7.7
5000	7.2

For AAT's between the above listed values, linear interpolation should be used.

(b) * * *

77. Section 22.506 is revised to read as follows:

§ 22.506 Power.

(a) *Base stations.* Base stations shall not exceed 500 watts effective radiated power except for base stations in the 470–512 MHz and the 929–932 MHz band which shall not exceed the power limits in § 22.501(l) and 22.505(b), respectively.

(b) *Dispatch, auxiliary test stations.* Dispatch and auxiliary test stations shall not exceed 100 watts effective radiated power.

(c) *Mobile stations.* Mobile stations shall not exceed 60 watts transmitter power output.

(d) *Air-ground stations.* Base stations operating on frequencies specified in § 22.521 shall not exceed 100 watts transmitter power output. Airborne mobile stations shall have between 4 and 25 watts transmitter power output. During idle traffic periods a base station shall continuously radiate on its working channel(s) a modulated carrier reduced in power between 10 and 20 dB below normal power.

(e) *929–932 MHz band.* Base stations operating on frequencies in the band 929–932 MHz shall not exceed the values of effective radiated power listed in § 22.505(b) to a maximum of 1000 watts.

78. Section 22.507 is revised to read as follows:

§ 22.507 Bandwith and emission limitations.

The maximum authorized band-width of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	25–50 MHz		50–150 MHz		150–932 MHz	
	Authorized bandwidth (kHz)	Frequency deviation (kHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
A1	1	.....	1	.....	1	.....
A2	3	.....	3	.....	3	.....
A3	8	.....	8	.....	8	.....
F1	3	.....	3	.....	3	.....
F2	15	.....	15	.....	15	.....
F3	20	5	20	5	20	5
F9Y	20	5	20	5	20	5

79. Section 22.508 is amended by revising paragraphs (d), (e) and (g) and adding a new paragraph (i) to read as follows:

§ 22.508 Modulation requirements.

* * * * *

(d) When phase or frequency modulation is used for single channel operation on frequencies below 512 MHz, the deviation arising from modulation shall not exceed the limits specified in § 22.507.

(e) Each transmitter which has more than 2 watts output power and was initially authorized or installed at the station in this service after July 1, 1950, employing type A3 or F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraphs (c) and (d) of this section.

* * * * *

(g) Each transmitter which operates on frequencies between 450 and 512 MHz or in the band 929–932 MHz and employes type A3 or F3 emission shall be equipped with a modulation limiter in accordance with the provisions of paragraph (e) of this section and also shall be equipped with a low pass audio filter installed between the modulation limiter and the modulated stage. At audiofrequencies between 3 kHz and 20 kHz, the filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

60 log (f/3) decibels

where "f" is the audiofrequency in kilohertz. At audiofrequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

* * * * *

(i) Transmitters complying with the emission limitations of paragraph (b) of § 22.106 shall be exempt from the audio low-pass filter requirements of paragraphs (f) and (g) of this section provided that transmitters used for digital emissions must be type accepted with the specific equipment that provides the digital modulating signal. The type acceptance application shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (b) of § 22.106.

80. Section 22.509 is revised to read as follows:

§ 22.509 Permissible communications.

(a) *Mobile Stations.* Mobile stations shall communicate with and through base stations only. Such communication between base and mobile stations shall be upon frequencies which are paired according to this part.

(b) *Base stations.* Base stations shall communicate only with

(1) Land mobile stations;

(2) Airborne mobile stations. (If 2-way communications, then only as provided in § 22.521);

(3) Mobile stations on vessels subject to the requirements for incidental communications services in § 22.308;

(4) Rural subscriber stations subject to the requirement that it will not degrade the mobile communication service rendered by the base station.

(5) All paging receivers.

(c) *Dispatch stations.* A dispatch subscriber station may communicate only with that subscriber's mobile stations and only through the associated base station. Where subscribers jointly operate a dispatch station, each subscriber shall communicate only with his own mobile station. See § 22.519.

(d) *Auxiliary test stations.* Auxiliary test stations shall be operated on mobile station frequencies for testing fixed receivers remotely located from the control point. An Auxiliary test station may be used as a standby transmitter on the base station's assigned frequency.

(e) *International.* (1) *Canadian mobile stations.* Canadian licensed mobile stations which are in the United States may communicate with base stations in the public land mobile service after authorization has been granted by the Commission. See § 22.9(e).

(2) *United States mobile stations.* United States licensed mobile stations which are in Canada may communicate with base stations in the public land mobile service of either nation upon authorization by Canada. *See* § 22.9(f).

(3) *Other international.* Unless prohibited by a foreign country, base stations are permitted to provide trans-border communication service to mobile stations in that country which are properly licensed for public mobile service in either country.

(f) *Taxi dispatch.* Taxi dispatching is not permitted under this part.

§§ 22.510, 22.511, 22.512 and 22.513 [Reserved]

81. Sections 22.510, 22.511, 22.512 and 22.513 are removed and reserved.

82. Section 22.515 is revised to read as follows:

§ 22.515 Control points.

(a) *General rule.* (1) Every station in this service shall have at least one control point. Additional control points may be installed upon notification to the Commission.

(2) The Commission shall be notified by Form 408 whenever that control point is moved. The notification shall contain a street address or its geographic coordinates.

(3) No control point is necessary until the station starts transmitting.

(b) *Dispatch stations.* The licensee shall at all times maintain operational control over each dispatch station. See § 22.519.

83. Section 22.516 is revised to read as follows:

§ 22.516 Usage showing for additional channels.

(a) Traffic load studies shall be required in the following cases:

(1) Applications which request an additional frequency for an existing one-way signaling station;

(2) Applications which request one or more additional frequencies for an existing two-way station;

(3) Other applications as the Commission may prescribe.

(b) Traffic load study shall include a showing of the following:

(1) The study shall survey traffic on each channel assignment for three days in a seven day period having normal usage.

(2) The survey shall state (i) the channel occupancy reported separately for the busiest hour on each of three days; (ii) the number of two-way mobile stations, tone-only pagers, tone-plus-voice pagers, and tone digital readout pagers; (iii) the specific assignment of each channel to specific trunk groups, if any; (iv) the date and time of the survey.

(3) The survey shall be performed within 60 days prior to the date on which the application is filed. See Section 22.16.

84. Section 22.517 is revised to read as follows:

§ 22.517 Repeater stations.

(a) As an additional function a base station may be used as a repeater station.

(b) The licensee must be able to turn the base station on or off from the control point regardless of whether a mobile station is transmitting.

85. Section 22.519 is revised to read as follows:

§ 22.519 Dispatch stations.

(a) No new dispatch stations or dispatch points will be permitted. A common carrier which had authority to provide dispatch service prior to January 1, 1982, may continue to provide such service. References to dispatch stations and dispatch points in the rules, specifically §§ 22.2, 22.509, 22.515 and this section are applicable to grandfathered stations and stations in the cellular radio service, pursuant to § 22.911.

(b) *Dispatch stations without specific authorization.* A base station licensee may install a dispatch station for mobile station subscriber(s) without specific authorization.

(1) *Technical.* (i) The dispatch station shall use a mobile station frequency paired with the associated base station frequency.

(ii) The antenna height shall not exceed the criteria in § 17.7 of this chapter. The output power of the transmitter shall not exceed 10 watts.

(iii) No dispatch station shall be capable of overriding the functioning of a control station on the same frequency.

(iv) Every dispatch station shall be under continuous supervision of at least one base station control point.

(2) *Notification.* The Commission shall be notified whenever a dispatch station is installed pursuant to this paragraph. The notification shall include the name and address of the subscriber(s) for which the station was installed, the location of the dispatch station, height of antenna structure above ground and above mean sea level, the frequencies used, the call sign of the base station communicated with, and its location.

(3) *Limitation.* The operation of a dispatch station pursuant to notification without specific authorization shall be subject to termination by the Commission without a hearing upon notice to the licensee.

(4) *Dispatch stations requiring authorization.* A dispatch station which does not comply with paragraph (b) above shall be installed only after application (on FCC Form 401) and approval.

§ 22.520 [Reserved]

86. Section 22.520 is removed and reserved.

87. Section 22.521 is amended by revising paragraphs (a), (b) and the California portion of the Table in paragraph (b), and by adding new paragraphs (c) and (d) to read as follows:

§ 22.521 Airground radiotelephone service.

(a) *Frequencies.* (1) The following frequency pairs, or channels, are allocated for the provision of radiotelephone service between airborne stations and interconnected land mobile radio systems:

Base station frequencies (MHz)	Working channel designations	Mobile and auxiliary test station frequencies (MHz)
454.675		
454.700	6	459.700
454.725	7	459.725
454.750	5	459.750
454.775	8	459.775
454.800	4	459.800
454.825	9	459.825
454.850	3	459.850
454.875	10	459.875
454.900	2	459.900
454.925	11	459.925
454.950	1	459.950
454.975	12	459.975

These frequencies may be used for public land mobile service subject to the provisions of § 22.308.

(2) Frequency 454.675 MHz is to be associated with each of the base station channels listed above and is to be used exclusively as a signaling channel for calling airborne stations.

(b) *Locations.* Base stations may be assigned the following channels and shall be located within 25 miles of the coordinates specified, or if none, the main post office:

* * * * *

California:	
East of Fresno (36°44' N. lat.) (119°17' W. long).	3,11
Northwest of Los Angeles (34°20' N. lat.) (118°36' W. long).	4, 7, 10
North of Redding (40°55' N. lat.) (122°27' W. long).	6
East of San Diego (32°53' N. lat.) (116°25' W. long).	9
Northeast of San Francisco (37°51' N. lat.) (122°11' W. long).	1, 8
Northwest of Santa Barbara (34°32' lat.) (119°58' W. long).	5

* * * * *

(c) *Power.* Base stations shall not exceed 100 watts effective radiated power. Airborne mobile stations shall have between 4 and 25 watts output power. During idle traffic periods a base station shall continuously radiate on its working channel a modulated tone reduced in power between 10 and 20 dB.

(d) *Ambient noise.* Ambient noise shall be reduced to 95 dB Reference Acoustical Pressure (flat weighting) or less.

88. A new § 22.524 is added to read as follows:

§ 22.524 Auxiliary test stations.

Auxiliary test stations shall be used for testing the performance of fixed receiving equipment remotely located from the control point. The licensee or permittee of a base station may operate an auxiliary test station. The auxiliary test station must operate on the mobile station frequency associated with the base station and shall comply with the maximum power specified for mobile stations.

§ 22.526 [Reserved]

89. Section 22.526 is added and reserved.

90. Section 22.600 is revised to read as follows:

§ 22.600 Eligibility.

Rural central office and interoffice stations may be licensed to common carriers. Rural subscriber stations may be licensed to common carriers or to the individual user of the service. Subscriber stations which do not exceed sixty (60) watts effective radiated power are not required to obtain a Commission license to operate. Instead, these stations will be associated with the blanket authorization issued to the central office station or base station which serves them. All rural radio stations are required to operate in compliance with Commission regulations and may be required to cease operation for failure to so comply.

91. Section 22.601 is revised to read as follows:

§ 22.601 Frequencies.

(a) *General.* The following frequencies are available on a secondary basis in the rural radio service, provided no harmful interference is caused to stations in the Public Land Mobile Service.

(b) *150, 450 MHz bans.* (1) *Radio common carriers.* The following frequencies will be assigned to radio common carriers for rural subscribers:

Rural subscriber	
158.49	459.125
158.52	459.150
158.55	459.175
158.58	459.200
158.61	459.225
158.64	459.250
158.67	459.275
459.025	459.300
459.050	459.325
459.075	459.350
459.100	

(2) *Wireline common carriers.* The following frequencies will be assigned to wireline common carriers:

Central office and interoffice station frequencies (MHz)	
152.51	454.400
152.54	454.425
152.57	454.450
152.60	454.475
152.63	454.500
152.66	454.525
152.69	454.550
152.72	454.575
152.75	454.600
152.78	454.625
152.81	454.650
454.375	

Rural subscriber and interoffice station frequencies (MHz)	
157.77	459.400
157.80	459.425
157.83	459.450
157.86	459.475
157.89	459.500
157.92	459.525
157.95	459.550
157.98	459.575
158.01	459.600
158.04	459.625
158.07	459.650
459.375	

(3) *Relay stations.* The frequencies in paragraphs (b) (1) and (2), in this section may be assigned to relay stations upon a showing why it is impracticable to achieve the required communications without relay stations.

(c) *890–940 MHz band.* (1) New stations will not be authorized in the 890–940 MHz band. However, stations which were authorized to operate on April 16, 1958, may be granted renewed licenses subject to the following conditions:

(i) Operations shall not be protected against any interference received from the emission of industrial, scientific, and medical equipment operating on 915 MHz or from the emission of radiolocation stations in the 890–942 MHz band.

(ii) No harmful interference shall be caused to stations operating in the radiolocation service in the 890–942 MHz band.

(d) *942–952 MHz band.* Existing stations in the 890–942 MHz band may be authorized to operate in the 942—952 MHz band under the following conditions:

(1) The stations must show that harmful interference is being caused by Government radiopositioning stations in the 890–942 MHz band or by industrial, scientific or medical equipment operating on 915 MHz.

(2) The application must have an engineering study showing that the interference will be eliminated by the change in frequency.

(3) The authorized bandwidth of emission shall not exceed 1100 kHz.

(4) The proposed frequency assignment shall not cause interference to existing operations in the 942–952 MHz band.

(e) *Puerto Rico, Virgin Islands.* In Puerto Rico and the Virgin Islands the 154.04–154.46 MHz and 161.40–161.85 MHz bands may be assigned for rural telephone service on a shared basis with International Fixed Public and Aeronautical Fixed Radio services.

(f) In the State of Alaska, the frequencies 42.40, 44.10, 44.20 and 45.90 MHz are available for assignment for meteor burst communications to fixed stations in the Rural Radio Service subject to the following conditions:

(1) The frequency 42.40 MHz may be used for central office station operations and 44.10 MHz for subscriber station operations on a primary basis. The frequencies 44.20 and 45.90 MHz may be used for central office and subscriber stations, respectively, on a secondary basis to private radio stations using meteor burst communications. Users shall cooperate among themselves to the extent practicable to promote compatible operation.

(2) The maximum transmitter output power shall not exceed 2000 watts for

central office stations and 500 watts for subscriber stations.

(3) Co-channel central office stations of different licensees shall be located at least 150 miles apart. A subscriber station and a central office of station different licensees shall be located at least 150 miles apart if the subscriber units of the different licensees operate on the same frequency. Waiver of this requirement may be granted if affected users agree to a cooperative sharing arrangement.

(4) The authorized emission designator to be used is F9Y.

(5) The authorized bandwidth is 20 kHz.

(6) Station identification in accordance with § 22.213 shall only be required for the central office station.

(7) Stations may be required to comply with additional conditions of operation as necessary on a case-by-case basis as specified in the authorization.

(8) Stations employing meteor burst communications shall not cause harmful interference to stations of other radio services operating in accordance with the allocation table. Authorizations for meteor burst communications systems will be issued subject to the Commission's developmental grant procedure as outlined in Subpart F of this Part. Prior to expiration of the developmental authorization, application Form 408 should be filed for issuance of a permanent authorization.

§§ 22.602 and 22.603 [Reserved]

92. Sections 22.602 and 22.603 are removed and reserved.

93. Section 22.604 is revised to read as follows:

§ 22.604 Emission limitations.

(a) The maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	Authorized bandwidth (kHz)	Frequency deviation (kHz)
A1	1	
A2	3	
A3	8	
A4	12	
F1	3	
F2	3	
F3	20	5
F4	20	5
F9Y	20	5

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multichannel operation upon an adequate showing of need therefor and provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis. Radio facilities using frequency modulated or phase modulated emission shall not exceed a frequency deviation of 5 kHz due to modulation of the carrier frequency. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired and shall specify the bandwidth desired and shall specify the bandwidth to be occupied.

94. Section 22.605 is revised to read as follows:

§ 22.605 Modulation requirements.

(a) The use of modulating frequencies higher than 3000 hertz for single channel radiotelephony or tone signaling on frequencies below 500 MHz is not authorized.

(b) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for single channel operation on frequencies below 500 MHz, the deviation arising from modulation shall not exceed the limits specified in § 21.604(a).

(d) Each transmitter, which has more than 2 watts output power and was initially authorized or installed at the station in this service after July 1, 1950, employing type A3 or F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraphs (b) and (c) of this section.

(e) Each transmitter, which operates on frequencies below 450 MHz and employs type A3 and F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 15 kHz, the filters all have an attenuation greater than the attenuation at 1 kHz by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilohertz. At audio frequencies above 15 kHz, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kHz.

(f) Each transmitter, which operates on frequencies between 450 MHz and 470 MHz and employs type A3 or F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz, the filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilohertz. At audio frequencies above 40 kHz, the attentuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(g) Transmitters complying with the emission limitations of paragraph (b) of § 22.106 shall be exempt from the audio low-pass filter requirements of paragraphs (e) and (f) of this section provided that transmitters used for digital emissions must be type accepted with the specific equipment that provides the digital modulating signal. The type acceptance application shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (b) of § 22.106.

95. Section 22.610 is revised to read as follows:

§ 22.610 Temporary fixed stations (Rural subscriber, interoffice, and central office stations).

(a) *General.* Upon proper application (FCC Forms 401, 408) for the frequencies listed in § 22.601, an authorization may be issued to operate a temporary fixed station. The station shall be used for rural subscriber, interoffice, or central office service only when regular facilities are not available or when such service is disrupted by storms or emergencies.

(b) *Six month limitation.* When a temporary fixed station is to remain at a single location for more than six months, an application for authorization as a permanent fixed station (FCC Forms 401, 408) must be made at least 30 days before the end of the six month period.

(c) *International Communications.* Temporary fixed stations shall not transmit between the United States and Canada or Mexico without prior authorization from the Commission. Application for authorization shall be made at the earliest possible time to permit coordination with Canada or Mexico.

§ 22.611 [Reserved]

96. Section 22.611 is removed and reserved.

97. Section 22.908 is revised to read as follows:

§ 22.908 Transmitter construction and installation.

The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to, or capable of being operated by, persons other than those duly authorized by the licensee. In general, each transmitter used in the Domestic Public Cellular Radio Telecommunications Service shall be so constructed or installed that all controls thereon which may cause off-frequency operation or result in any unauthorized emission shall be protected from access by other than a technically qualified person.

98. Section 22.1000 is revised to read as follows:

§ 22.1000 Eligibility.

Offshore central station licenses may be licensed to communications common carriers. Offshore subscriber stations may be licensed to common carriers or users of the service.

99. Section 22.1003 is revised to read as follows:

§ 22.1003 Emission limitations.

The maximum authorized bandwidth of emission and maximum authorized frequency deviation shall be as follows:

Type of emission	Authorized bandwidth (kilohertz)	Frequency deviation (kilohertz)
F3	20	5
F9Y	20	5

100. Section 22.1004 is revised to read as follows:

§ 22.1004 Modulation requirements.

(a) The use of modulating frequencies higher than 3000 hertz for single channel radiophony or tone signaling is not authorized.

(b) The frequency deviation arising from modulation shall not exceed 5 kHz.

(c) Each transmitter, which has more than 1 watt power output employing type F3 emission shall be equipped with a device which will automatically prevent greater than normal audio level from modulating in excess of the limits specified in paragraph (b) of this section.

(d) Each transmitter, which employes type F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (c) of this section and also shall be equipped with a low pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz the filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilohertz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(e) Transmitters complying with the emission limitations of paragraph (b) of § 22.106 shall be exempt from the audio low-pass filter requirements of paragraph (d) of this section provided that transmitters used for digital emissions must be type accepted with the specific equipment that provides the digital modulating signal. The type acceptance application shall contain such information as may be necessary to demonstrate that the transmitter complies with the emission limitations specified in paragraph (b) of § 22.106.

101. Section 22.1006 is revised to read as follows:

§ 22.1006 Temporary fixed stations (Offshore Radio).

(a) *General.* Upon proper application (FCC Forms 401, 408) for the frequencies listed in 22.1001(a), an authorization may be issued to operate a temporary fixed station. The station shall be used for Offshore Radio service only when regular facilities are not available or when such service is disrupted by storms or emergencies.

(b) *Six-month limitation.* When a temporary fixed station is to remain at a single location for more than six months, an application for authorization as a permanent fixed station (FCC Forms 401, 408) must be made at least 30 days before the end of the six month period.

(c) *International Communications.* Temporary fixed stations shall not transmit between the United States and Canada or Mexico without prior authorization from the Commission. Application for authorization shall be made at the earliest possible time to permit coordination with Canada or Mexico.

§ 22.1007 [Reserved]

102. Section 22.1007 is removed and reserved.

103. A new § 22.1008 is added to read as follows:

§ 22.1008 Priority of service.

Within the Offshore Radio Service, the frequencies set forth in this part are intended primarily for use in rendition of public message service between Offshore subscriber and central office stations. However, the frequencies may also be used for the rendition of private leased line communication service provided that such usage will not reduce or impair the extent or quality of communication service which would be available, in the absence of private leased line service, to the general public receiving or subsequently requesting public message service from a central office.

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Part III

Nuclear Regulatory Commission

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

NUCLEAR REGULATORY COMMISSION

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of the section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly notice which was published on December 21, 1983 (48 FR 56498) through January 16, 1984.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regualtory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By February 27, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contention which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least on contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly 30

inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Alabama Power Company, Docket No. 50–348, Joseph M. Farley Nuclear Plant, Unit No. 1, Houston County, Alabama

Date of amendment request: May 27, 1983.

Description of amendment request: The amendment would modify the Technical Specifications to correct the listing of safety related hydraulic and mechanical snubbers in Table 3.7–4a and Table 3.7–4b. The change was proposed as an administrative change by the licensee's application dated May 27, 1983.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). The example which the proposed amendment fits is:

(i) A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

The licensee has stated that the proposed changes to the listing of safety related hydraulic and mechanical snubbers in Tables 3.7–4a and 3.7–4b are administrative in nature since the changes are to correct errors relating to: (1) Previously omitted safety related snubbers not listed in the Technical Specification Tables but that have been previously tested in accordance with surveillance requirements for safety related snubbers; (2) typographical errors involving snubber numbers; location descriptions; and snubber designations regarding accessibility, radiation zone, and removal difficulty; and (3) plant design changes that added and/or deleted safety related snubbers. We agree that the proposed changes are administrative in nature and fit Commission example (i). The Tables 3.7–4a and 3.7–4b to be changed are a 55-page listing of all safety related hydraulic and mechanical snubbers identified by the licensee when the Technical Specifications were developed for issuance of the operating license in 1977. Since the proposed changes are based on existing plant design, the Technical Specification Tables now need to be corrected. Otherwise, the Technical Specification Tables would not represent an accurate listing of safety related snubbers installed at the Farley Nuclear Plant, Unit 1. Therefore, The Commission proposes to determine that the amendment would not involve a significant hazards consideration since it is a purely administrative change to the Technical Specifications (Tables 3.7–4a and 3.7–4b).

Local Public Room Location: George S. Houstion Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Attorney for licensee: George F. Trowbridge, Esquire, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: September 12, 1983.

Description of amendment request: The proposed amendment revises the Technical Specifications to permit the insertion of control rods less than one notch to demonstrate their operability. Part of the discussions providing the bases for these Technical Specifications would also be replaced by a more precise statement of the requirements which are met in exercising the control rods each week.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One example of an amendment that is considered not likely to involve a significant hazards consideration is "* * * (iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not demonstrated." The present full notch insert surveillance test can create operating restrictions in the form of power reductions to restore the control rod to its original position. Such restrictions have occurred when degradation of stop piston and collect piston seals have affected the ability to withdraw certain control rods. Degradation of the seals has not affected the control rods scram (insertion) capability; thus, it is not a safety concern. Under the proposed change in specifications, the licensee anticipates that the number of power reductions needed to return control rods to their original positions will be reduced by inserting (raising) the control rods partially and allowing them to settle back into position. The licensee, with concurrence by the vendor of the control rod mechanisms, has also determined that the partial insertion surveillance test will meet the requirements of the present weekly test.

Therefore, since the application for amendment involves a change similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: October 12, 1983.

Description of amendment request: The proposed amendment would revise the Technical Specifications to reflect recent changes in the licensee's organization which establish a Nuclear Operations Support Department (NOSD) on the Pilgrim Station site and a Nuclear Management Services Department

(NMSD) offsite. The functional areas of NOSD encompass Modifications Management, Station Services (which formerly reported to the Station Manager), and two newly-titled areas—Compliance Management and Loss Control. NMSD is a new department with overall responsibility for Regulatory Affairs and Programs, Environmental and Radiological Health and Safety, Records Management, and Emergency Preparedness. The Emergency Preparedness functional reponsibility was transferred to NMSD from the Nuclear Engineering organization. All functional areas previously existing are accounted for in this reorganization. Establishing NOSD onsite will provide the necessary support services to the Station Manager and the Nuclear Training Manager efficiently without the related burdens of administration and management of these activities. The reason for establishing NMSD is to ensure that management support, licensing and related programs, and records management activities are conducted in accordance with the requirements set forth in the Boston Edison Company Quality Assurance Manual and with pertinent BECo policies and procedures.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards consideration by providing certain examples (48 FR 14870). None of the examples given is comparable to the proposed amendment. Nevertheless, the staff proposes to determine that the amendment request does not involve significant hazards considerations since the operation of Pilgrim Nuclear Power Station in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. This determination is based upon our preliminary finding that the qualifications for individuals serving in positions of responsibility for safety have not changed and the reorganization does not decrease their authority or responsibilities for safe operation of the plant.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esquire, Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of amendment request: October 31, 1983.

Description of amendment request: Revisions to Technical Specification 6.8.B, relative to approval of procedures, to clarify its intent. A "NOTE" would be added to the effect that review and approval of procedures for vendors/contractors, who have a quality assurance program approved by the Boston Edison Company's (BECo) Operations Review Committee (ORC) is not required for work performed at the vendor/contractor facilities. The licensee's position is that further approval by the ORC is unnecessary once a contractor/vendor has been approved as a supplier by BECo's Quality Assurance Department in accordance with ANSI and NRC guidelines. Such approval denotes that the supplier has an approved QA program in place and is capable of performing safety-related or "Q" activities.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether license amendments involve significant hazards considerations by providing certain examples (48 FR 14870). One example of an amendment that is considered not likely to involve a significant hazards consideration is "* * * (i) A purely administrative change to technical specifications * * *." This proposed change is administrative in that it defines more clearly the intent and improves the efficacy of Specification 6.8.B as well as amending the wording to that provided in the Standard Specifications for Boiling Water Reactors. Addition of the clarifying "NOTE" does not decrease any margin of safety as defined in the Technical Specifications. Therefore, since the application for amendment is similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that this application involves no significant hazards consideration.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Attorney for licensee: W. S. Stowe, Esq., Boston Edison Company, 800 Boylston Street, 36th Floor, Boston, Massachusetts 02199.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit #2

Date of amendment request: June 20, 1980.

Description of amendment request: This amendment would change the Technical Specification requirements to restrict the containment purge valves (42-inch butterfly valves) to a maximum opening of 70 degrees and to add surveillance tests of the valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the Technical Specifications; example (ii) of 48 FR 14871. This change specifically adds additional licensing limitations and restrictions not currently included in the Technical Specifications. The staff, therefore, proposes to determine that this amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2

Date of amendment request: October 14, 1983.

Description of amendment request: This amendment would change the Technical Specifications requirement to revise the heatup and cooldown restrictions as a result of surveillance tests. Regulatory Guide 1.99, and procedures required by 10 CFR Part 50 Appendices G and H, May 27, 1983 revision.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the Technical Specifications;

example (ii) or 48 FR 14871. This change specifically adds additional licensing limitations and restrictions not currently included in the Technical Specifications. The staff, therefore, proposes to determine that this amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2

Date of amendment request: October 31, 1983.

Description of amendment request: This amendment would change the Technical Specifications requirements to incorporate reorganization changes to add the existing security group, and to meet the requirements of 10 CFR 50.54(m)(2).

Basis for proposed no significant hazards consideration determination: The proposed organization changes are administrative in nature, i.e., changes to achieve consistency throughout the Technical Specifications, and title changes and reference corrections. The amendment request is similar to example (i) of the examples of amendments that are considered not likely to involve a significant hazards consideration (see example (i) in 48 FR 14870, April 6, 1983).

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535.

Attorney for licensee: Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: November 18, 1983.

Description of amendment request: The amendments would replace diesel fuel oil tests currently required by the McGuire technical specifications with a series of different tests ensuring quality fuel oil for use in the McGuire Station emergency diesel generators with one exception. The proposed changes involve either adding surveillance tests or replacing present tests with others. The exception involves deleting tests for parameters which do not change during storage.

Basis for proposed no significant hazards consideration determination: Operation under the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated or (2) create the possibility of a new and different kind of accident or (3) involve a significant reduction in a margin of safety because the net effect of the proposed changes would be to increase safety by establishing surveillance requirements which would be more effective for ensuring quality fuel oil. Therefore, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Attorney for licensee: Mr. Albert Carr, Duke Power Company, P.O. Box 33189, 422 South Church Street, Charlotte, North Carolina 28242.

NRC Branch Chief: Elinor G. Adensam.

Florida Power and Light Company, Docket No. 50–335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

Date of amendment request: September 16, 1983.

Description of amendment request: This proposed amendment would delete the requirement to perform a containment leakage path test for Tap 2 of penetration 25 (Fuel Tranfer Tube) and make the St. Lucie 1 Technical Specifications more consistent with those of St. Lucie 2.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples of actions involving no significant hazards considerations. One of the examples of actions involving no significant hazards considerations (i) relates to amendments of a purely administrative change to technical specifications, correction of an error, or a change in nomenclature. The fuel transfer tube penetration (penetration 25) for St. Lucie 1 is essentially identical to that found in St. Lucie 2. Tap 2 is a bellows located between the metal containment vessel and the reactor building wall and is not a containment boundary. Containment leakage path testing for postulated accident pressure is required only for bellows expansion joints that form a part of the containment boundary. Since Tap 2 does not meet this criterion, it should not be included in Table 3.6–1 of the St. Lucie 1 Technical Specifications. By its deletion, the actual containment boundary will be described. This will then make the Technical Specifications for containment leakage path testing for the fuel transfer tube penetration consistent for both St. Lucie 1 and St. Lucie 2. Therefore, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue N.W., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment requests: July 9, 1982, and October 24, 1983, as supplemented December 20, 1983.

Description of amendment requests: The amendments would modify the Technical Specifications for Hatch Units 1 and 2 to reflect changes that Georgia Power Company has made to its organization. These include both changes in the organizational structure and changes in position titles. The position of Plant Manager has been changed to General Manager, Plant Hatch. A single Deputy General Manager has replaced the position of Assistant Plant Manager, which was previously filled by two individuals. An additional level of management has been created, consisting of six manager positions which report to the General Manager and the Deputy General Manager.

A new position, General Manager QA (Quality Assurance) and Radiological Health and Safety, has replaced the previous Manager of QA. A new position, Hatch QA Manager, has been added and reports to this General Manager. The Hatch QA Site Manager reports to the hatch QA Manager instead of to the higher level General Manager.

These amendments would also delete the current requirement that individuals in the Plant Manager, Assistant Plant Manager (changed to General Manager and Deputy General Manager) and Superintendent of Plant Engineering Services positions hold Senior Reactor Operator (SRO) licenses It would

require only that either the General Manager or the Deputy General Manager possess the necessary training to sit for an SRO license.

The amendments would also add two additional members to the Plant Review Board (PRB), delete the position of PRB Vice Chairman and allow the General Manager to designate a Chairman from the voting PRB membership, as necessary.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870).

An example of actions involving no significant hazards considerations is an amendment involving a purely administrative change to the Technical Specification (Example (i)). The change of position titles is such a change. Another example of actions involving no significant hazards considerations is an amendment which may reduce in some way a margin of safety, but where the results of the change are clearly within acceptable criteria with respect to the system or component specified in the Standard Review Plan (Example (vi)). The changes in the organization structure, the deletion of the requirements for SRO licenses and the changes to the PRB fit this example.

On these bases, the Commission proposes to determine that these actions involve no significant hazards considerations.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos, 1 and 2, Berrien County, Michigan

Date of amendment request: August 2, 1982.

Description of amendment request: These amendments for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, would revise the Technical Specifications for fire protection systems to incorporate the updated and revised wording of the standardized Technical Specifications for westinghouse plants and would substitute the use of the closed circuit television in the lower containment in place of a continuous fire watch whenever the reactor coolant pump sprinklers were inoperable. The updated and revised wording changes would make the Technical Specification action statements and surveillance requirements more specific and less likely for misinterpretation.

Basis for proposed no significant hazard consideration determination: The Commission has provided examples (48 FR 14870) of amendments not likely to involve significant hazards considerations. One of these examples involves a purely administrative change to Technical Specifications, for example, a change to achieve consistency throughout the Technical Specification, correction of an error, or a change in nomenclature. The proposed change by the licensee to add infrared actuation method to Table 3.7–6, to correct the action statement for 3.7.9.2 to clearly distinguish the system or component that could be damaged, and to delete reference to zones when the correct identification is quadrant are all considered the kind of changes which are directly related to this example. Another change related to this example as proposed by the licensee is the specific actions to be taken for inoperable systems or components in specification 3.7.9.5 (fire hose station) and 3.7.10 (fire doors, penetration, etc.). The action statement proposed would correct the existing specification to delineate required actions to be taken within one hour and actions to be taken if the hose station or assembles (fire doors, etc.) are not restored in a reasonable period of time. This change is also somewhat related to the following example.

The second of these examples involves a change that consitute an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement. The changes to surveillance 4.7.9.1 to add pump flows and increase duration of tests and to surveillance 4.7.9.4 to list the acceptable criteria for tank weight and pressure are the kind of changes which are directly related to this example. The third example for a change of an amendment not likely to involve significant hazard consideration is the change which either may result in some increase to the probability or consequence of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. In specification 3.7.9.2, the licensee proposed to substitute a closed circuit TV (CCTV) and hourly monitoring as an acceptable alternative to a continuous fire watch should the reactor coolant pumps preaction sprinkler fail. The reactor coolant pump areas have thermister heat detectors and the sprinklers serve a dual purpose of suppression and detection. A fire watch on CCTV monitoring will provide an alternative to detection; the CCTV has the advantage of not exposing personnel continuously to a high radiation area. The only fire load in the area is the pump lubricating oil and if it spills, the pump is no longer operable. If the oil then starts a fire, nothing else of a safety significance will be effected in the area since the pump is already inoperable. The staff has previously found in similar situations that such a substitution of alternatives is acceptable and meets the intent of 10 CFR 50.48 and Appendix R. This proposed change is directly related to the example provided by the Commission. Therefore, the staff proposes to determine that the amendments do not involve a significant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Indiana and Michigan Electric Company, Docket Nos. 50–315, and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of amendment request: December 15, 1983.

Description of amendment request: The amendment would delete License Conditions for both Units 1 and 2 for spent fuel pool modification, evaluations for environmental effects of operational activities and water quality standards. License Conditions on Unit 2 would be deleted for containment sump design verification and residual heat removal low flow alarm review. The amendment would also change the Technical Specifications to delete some references to Amendments 45 and 63, footnotes on Unit 1 for Emergency Core Cooling Subsystems, and footnotes on Unit 2 for Ice Condenser Doors and Containment Purge and Exhaust Isolation System. The Unit 1 Technical Specification on Containment Purge and Exhaust Isolation System would be changed to correact the surveillance reference to channels which should be monitors. The amendment would revise Technical Specifications for Unit 1 to change the containment air recirculation fan time delay to 9±1 minute and would revise

the License Condition in Unit 2 to raise the licensed power from 3391 to 3411 megawatts thermal.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards consideration by providing certain examples (48 FR 14871). One of these examples involve a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. All of the proposed changes relate directly to this example. The spent fuel pool modifications have been completed and the conditions are no longer applicable. The environmental evaluations and requirements for following water quality matters are now contained in Appendix B to the Technical Specifications; removing the license conditions will reduce duplicative requirements in the license. The Unit 2 containment sump design verification and the residual heat removal low flow alarm review had been submitted by the licensee and reviewed by the NRC (see NRC letter dated July 2, 1982 and Amendment No. 18 issued February 29, 1980, respectively). Due to an oversight, the license was not modified accordingly at that time; this error is being corrected here. The references to Amendments 45 and 63 were incorrectly made on pages that were not changed by those amendments. The footnotes for the Emergency Core Cooling Subsystem, the Ice Condenser Doors, and the Containment Purge and Exhaust Isolation System were all related to temporary exemptions which are no longer in effect. The reference to channels was incorrect; the proper term is monitors. The Unit 1 time delay on the Containment Air Recirculation Fan was incorrectly issued as 10±1 minute in Amendment 63 dated October 4, 1982 and Amendment 48 issued January 14, 1983 authorized the increase in power level for Unit 2 but failed to change the appropriate License Condition. On these bases, the staff proposes to determine that the amendments involve no siginificant hazards consideration.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: June 10, 1982.

Description of amendment request: The proposed amendment would modify the Technical Specifications to satisfy the staff request dated November 24, 1981 regarding the generic concerns related to the containment vent and purge system. By letter dated November 28, 1978, the Commission requested all licensees of operating reactors to respond to certain generic concerns regarding the containment purge and vent systems isolation failures at operating reactors. In that letter the Commission requested the licensees to cease purging (or venting) of containment or limit purging (or venting) to an absolute minimum. If they elected to continue to purge or vent, the licensees were requested to demonstrate that the purge/vent system met the criteria outlined in the NRC Standard Review Plan Section 6.2.4, Revision 1, and the associated Branch Technical Position CSB 6–4, Revision 1. The licensee responded to the staff's November 24, 1981 request and the follow-up correspondence by submitting the following changes to the Technical Specifications in a letter dated June 10, 1982.

1. The operation of vent/purge systems will be restricted to 90 hours per year.

2. Purge isolation valve seal is to be replaced at intervals not to exceed four years.

3. Purge system leakage integrity tests are to be conducted at intervals not to exceed once every six months.

4. If the above specifications cannot be met, the reactor must be shut down within 24 hours.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement."

The above changes constitute additional limitations, restrictions, and controls not presently included in the plant Technical Specifications, and correspond to the Commission's example (ii) involving no significant hazards consideration.

Since the application for amendment involves proposed changes that are similar to examples for which no significant hazards consideration exist, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 426 Thrid Avenue, S.E., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Northeast Nuclear Energy Company (NNECO), Docket No. 50–245, Millstone Nuclear Generating Station, Unit No. 1, New London County, Connecticut

Date of Amendment request: November 1, 1983.

Description of amendment request: The technical specification changes proposed by the amendment request would establish a Limiting Condition for Operation (LCO), consistent with the Standard Technical Specifications, based on the availability of existing instrumentation in calculating the rate of reactor coolant leakage from unidentified sources into the drywell. These proposed changes would constitute part of NNECO's resolution of Systematic Evaluation Program (SEP) Topic V–5, Reactor Coolant Pressure Boundary Leakage Detection. The purpose of the proposed change is to specify actions to be taken in the event of a loss of leakage detection capability, which fulfills staff's position in Section 4.16.1(5)(1) of NUREG–0824, Integrated Plant Safety Assessment Report for Millstone Unit 1 SEP review.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (ii) of action not likely to involve a significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The changes proposed in the application for amendment are encompassed by this example since the requested action would result in additional limitation.

The staff, therefore, proposes to determine that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Attorney for licensee: William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: Dennis M. Crutchfield.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: November 16, 1983.

Description of amendment request: The amendment would incorporate administrative changes which would achieve agreement between the Fort Calhoun Station Technical Specifications and new regulations, which become effective on January 1, 1984. Specifically, section 10 CFR 50.73 entitled "Licensee Event Report System" will become effective on January 1, 1984. This rule change affects the current technical specifications in the area of reporting requirements. In addition, section 10 CFR 50.54 (m)(2) and (m)(3) will become effective and paragraph (m) of 10 CFR 50.54 will be redesignated paragraph (m)(1) on January 1, 1984. These paragraphs address licensed operator staffing at nuclear power units. This rule change affects the current technical specifications in the area of shift manning. Lastly, section 10 CFR 50.72 entitled "Immediate Notification Requirements for Operating Nuclear Power Reactors" will be revised and become effective on January 1, 1984. This rule change also affects the current technical specifications in the area of reporting requirements.

The amendment would also change to whom the Quality Control (QC) personnel report. Currently, the QC personnel report to the Maintenance Supervisor. The change would permit the QC personnel to report to the Technical Supervisor.

Basis for proposed no significant hazards consideration determination: The licensee has stated that, with the exception of the change to the shift manning requirements, all changes are purely administrative in nature. The licensee has also stated that the changes to the shift manning requirements are in response to a new rule change which will be effective January 1, 1984. The licensee has made a no significant hazards considerations determination pursuant to 10 CFR 50.92 as follows:

1. This proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed changes concerning Licensee Event and Significant Event reporting and the plant organizational change are administrative in nature and do not affect the surveillance or operability of any system which functions to prevent or mitigate the consequences of a previously analyzed accident. The proposed change to the shift manning requirements only affects the plant by requiring additional expertise in the control room. It does not change the surveillance or operability requirement of any system which functions to prevent or mitigate the consequences of a previously evaluated accident.

The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes to the reporting requirements and plant organization are administrative in nature and the proposed changes to the shift manning requirements do not decrease the availability of on shift operational expertise. None of the proposed changes affect the design or surveillance and operability requirements of the plant systems.

3. The proposed amendment does not involve a significant reduction in a margin of safety. The proposed change regarding shift manning requirements does not decrease the availability of on shift operational expertise and does not affect any other design, surveillance, or operability requirements which would have an effect on safety margins. The remaining proposed changes are administrative in nature and do not affect any design, surveillance, or operability requirements which would have an effect on safety margins.

The staff has reviewed the licensee's significant hazards consideration determinations presented above and, based upon this review, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room Location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, N.W., Washington, DC. 20036.

NRC Branch Chief: James R. Miller.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: August 22, 1983 with supplemental information provided September 15, 1983.

Description of amendment request: The purpose of the proposed amendment request is to make a schedular change to License Condition 2.C. (18)(e) of Operating License No. NPF–14 which would change the implementation of required equipment qualifications for equipment pursuant to Section 5.3 of NUREG–0803 for an SDV break environment from "Prior to startup following the first refueling outage, * * *" to "By two years or the end of the first refueling outage following the date an NRC position on equipment qualifications for equipment pursuant to Section 5.3 of NUREG–0803 for an SDV break enviromnent is finalized, whichever is later,* * *".

Basis for proposed no significant hazards consideration determination: The licensee in his letters of August 22, 1983 and September 15, 1983, stated that delaying the qualification of equipment pursuant to Section 5.3 of NUREG–0803 for an SDV break environment to two years or the end of the first refueling outage following the date the NRC position on qualification of equipment necessary to mitigate the consequences of an SDV is finalized, whichever is later, will not involve a significant increase in the probability or consequences of an accident previously evaluated because the results of the BWR Owner's Group Report NEDO 22209 demonstrate that the probability of this type of accident occurring is extremely low and that extending the time to achieve qualification does not significantly increase the probability of this type of accident occurring. Since only a time extension is involved with the proposed change and it does not change hardware or operational methodology, the licensee states that this change does not create the possibility of a new or different kind of accident from the type previously evaluated. The licensee also states that the change will not result in a significant reduction in the margin of safety since, during the period involved, no equipment changes are anticipated to be made that will reduce the margin of safety. The staff agrees with the licensee's evaluation in this regard, and accordingly, the NRC staff proposes to find that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Pennsylvania Power & Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of amendment request: October 24, 1983.

Description of amendment request: The proposed amendment would change Technical Specification 4.7.1.3 to modify the requirements for determining the spray pond operable. Modifications include changing the average water temperature of the spray pond to less than or equal to 81°F versus 88°F changing the water level at the overflow weir to be greater than or equal to 678'1", versus 677', and monitoring the water level at the overflow weir at least once per 12 hours versus 1) at least once per 12 hours when the water level is ≤677'6" Mean Sea Level USGS (MSL) and 2) at least once per 14 days when the water level is 677'6" MSL.

Basis for proposed no significant hazards consideration determination: The licensee in his letter of October 24, 1983, stated that the proposed change involves no significant hazards consideration. The current FSAR analysis is based on a starting temperature of 88°F in the spray pond for the Minimum Heat Transfer Case during a two unit Design Basis Accident (DBA) (LOCA in one unit, safe shutdown of the other unit). The proposed change revises the temperature in the conservative direction to 81°F. The current FSAR analysis for the Maximum Water Loss Case requires a minimum inventory of 19.95 million gallons over a 30-day transient. The proposed change revised the volume in the conservative direction to the equivalent of 23 million gallons. Verification of spray pond OPERABILITY on a 12-hour frequency only, as proposed in the change, is more restrictive than current Technical Specification requirements.

The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards considerations by providing examples (48 FR 14871). One of the examples of an amendment which will likely be found to involve no significant hazards considerations is example (ii), a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement. Example (ii) applies to the proposed change and, on this basis, the staff has determined that the change would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety, and accordingly proposes to determine the change involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street N.W., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Portland General Electric Company, Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of amendment request: December 28, 1983.

Description of amendment request: The amendment would revise Table 6.2–1 "Minimum Shift Crew Composition" of the Technical Specifications to allow the duties of the Shift Technical Advisor (STA) to be assumed by a licensed Senior Operator when such individual is qualified for both positions. The present shift manning table requires the STA duties to be performed by a separate individual. Under the proposed change, the licensee would have a choice to either continue its present practice or allow a licensed Senior Operator to function in a dual role of Senior Operator and STA when so qualified.

Basis for proposed no significant hazards consideration determination: The proposed change as described above involves only a minor change to the shift manning for the Trojan plant because a person fully qualified as an STA would continue to be present on shift at all times. The purpose of the STA position was not to increase the number of people on shift but to have someone available with a bachelor degree or equivalent in a scientific or engineering discipline and other specific training in the response and analysis of the plant for transients and accidents. Shift manning would still satisfy the Commission's shift manning regulations. Under the proposed change, that function would continue to be performed by a licensed Senior Operator qualified for both positions. Thus, the proposed amendment will not result in a significant increase in the probability or consequences of an accident previously considered, will not create the possibility of a new or different accident from any evaluated previously, and will not significantly reduce a safety margin since the qualifications of shift personnel would not be changed. Therefore, the NRC staff proposes to determine that the standards for determining that a license amendment involves no significant hazards consideration are met, and that operation of the facility in accordance with the proposed amendment would not involve a significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: James R. Miller.

Power Authority of the State of New York, Docket No. 50–333, James A. FitzPatrick Nuclear Power, Oswego County, New York

Date of amendment request: August 20, 1979, as revised October 28, 1980 and August 9, 1982.

Description of amendment request: The proposed amendment would add a new part (3) to Section 2.D, Physical Protection, of the Facility Operating License to include a requirement to implement the security force training and qualification plan in accordance with 10 CFR 73.55(b)(4) and Appendix B to 10 CFR 73.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commissions's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards consideration include: (vii) A change to make a license conform the changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

The amendment application is encompassed by this example in that the proposed change modifies the license to

ensure compliance with the regulations. Therefore, the Commission proposes to determine that the proposed license amendment does not involve significant hazards considerations.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B. Vassallo.

Public Service Co. of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 15, 1983.

Description of amendment request: The proposed change to the Technical Specifications would revise LCO 4.1.9 to correct for previous non-conservative assumptions used in the analyses. LCO 4.1.9 provides limitations, related to minimum acceptable helium flow rates at power levels up to 15 percent and the maximum temperature rise allowed, to ensure adequate core cooling at low power levels.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). The examples of actions that are considered not likely to involve significant hazards considerations include a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

Since the proposed change is the result of a refinement in a previously used model, it appears the above example is applicable to this request. In addition, the correction to remove the non-conservative assumptions in the analyses will provide further assurance that acceptable limitations are established. Therefore, the staff proposes to determine that this action does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NCR Branch Chief: Eric H. Johnson.

Public Service Co. of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 30, 1983.

Description of amendment request: The proposed change to the Technical Specifications would incorporate some new inservice inspection and testing requirements, modify some testing frequency requirements, and provide numerous editorial clarifications. The proposed changes are in response to a commitment in the 1972 Safety Evaluation Report as subsequently prioritized. The higher priority items were completed by License Amendment No. 33; these are the lower priority items.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). The examples of actions that are considered not likely to involve significant hazards considerations include:

(a) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature, and

(b) A change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement.

Based on our preliminary review of the proposed changes, we feel that all of the changes fall within the categories described in the above two examples. The editorial changes and those testing frequency changes to achieve consistency are clearly within example (a) while the addition of new requirements is clearly within example (b). Therefore, we propose to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: Eric H. Johnson.

Public Service Co. of Colorado, Docket No. 50–267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado

Date of amendment request: December 30, 1983.

Description of amendment request: The proposed changes to the Technical Specifications: (1) Incorporate electrical systems monitoring provisions being implemented to provide protection from degraded offsite and/or onsite electrical distribution systems in accordance with previous NRC approval of modifications to resolve staff concerns, and (2) upgrade the electrical systems operability and testing requirements to be more comparable to present staff positions. The proposed changes were submitted in response to numerous NRC requests for the various changes.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). The examples of actions that are considered not likely to involve significant hazards considerations include:

(1) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature, and

(2) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement.

Since the proposed changes will incorporate additional restrictions into the Technical Specifications in response to NRC requests and since these additional restrictions are in accordance with present NRC positions on the appropriate type of limitations which should be included in a plant's Technical Specifications, we feel that the changes are encompassed by the above two examples. Therefore, we propose to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Company of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: Eric H. Johnson.

Rochester Gas and Electric Corporation, Docket No. 50-244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: November 10, 1983.

Description of amendment request: The proposed license amendment consists of three parts: (1) The definition of the term "Operable" as it applies to the single failure criterion, and the inclusion of the definition in the Limiting Conditions for Operation (LCO) of various components; (2) the substitution of the Technical Support Center (TSC) battery for one inoperable 1E battery bank; and (3) the deletion of references to part length control rods.

Basis for proposed no significant hazards consideration determination: The proposed change (Item 1 above) which defines the term "Operable" and includes the definition in the LCO's for various components was initiated in response to an NRC request of April 10, 1980 to revise the definition consistent with guidance provided with the request. In all cases, the proposed changes resulted in LCO's at least as conservative as the condition referenced in the current technical specifications (TS).

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples, April 6, 1983 (48 FR 14870). One of the examples (ii) of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The changes proposed in Item 1 are encompassed by this example since the definition of "Operable" and the changes in the LCO's are additional controls which are at least as restrictive as those in the current TS. Therefore, the staff proposes to determine that the Item 1 Technical Specification changes involve no significant hazards consideration.

The licensee has also proposed a change (Item 2) which would permit the substitution of the TSC battery for one inoperable 1E battery bank for a period of seven days to provide time for repair. The TSC battery has a almost twice the amp-hr capacity of one 1E battery bank. The concern is a potential seismic event and the possible loss of the TSC battery capacity. This does not present a significant hazard concern because (1) there would remain one 1E battery capable of supplying 8 hours of emergency load, and (2) the period of time allowed for the substitution is brief so that the increase in probability of a loss of emergency D.C. power due to a seismic event is small. Therefore, the staff proposes to determine that the requested action would involve no significant hazards consideration because the proposed change to the Technical Specifications would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any previously evaluated, and (3) involve a significant reduction in a margin of safety.

The licensee has also requested the deletion of the reference to part length control rods in Section 3.10.1.1 (Control Rod Insertion Limits) (Item 3).

Pursuant to 10 CFR 50.59 the licensee performed a safety analysis regarding the removal of the part length control rods and determined that their removal would not increase the possibility of an accident. The part length control rods have been removed.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples, April 6, 1983 (48 FR 14870). One of the examples (i) of a change not likely to involve significant hazards consideration is a change which involves a purely administrative change to technical specifications: for example a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. The proposed change (Item 3) is encompassed by this example. Therefore, the staff proposes to determine that the Item 3 change would involve no significant hazards consideration.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14604.

Attorney for licensee: Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby and MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C. 20036.

NRC Branch Chief: Dennis M. Crutchfield.

Sacramento Municipal Utility District (the licensee), Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: April 11, 1983.

Description of amendment request: The requested amendment would revise Section 4.5.3 of the Technical Specifications to (1) change the allowable leakage limit for components of the Decay Heat Removal System (DHRS), and (2) include test requirements for determining leakage from the Reactor Building Spray System(RBSS). Item 1 of the proposed changes would revise the leakage limit from 0.63 gallons per hour from the DHRS components to a total of 6 gallons per hour from both the DHRS components and the RBSS components. The current Rancho Seco Technical Specifications do not include a leakage limit for the RBSS components. The Babcock and Wilcox (B&W) Standard Technical Specifications specify a 6 gallons per hour leakage limit for only the RBSS components. Item 2 of the proposed changes would revise Section 4.5.3 to include test requirements for determining the leakage of the RBSS. The test requirements are similar but will be separate from those in the current Technical Specifications for the DHRS.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include (ii), "A change that constitutes and additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement," and (vi), "A change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan: for example, a change resulting from the application of a small refinement of a previously used calculational model or design method."

Item 1 of the proposed Technical Specification changes would potentially allow greater leakage from those components through which contaminated water from the reactor building sump could flow after a postulated Loss of Coolant Accident (LOCA). The noble gases and some of the iodine could become airborne and be transported offsite. The licensee calculated that the doses from noble gases via this pathway are very small. The two-hour thyroid dose changed from a current value of 0.76 rem to 7.21 rem. The whole body dose was calculated to be 0.01 rem. The Standard Review Plan (NUREG-0800), Section 15.6.5, Appendix B, "Radiological Consequences of a

Design Basis LOCA: Leakage from Engineered Safety Feature Components Outside Containment," Acceptance Criterion 3, specifies that the calculated dose from this leakage pathway be added to the containment leakage dose resulting from a LOCA and that the total dose be within 10 CFR 100.11 guidelines. The Final Safety Analysis Report states that the LOCA, two-hour thyroid dose is 137 rem and the whole body dose is 3.60 rem. The 30-day dose is much smaller. The LOCA and leakage two-hour doses that result from the proposed increase in allowable leakage are 144 thyroid and 3.61 whole body. While there is a small increase in the consequences of a previously-analyzed accident, the results of the proposed change would be clearly within the acceptable criteria, i.e. 300 rem thyroid and 25 rem whole body in 10 CFR Part 100.11 and the Standard Review Plan. Item 1 of this proposed change is similar to example (vi) of the guidance provided by the Commission as not likely to involve a significant hazards consideration.

Item 2 of the proposed Technical specification changes would revise Section 4.5.3 to include test requirements for determining the leakage from the RBSS. The current Technical Specifications have test requirements for determining leakage from the DHRS but none for the RBSS. Therefore, Item 2 of the proposed amendment would add an additional limitation restriction or control not currently in the Technical Specifications. This is similar to example (ii) of the guidance provided by the Commission as not likely to involve a significant hazards consideration.

Since the two changes to the Technical Specifications are similar to examples in the guidance provided by the Commission of actions not likely to involve a significant hazards consideration, the Commission's staff proposes to determine that this amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: November 16, 1983.

Description of amendment request: The amendment would add to Technical Specifications a limiting condition for operation (LCO) concerning feedwater isolation valve (FWIV) operability and add surveillance requirements for FWIVs. Additions to the Technical Specifications Index and Bases would also be made in support of the new FWIV Technical Specification.

Basis for proposed no significant hazards consideration determination: Currently, there are no Technical Specification requirements for FWIVs. The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The amendment involved here is similar in that it adds an additional requirement to Technical Specifications. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: November 16, 1983.

Description of amendment request: The amendment would add additional containment penetration conductor overcurrent protection devices to Technical Specification Table 3.8–1. These devices would be for eddy current brakes that are to be added to the non-safety reactor building cooling unit fan motors. Additionally, two administrative corrections would be made to Technical Specification Table 3.8–1 to correct typographical errors.

Basis for proposed no significant hazards consideration determination: The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. Another example relates to a purely administrative change to Technical Specifications such as correction of an error. The amendment involved here is similar to these two examples in that it adds additional requirements to Technical Specifications and it corrects inadvertent administrative errors in the Technical Specifications. On this basis, the Commission proposes to determine that these license changes involve no significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: May 25, 1977, January 4, 1979 and July 20, 1979, all superseded by amendment request dated November 12, 1982.

Description of amendment request: The proposed amendments would add new sections 3.12 and 4.12 to the Technical Specifications to reflect requirements for inservice inspection and testing of ASME Section III Class 1, 2 and 3 safety related pumps and valves. The amendments add Table 3.12.A, Inservice Testing Program for pumps, Table 3.12.B, Inservice Testing Program for Section XI valves, and Table 3.12.C, specifying testing criteria for Category A valves. Appropriate bases are added. The amendments also remove requirements to demonstrate operability of redundant safety-related equipment when a component or subsystem is inoperable. The existing definition of "operable" is amended to state that a system, subsystem, train, component or device is considered operable if the associated scheduled surveillance testing has been performed satisfactorily within the normal surveillance requirements frequency and that unless specifically required in the Surveillance Requirements, testing of redundant equipment is not required due to inoperable equipment.

Proposed removal of the requirement to demonstrate operability of redundant components is made to specifications on the Standby Liquid Control System (SLCS), the Core Spray System (CSS), the Residual Heat Removal System (RHRS), the RHR Service Water System, the High Pressure Coolant Injection System (HPCIS), the Reactor Core Isolation Cooling System (RCICS) and the Automatic Depressurization System

(ADS). The associated bases section is revised to reflect justification for the allowable out-of-service time. Specification 3.6.D/4.6.D is revised to reflect that only relief valves remain installed (safety valves have been removed) and that they shall be bench checked in accordance with Specification 4.12.A. Associated bases on relief valves is revised to reflect new 4.12.A. The amendment proposes to remove the requirement that if one train of the Standby Gas Treatment System (SBGTS) is inoperable the remaining two trains shall be demonstrated operable. The bases section on SBGTS is revised to reflect the philosophy of an allowable out-of-service time based on one-third of the normal surveillance interval. The amendment proposes removal of the requirement to demonstrate operability of Core Spary and RHR Systems when a diesel generator is found to be inoperable or when a 4-KV shutdown board is found to be inoperable.

A new Specification 4.7.D.1.e is added to state that when primary containment isolation valves are tested in accordance with Specification 4.12.A the valves shall have an isolation time within the limits specified in Table 3.7.A. The Surveillance Requirement on the primary containment isolation valves is revised to reflect the new Specification 4.12.A.

Basis for proposed no significant hazards consideration determination: Addition of Specification 3.12 and 4.12 incorporate the inservice testing requirement of Section XI ASME Boiler and Pressure Vessel Code for ASME Section III Class 1, 2 and 3 safety related pumps and valves. While the current Technical Specifications contain requirements for pump and valve testing to assure operability, the proposed changes assure the testing requirements of Section XI of the ASME Boiler and Pressure Vessel Code are met as prescribed by 50.55a(g). Therefore, the proposed changes fit example (ii) from guidance provided by the Commission in 48 FR 14870. Example (ii) of a change involving no significant hazards consideration is: "A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement." The proposed change also fits example (vii) which states: "A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations." This request for license amendment is submitted in response to 10 CFR 50.55a(g)(5)(ii). Since the proposed addition of Specification 3.12 and 4.12 fit two examples of no significant hazards consideration of 48 FR 14870 the Commission proposes to make a determination that this portion of the application does not involve a significant hazards consideration.

The proposed changes to remove requirements to demonstrate operability of redundant components is in accordance with the BWR Standard Technical Specifications, NUREG–0123—the Commission's guidance to licensees for preparation and revision of their Technical Specifications. The Standard Specifications contain no requirement similar to that in the Browns Ferry Technical Specifications to immediately demonstrate redundant component operability. Removal of a requirement from Specifications to perform a test may reduce a safety margin. Therefore, the changes described above are similar to example (vi) set forth by the Commission for which a no significant hazard exists in that a reduction of a safety margin could occur but the results are within all acceptable criteria specified in the Standard Review Plan (SRP), Chapter 16, endorsing generic Technical Specifications. The amended definition of "operable" is proposed for consistency with the removal of the requirement for demonstrating operability of redundant components. The amended definition will ensure that no confusion will exist regarding whether a component is operable or not. For that reason the proposed change is encompassed by Commission example (i) from 48 FR 14870 which states: "(i) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications . . ." This amended definition is needed for consistency in the event that the removal of the requirement for demonstrating operability of redundant components is ultimately found fully acceptable to the staff. Based on the above, the staff proposes to determine that the revised amended definition of "operable" would not involve a significant hazards considerations.

The revisions to the bases section remove reference to the immediate demonstration of operability of redundant components. This change is also needed for consistency of the Technical Specifications in the event that the proposed change to remove that requirement is ultimately found fully acceptable to the staff. The revision also reflects the philosophy that the allowable out-of-service time is based on a time period which is less than one-third of the normal surveillance interval. No changes are being made to the allowable out-of-service times. Therefore, the proposed changes to the bases are encompassed by 48 FR 14870 example (i) in that they are purely administrative changes needed for consistency of the Technical Specifications. Based on the above, the staff proposes to determine that the requested changes to the bases involve no significant hazards consideration.

The proposed amendments remove reference to safety valves since these valves were removed from the reactors in previous refueling outages. (These safety valves were replaced with relief valves which have piped discharges to introduce the released steam below the water in the pressure suppression chamber or torus. The discharge from the safety valves was directly to the environment of the drywell.) This change is needed for consistency between the Technical Specifications and actual plant configuration. Specification 2.2.A specified pressure setpoints for thirteen relief valves. The proposed change is needed to achieve consistency throughout the Technical Specifications. Therefore, the proposed change is encompassed by example (i) of 48 FR 14870, which states: "(i) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications . . ." and, on this basis, the staff proposes to determine that the change to remove the reference to safety valves involves no significant hazards consideration.

The changes to the Specification 4.7.D.1.e and the Surveillance Requirements for the Primary Containment Isolation Valves are editorial to reference new specification 4.12.A. The frequency of the test remains unchanged. The proposed change is needed to achieve consistency throughout the Technical Specifications. Therefore, the proposed change is encompassed by example (i) of 48 FR 14870 which states: "(i) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature" and, on this basis, the staff proposes that the above change involves no significant hazards consideration. The change adding isolation times in accordance with Table 3.7.A for the Primary Containment Isolation Valves is more restrictive and therefore is

encompassed by example (ii) of the guidance in 48 FR 14870 which states: "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: for example, a more stringent surveillance requirement." On this basis, the staff proposed that the above change involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: November 5, 1982.

Description of amendment request: The amendments would revise the Technical Specifications to change the frequencies for performing a functional test of the trip channel and alarm for some of the instrumentation systems that initiate closure of the main steam isolation valves (MSIVs). The test frequency would be reduced from once per month to once per three months for main steam line high flow, main steam line isolation valve closure, main steam line low pressure and main steam line high temperature and from once per week to once per three months for main steam line high radiation.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated? The instrumentation on which the licensee proposes to reduce the test frequency is installed to detect and mitigate the consequences of a postulated steam line break accident. Detection is provided primarily by two diverse and redundant sets of instruments—high flow in any one of the four main steam lines and 16 area temperature sensors in the main steam tunnels. Two other sets of instruments—those installed to monitor for high radiation in the main steam tunnels and those monitoring for low steam line pressure—provide backup detection capability for a postulated steam line break. The mitigating action is automatic closure of the MSIVs and other group 1 isolation valves.

Reducing the test frequency of the logic circuitry for the above instruments will have no effect—one way or the other—on the probability of a steam line break occurrence. The licensee's analysis of mean failure rates for components in the logic circuitry, coupled with the number of redundant backup monitoring systems, provides reasonable assurance that there will be no significant change in the probability that a steam line break will be detected and that the automatic mitigating action will occur as designed. Thus, there is no significant increase in the consequences from a postulated steam line break accident.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated? No. In fact, just the opposite is true. By reducing the potential for false, unnecessary scrams, reducing the test frequency will reduce unnecessary challenges to relief valves and other safety systems and thus reduce the likelihood of a stuck-open relief valve.

3. Does the proposed amendment involve a significant reduction in the margin of safety?

The licensee has performed an evaluation, as requested for NUREG-0737 Item II.K.3.16, Item 11, based on operating experience at Browns Ferry. An analysis of mean failure rates indicates that the test frequency to ensure reliable operation for the applicable trip circuits is at least once in 6 months; the licensee has conservatively proposed a test frequency of once in 3 months—half the time their analyses indicate is acceptable for testing components in the trip circuits. The licensee has concluded that there will be an "increase in the overall margin of safety by reducing the challenges to the relief valves and other systems." The licensee's analyses and evaluations provide reasonable assurance that the proposed action, if approved, is not likely to involve a significant reduction in a margin of safety.

On the above basis, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Dimenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of amendment request: October 27, 1983.

Description of amendment request: The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that would bring them into compliance with Appendix I of 10 CFR Part 50. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use consus, and interlaboratory comparison program. This change would also incorporate into the Technical Specifications the bases that support the operation and surveillance requirements. In addition, some changes would be made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The proposed amendment would remove the current Radiological Effluent Technical Specifications from the Appendix "B" Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications.

The Commission, in a revision to Appendix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of

radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement, it become necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. The staff proposes to determine that the application does not involve a significant hazards consideration since the change constitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable."

Local Public Document Room location: Athens Public Library , South and Forrest, Athens, Alabama 35611.

Attorney for licensee: H. S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E 11B 33C, Knoxville, Tennessee 37902.

NRC Branch Chief: Domenic B. Vassallo.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Dates of amendment requests: (1) August 19 and October 24, (2) July 1, (3) October 24, (4) July 21, and (5) October 24, 1983.

Description of amendment request: (1) *Subcooling Margin Monitor.* One subcooling margin monitor is installed at Sequoyah for each unit to assure that the operator maintains, at all times, pressurized reactor coolant system conditions and thus precludes boiling in the primary system. The licensee has requested a change in Technical Specifications to eliminate the preparation of a Licensee Event Report (LER) if the monitor is inoperable for more than two hours and a need for emergency specification change or shutdown if it is inoperable for more than 7 days. Since the subcooling margin provides information that is readily obtainable from other instrumentation, the licensee proposes to have dedicated operators assigned during the inoperable period to assure the system conditions are proper. In lieu of an LER, a special report will be submitted to the NRC for any inoperable period that extends beyond the two hours. (2) *Containment Air Temperature Changes.* The licensee requests that the primary containment average air temperature Technical Specification limits lowered from 110°F to 105°F in the upper compartment and raised from 120°F to 125°F in the lower compartment. These new values are the result of a new Loss-of-Coolant Analysis (LOCA) for Sequoyah that shows that the maximum average temperatures in the lower containment can be raised to the higher values without a change in the margin of safety previously established. Also, the changes in temperatures do not affect the reliability or environmental qualifications for safety related equipment. (3) *Diesel Generator Start and Load Shed Timers.* The Proposed Technical Specification changes would increase the tolerance in the allowable values for the DG timers to start the DGS and to shed electrical loads on the system that are not essential for the safety of the plant. The tolerance increase to #60 seconds is acceptable since the start of DG and load shedding between 240–360 seconds is well within the period of time designated for the trip setpoints to actuate for the Sequoyah facility.

(4) *Pressurizer Spray Differential Temperature.* The licensee requests an increase in the maximum permissible differential temperature between the pressurizer spray water and pressurizer steam vapor in order to provide greater operational flexibility to handle pressure transients that occur in the reactor collant system (RCS) from time to time during power operations. The pressurizer maintains the RCS pressure within certain limits by utilizing a steam bubble in the upper portion of a vertical cylindrical vessel. The pressurizer spray water helps assist in this process by injection of water (automatically and/or manually) into the vapor space which controls the size of the bubble and subsequent system pressure. Cooler spray water during certain transient conditions would facilitate the control of pressure in the RCS. The increase of the differential temperature from 320°F to 560°F is requested and the licensee has determined that it is within the design criteria specified for component cycles or transient limits specified for the pressurizer and associated spray nozzle and piping. (5) *Snubber Surveillance.* Snubbers must be operable to ensure that structural integrity of the reactor coolant system and other safety related systems is maintained during and following a seismic or other event initiating dymanic loads. To ensure operability a surveillance program is specified. The licensee proposes to delete a table of listed snubbers that require inspection from the Technical Specifications and list the snubbers in the appropriate plant surveillance instructions. The proposed change does not reduce the number of snubbers required to be operable nor reduce the surveillance requirements.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards consideration relates to a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Accordingly, the Commission has made an initial determination that the above changes do not involve a significant hazards consideration.

Local Public Document Room location: Chattanooga-Hamilton County Bicentennial Library,1001 Broad Street, Chattanooga, Tennessee 37401.

Attorney for licensee: Mr. Herbert S. Sanger, Jr., Esquire, General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902.

NRC Branch Chief: Elinor G. Adensam.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: July 10, 1981 (Item 3), revised by letter dated May 2, 1983 (Item 1).

Description of amendment request: The amendment would change the Technical Specification concerning the A.C. electrical power sources monthly surveillance requirements during periods of time when the reactor is in a cold shutdown or refueling condition. Specifically, the proposed amendment would delete the requirement to verify the operability of the Safety Features Actuation System (SFAS) automatic load sequence timer during periods of cold shutdown or refueling. The automatic load sequence timer controls the order and time which the safety features are started and brought to operation during periods of time when the SFAS is actuated. The SFAS is only required to be operable during reactor operation and thus the automatic load sequence timer is only required to be operable during reactor operation. Therefore, since the automatic load sequence timer is not required to operate during cold shutdown are refueling, it is not necessary to verify its operability during these periods and it is

an error in the current Technical Specifications to require its verification of operability during these periods. However, the Technical Specifications do require the automatic load sequence timer to be verified for operability on a monthly basis during reactor operation. The amendment would also provide a change which would be a more stringent surveillance test of the A.C. electrical power sources. Specifically, the change would require verification that rejection of a load equal to the largest single emergency load connected to each diesel generator would not cause the generator to trip (for instance, on an overspeed condition). The current requirement is that the load rejection be demonstrated for a load equal to or less than 480kW. A test consisting of a very small load would satisfy the requirement by would not really fulfill the intent of the Technical Specifications. The proposed load equal to the largest single load would fulfill the intent of the Technical Specifications since it would apply a test which would simulate the severest event which would more likely occur in actual operation. The largest single emergency load connected to each diesel generator is a 600 hp Service Water Pump which during normal operation requires 448kW. The current Technical Specifications would allow a test with a load less than 448kW and, therefore, would not test the load rejection capability for the single maximum load in operation.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to a purely administrative change to the Technical Specifications to correct an error. Another example relates to a change that consititutes an additional limitation, restriction, or control not presently included in the Technical Specifications; for example, a more stringent surveillance requirement. The change to delete the requirement to verify the operability of the automatic load sequence timer during periods of cold shutdown the refueling is to correct an error in the Technical Specifications and, therefore, is considered administrative in nature. The change to require load rejection capability for the largest connected emergency load to each diesel generator is a more stringent surveillance requirement and, therefore, is considered a change that constitutes and additional limitation, restriction, or control not presently in theTechnical Specifications. Thus the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Virginia Electric and Power Company, Docket No. 50–388, North Anna Power Station, Unit No. 1, Louisa County, Virginia

Date of amendment request: November 15, 1983.

Description of amendment request: The proposed change would make the North Anna Unit No. 1 (NA–1) Technical Specifications (TS) conform to changes in the NRC approved Standard TS and also provide consistency with the North Anna, Unit No. 2 (NA–2) TS.

Presently, the NA–1 TS Table 3.3–3 requires operability in Modes 1, 2 and 3 for the auxiliary feedwater pump actuation signals from Steam Generator Water Level-Low Low and Station Blackout. However, Table 4.3.2 of the NA–1 TS requires that surveillance testing be performed for the auxiliary feedwater pump actuations signals from Steam Generator Water Level-Low Low and Station Blackout not only in Modes 1, 2, and 3 but also Mode 4. Therefore, an inconsistency presently exists between the NA–1 TS Tables 3.3–3 and 4.3–2. In addition, the NA–2 TS require that surveillance of these actuation signals be performed in Modes 1, 2, and 3 only. Finally, as stated in NUREG–0542 Revision 3, Standard Technical Specifications for Westinghouse Pressurized Water Reactors, surveillance is required in Modes 1, 2, and 3 for these actuations signals.

Therefore, the proposed change would delete the requirement to perform surveillance of the above mentioned actuation signals from the NA–1 TS Table 4.3–2 in Mode 4. This change would provide consistency with the NA–2 TS and also conform with the NRC approval Westinghouse Standard TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing guidance in certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration is a purely administrative change to the Technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error or a change in nomenclature. The proposed charge falls within the scope of this example. Eliminating required surveillance of the above mentioned actuation signals in Mode 4 as presently specified in NA–1 TS Table 4.3.2 not only provides consistency with NA–1 TS Table 3.3–3, but also provides consistency with the NA–2 TS and the proposed change is in conformance with NRC approved Standard TS. On this basis, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Attorney for licensee: Michael W. Maupin, Esquire, Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Branch Chief: James R. Miller.

Wisconsin Electric Power Company, Docket Nos. 50–266 50–301, Point Beach Nuclear Plant Units 1 & 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: October 25, 1983.

Description of amendment request: Proposes changes to Technical Specifications relating to containment integrated leak rate testing. Specifically, proposes reduced duration (less than 24 hours) Type "A" testing, inclusion of purge supply and exhaust valves under Type "B" testing and, allowing one of two series, containment purge supply and exhaust valves to be open for repairs in accordance with Type "B" testing requirements.

Basis for proposed no significant hazards consideration determination. Appendix J states that Type A tests shall be conducted in accordance with ANSI N45.4–1972; Leakage Rate Testing of Containment Structures for Nuclear Reactors, March 16, 1972. Normally such tests are of 24 hour duration. However, section 7.6 of ANSI N45.4–1972 allows for a shorter test period than 24 hours provided "* * * it can be demonstrated to the satisfaction of those responsible for the acceptance of the containment structure that the leakage rate can be accurately determined during a shorter test period * * *" The staff has allowed shorter duration (less than 24 hours) Type A testing provided licensees conduct tests in accordance with the

staff approved Bechtel Topical Report, BN TOP–1.

The licensee is of the opinion that BN TOP–1 is a relatively old report and has committed to conducting Type A tests in accordance with the provisions of a recently completed Electric Power Research Institute (EPRI) funded Quadrex Corporation report which the licensee has submitted for staff review and approval. The licensee asserts that the Quadrex report criteria is very similar in concept to the staff approved BN TOP–1 criteria. The licensee's proposed Technical Specifications would require 24 hour duration Type A testing unless criteria of either BN–TOP–1 or the Quadrex Report are met. The regulation allows for reduced duration Type A testing if acceptable criteria have been developed and approved to demonstrate that the leakage rate can be accurately determined during a shorter test period. The licensee has attempted to develop such criteria and has submitted those criteria to the staff for review and approval. In the alternative, the licensee has committed to meeting staff approved criteria for a reduced duration test.

Containment purge supply and exhaust valves are currently required to be leak tested at intervals not to exceed six months. Testing is conducted in accordance with the provisions of Type C testing for measuring leakage across an individual valve or across a group of valves used to isolate a penetration through primary reactor containment. The purpose of the six month frequency is to detect excessive degradation of the resilient seals. The licensee's proposed Technical Specifications would have testing conducted in accordance with Type B testing requirements which the licensee feels are appropriate because these valves employ resilient seals and are locked closed in other than cold shutdown and refueling shutdown conditions. As such, the licensee asserts that these valves meet the definition of Type B penetrations, that is, "containment penetrations whose design incorporates resilient seal gaskets, or sealant componds * * *"

Test frequency for these valves would remain the same, every six months. Test pressure remains the same, Pa. The leakage acceptance criteria would also remain the same since the acceptance criteria is based upon the combined leakage of all Type B and Type C penetrations. The only change would be the test method, that is, substitution of Type B testing methods for Type C testing methods. The regulations allow substitution of Type B testing methods for Type C testing methods, where appropriate.

The licensee also proposes Technical Specification charges to the limiting conditions for operation to allow one of the in series purge supply and exhaust valves to be open for repairs in other than cold shutdown or refueling shutdown conditions in accordance with the Type B testing requirements; repairs would be completed and acceptable leakage criterion demonstrated within 48 hours of the determination that the valve required repair or the reactor would be placed in cold shutdown. The other in series purge supply and exhaust valve would remain locked closed. This repair duration is currently allowed by the Technical Specifications for testing of both Type B and Type C penetrations.

Based upon the considerations discussed above, the staff has determined that the proposed amendments to the Technical Specifications do not involve a significant increase in the probability or consequences of an accident previously evaluated, do not create the possibility of a new or different kind of accident from any accident previously evaluated and do not involve a significant reduction in a margin of safety. Therefore, the staff proposes changes to the Technical Specifications do not involve a significant hazards consideration.

Local Public Document Room location: Joseph P. Mann Public Library, Two Rivers, Wisconsin.

Attorney for licensee: Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, Gerald Charnoff, Esq.

NRC Branch Chief: James R. Miller, Chief.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Connecticut Yankee Atomic Power Company, Docket No. 50–213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: October 24, 1983.

Brief description of amendment: The amendment would approve modifications to Section 6 of the Technical Specifications to reflect licensed operator staffing requirements to meet the requirements of 10 CFR 50.54(m).

Date of publication of individual notice in the **Federal Register:** December 27, 1983 (48 FR 57031).

Expiration date of individual notice: January 26, 1984.

Local Public Document Room location: Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: August 2, 1983.

Brief description of amendment: The amendments would change the Technical Specification 3.7.6 to permit changing between modes 5 (cold shutdown) and 6 (refueling) with the Control Area Ventilation Systems inoperable. These systems assure that the control room remains habitable after postulated accidents. Operation in either mode 5 or mode 6 is already permitted with these systems inoperable. Due to the general provisions of Technical Specification 3.0.4, however, operability of the Control Area Ventilation Systems is required during the transition between mode 5 and mode 6. These amendments would eliminate this unnecessary requirement.

Date of publication of individual notice in **Federal Register:** December 14, 1983 (48 FR 55649).

Expiration data of individual notice: January 13, 1984.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28242.

Duke Power Company, Docket No. 50–287, Oconee Nuclear Station, Unit No. 3, Oconee County, South Carolina

Date of amendment request: September 14, 1983.

Brief description of amendment: The amendment would authorize a proposed change to the Oconee Nuclear Station common Technical Specifications (TSs) which is required to revise a previously approved Axial Power Shaping Rod (APSR) position limit associated with

the operation of Unit 3 during fuel Cycle 7 (which is currently in progress). The proposed change would split a single position limit figure into two position limit figures for the same period of time. This specifically would be accomplished by: (1) Revising the title of TS Figure 3.5.2–4C2 from "APSR Position Limits, After 200± 10 EFPD" to "APSR Position Limits, After 200±10 to 385 EFPD (+0, −10 EFPD)"; and (2) adding a new TS Figure 3.5.2–4C3, titled "APSR Position Limits, After 385 EFPD (+0, −10 EFPD)" (*Note:* EFPD=Effective Full Power Days).

Date of publication of individual notice in **Federal Register:** December 14, 1983 (48 FR 55647).

Expiration date of individual notice: January 13, 1984.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: November 18, 1983.

Brief description of amendment: The amendments would (1) reduce by 2% the reactor coolant system (RCS) flow rate required for operation of McGuire Unit 2 at 100% power and revise the limits for safety systems setting to accommodate the RCS flow reduction and (2) provide for a 1% reduction in power for each 1% reduction in the measured RCS flow below the flow requirement for 100% power for McGuire Unit 2.

The operation of McGuire Unit 2 at 90% power, as part of the unit power ascension program, has identified a low reactor coolant flow condition that, pursuant to the existing technical specification requirement, prevents the unit from operating above 90% power. The first part of the amendment, which reduces reactor coolant system flow would not affect the probability of accidents previously evaluated nor create the possibility of a new or different kind of accident; however, lower RCS flow can have some effect on the consequences of accidents previously evaluated. The effects of lower RCS flow have been evaluated for the accidents discussed in the Final Safety Analysis Report (FSAR), Chapter 15. This evaluation shows that adequate thermal margin to Departure from Nucleate Boiling Ratio (DNBR) would be maintained (i.e. DNBR greater than 1.30). Non-DNB-limited transients were also evaluated and the results were determined to be within their respective limits. Therefore, operation under this aspect of the proposed amendments would not involve a significant increase in the consequences of accidents previously evaluated. Similarly, because the evaluation showed that the original analysis results are valid for the DNB-limited transients, the safety margins inherent in the DNBR limit of 1.30 (based on the W-3 correlation) are unaffected. Also, the non-DNB-limited transients remain within their respective limits. Therefore, this aspect of the proposed amendments does not involve a significant reduction in a safety margin.

Date of publication of individual notice in **Federal Register:** January 4, 1984 (49 FR 529).

Expiration date of individual notice: February 3, 1984.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station) North Carolina 28242.

General Public Utilities Nuclear Corporation, Docket No. 50–320, Three Mile Island Unit 2, Londonderry Township, Dauphin County, Pennsylvania

Date of amendment request: July 7, 1983.

Brief description of amendment: The amendment would delete from the TMI-2 Technical Specifications reference to requirements for Unit 1 monitoring instrumentation and valves that relate solely to the operation of Unit 1.

Date of publication of individual notice in **Federal Register:** December 1, 1983 (48 FR 54306).

Expiration date of individual notice: January 3, 1984.

Local Public Document Room location: State Library of Pennsylvania, Harrisburg, PA 17126.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: September 30, 1982, as supplemented November 4, 1983.

Brief description of amendment: The proposed amendment would revise the Technical Specifications to allow the Source Range Monitor minimum count rate to fall below three counts per second during full core discharge and subsequent reloading.

Date of publication of individual notice in the **Federal Register:** December 13, 1983, 48 FR 55526.

Expiration date of individual notice: January 12, 1984.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Southern California Edison Company, et al., Docket No. 50–362, San Onofre Nuclear Generating Station, Unit 3, San Diego, California

Date of amendment request: January 25, July 14 and September 23, 1983.

Brief description of amendment: Proposed changes to the Technical Specifications related to DNBR calculations associated with fuel rod bowing.

Date of publication of individual notice in **Federal Register:** December 21, 1983 (48 FR 56460).

Expiration date of individual notice: January 20, 1984.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30–day period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless indicated otherwise, the Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments. If the Commission has prepared an Evironmental Impact Appraisal related to these actions it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no

significant effect on the quality of the human environment.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments , and (3) the Commission's related letters, Safety Evaluations and/or Environmental Impact Appraisals as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of licensing.

Alabama Power Company, Docket No. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: October 13, 1983.

Brief description of amendments: The amendments change the Technical Specifications to allow reactor operation with the slightly positive moderator temperature coefficient at low power levels and an increased enthalpy hot channel factor limit below full power.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment Nos. 37 and 27.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (52805).

The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated December 30, 1983.

Significant hazards consideration comments received: No.

Local Public Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket No. 50–348 amd 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: June 6, 1983.

Brief description of amendments: The amendments change the Technical Specification to incorporate the Commission guidance on overtime limitations as promulgated in Generic Letter 82–12, dated June 15, 1982. These changes are in accordance with the Commission Policy Statement in NUREG–0737, Item I.A.1.3 on overtime.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment Nos. 38 and 28.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38386).

The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated December 30, 1983.

Significant hazards consideration comments received: No.

Local Public Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket No. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: October 25, 1982.

Brief description of amendments: The amendments change the Technical Specifications by modifying the frequency for licensee's audits of the Facility Emergency Program from every 24 months to every 12 months. The change is in accordance with § 50.54(t) of Title 10 of the Code of Federal Regulations.

Date of issuance: January 6, 1984.

Effective date: January 6, 1984.

Amendment Nos. 39 and 29.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38383).

The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated Janurary 6, 1984.

Significant hazards consideration comments received: No.

Local Public Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket No. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2, Houston County, Alabama.

Date of application for amendments: April 6, 1983.

Brief description of amendments: The amendments change the Technical Specifications to correct an administrative error by deleting applicability of a footnote for Item 1.e. in Table 3.3–3. The change was made at the Commission's request to correct the error found during the NRC staff review of Multi-Plant Action Item B–32, Blocked Safety Injection Signal During Cooldown.

Date of issuance: January 9, 1984.

Effective date: January 9, 1984.

Amendment Nos. 40 and 30.

Facility Operating License Nos. NPF–2 and NPF–8. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38385).

The Commission's related evaluation of the amendments are contained in a Safety Evaluation dated January 9, 1984.

Significant hazards consideration commets received: No.

Local Public Room location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Alabama Power Company, Docket, No. 50–364, Joseph M. Farley Nuclear Plant, Unit No. 2, Houston County, Alabama.

Date of application for amendment: December 10, 1982.

Brief description of amendment: The amendment changes the Technical Specification to delete eight (8) non-safety related hydraulic snubbers from Table 3.7–4a.

Date of issuance: January 10, 1984.

Effective date: January 10, 1984.

Amendment No. 31.

Facility Operating License No. NPF–8. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38384).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 10, 1984.

Significant hazards consideration comments received: No.

Local Public Room location: George S. Houston Memoral Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303.

Baltimore Gas & Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of application for amendment: September 20, 1983 as supplemented October 12, 1983.

Brief description of amendment: The amendments revised the Technical Specifications to (1) clarify the operability requirements for the containment purge isolation valves, (2) correct typographical errors, (3) clarify the Basis for combustible gas control system, (4) change the list of safety related seismic restraints, "snubbers," which are required to be operable and undergo surveillance, (5) change the requirements for surveillance of Containment Spray Actuation Signal (CSAS) Subchannels A–3 and B–3 (Unit 2 only), and (6) change the surveillance

requirements for the control room emergency vetilation system.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment Nos. 89 and 70.

Facility Operating License Nos. DPR–53 and DPR–69. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (48 FR 52804 at 52805).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 30, 1983.

No significant hazards consideration commets received: No.

Local Public Document Room location: Calvert County Library, Prince Frederick, Maryland.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment: April 5, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to permit operation with increased safety relief valve (SRV) setpoints to enable an increased pressure differential between operating pressure and SRV pressure setpoints.

Date of issuance: December 29, 1983.

Effective date: December 29, 1983.

Amendment No. 73

Facility Operating License No. DPR–35. Amendment revised the technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38389.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 29, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of application for amendment: December 13, 1982, as supplemented October 17 and November 11, 1983.

Brief description of amendment: This amendment authorizes changes to the Technical Specifications (1) to implement the requirements of Appendix I of 10 CFR Part 50; (2) to establish new limiting conditions for operation for the quarterly and annual average release rates; and (3) to revise envorinmental montoring programs to assure conformance with the Commission's regulations.

Date of issuance: December 27, 1983.

Effective date: December 27, 1983.

Amendment Nos. 62 and 88.

Facility Operating License No. DPR–71 and DPR–62.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43129).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 27, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket No. 50–325 Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: June 16, 1982, as supplemented April 28 and August 10, 1983.

Brief description of amendment: The amendment modifies the Technical Specifications as follows: (1) Delete requirements for seismic snubbers on those portions of the control rod drive return line piping that have been removed, (2) add requirements regarding the operability, response time and surveillance of instrumentation installed as a result of certain NRC recommendations set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements," and (3) add requirements regarding the operability, response time and surveillance of instrumentation used for signalling a condition of high water level in the scram discharge piping.

Date of issuance: December 28, 1983.

Effective date: December 28, 1983.

Amendment No. 63

Facility Operating License No. DPR–71.

Amendment revised the technical Specifications.

Date of initial notice in **Federal Register:** August 22, 1983, 48 FR 38118.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport—Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of application for amendment: August 16, 1982,

Brief description of amendment: Adds LImiting Conditions for Operation and surveillance requirements for the Reactor Protection System electrical power supplies.

Date of issuance: December 28, 1983.

Effective date: December 28, 1983.

Amendment Nos. 64 and 89.

Facility Operating License Nos. DPR–71 and DPR–62

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43128).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of application for amendment: October 3, 1983.

Brief description of amendment: The amendments change the technical Specifications to provide limited flexibility in scheduling containment leak testing surveillance consistent with planned outages.

Date of issuance: January 11, 1984.

Effective date: January 11, 1984.

Amendment Nos. 65 and 91.

Facility Operating License Nos. DPR–71 and DPR–62. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 17, 1983. (48 FR 52366).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 11, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendment: April 25, 1983.

Brief description of amendment: The amendments approve Technical Specifications which specify the time-delay settings for high steam flow for the HPCI systems, and are designed to prevent inadvertent isolation of these systems.

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No. 78.

Provisional Operating License No.: DRP–19.

Amendment No. 69.

Facility Operating License No.: DPR–25. Amendments revised the Appendix A Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43131).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 12, 1983. No public or State comments were received with respect to the Commission's proposed determination that the amendments would not involve a significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Commonwealth Edison Company, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Date of application for amendments: May 2, 1983.

Brief description of amendment: The amendments approve changes to the Technical Specifications which specify what the reactor pressure should be when conducting scram testing following a refueling outage and revise the requirement of isolating the control rod drive pumps to apply only to single rod scram testing.

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No. 79.

Provisional Operating License No.: DRP–19.

Amendment No. 70.

Facility Operating License No. DPR–25. Amendments revised the Appendix A Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49579).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 12, 1983. No public or State comments were received with respect to the Commission's proposed determination that the amendments would not involve a significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Commonwealth Edson Company, Docket No. 50–249, Dresden Nuclear Power Station, Unit 3, Grundy County, Illinois

Date of application for amendment: August 25, 1983, as supplemented November 23, 1983.

Brief description of amendment: The amendment authorizes Technical Specification changes which raise the safety relief actuating setpoint of the Target Rock valve and lower the setpoint of two Electromatic Relief valves. The changes prevent excessive loadings to the torus if a relief valve actuation occurs shortly after closure by reducing subsequent actuation.

Date of issuance: January 4, 1984.

Effective date: January 4, 1984.

Amendment No. 71.

Facility Operating License No.: DPR–25. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (48 FR 52808).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 4, 1984. No public or State comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Station, Unit Nos. 1 and 2, Zion, Illinois

Date of application for amendment: August 22, 1983, as supplemented October 31, 1983.

Brief description of amendment: These amendments will allow the transition from low-parasitic 15 x 15 fuel assemblies to 15 x 15 optimized fuel assemblies.

Date of issuance: December 23, 1983.

Effective date: December 23, 1983.

Amendment Nos. 83 and 73.

Facility Operating License Nos. DPR–39 and DPR–48. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26,1983 (48 FR 49579).

The Commission's related evaluation of these amendments is contained in a Safety Evaluation dated December 23, 1983.

No significant hazards consideration comments have been received.

Local Public Document Room location: Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix, Michigan

Date of application for amendment: January 28, 1983.

Brief description of amendment: The amendment approves Technical Specification changes which increase the containment vessel reduced test pressure from 10 psig to 11.5 psig.

Date of issuance: December 27, 1983.

Effective date: December 27, 1983.

Amendment No.: 62.

Facility Operating license No.: DPR–6.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38398).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation December 27, 1983. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Docket Room location: Charlevoix Public Litrary, 107 Clinton Street, Charlevoix, Michigan 49720.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix County, Michigan

Date of applications for amendment: November 12, 1982 and December 20, 1982.

Brief description of amendment: The amendment approves changes to the Administrative Controls Section of the Technical Specifications. The major changes are the addition of a second auxiliary operator to the minimum shift staff, implementation of overtime limitations, and organizational changes associated with the company's new Nuclear Activities Plant Organization (NAPO).

Date of issuance: January 4, 1984.

Effective date: January 4, 1984.

Amendment No.: 63.

Facility Operating License No.: DPR–6. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 1983 (48 FR 33779) and July 28, 1983 (48 FR 34369).

The Commission's related evaluation of the amendment is contained in the Safety Evaluation. No public or State comments were received with respect to the Commission's proposed determination that the requested action

would involve no significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Consumers Power Company, Docket No. 50–155, Big Rock Point Plant, Charlevoix, Michigan

Date of application for amendment: July 20, 1981.

Brief description of amendment: The amendment approves Technical Specification changes which incorporate requirements for operability, testing, and inspection of the mechanical snubbers attached to the Reactor Depressurization System.

Date of issuance: January 11, 1984.

Effective date: January 11, 1984.

Amendment No.: 64.

Facility Operating License No.: DPR–6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38397).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 11, 1984. No Public or State comments were received with respect to the Commission's proposed determination that the amendment would not involve a significant hazards consideration.

Local Public Document Room location: Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: June 9, 1982.

Description: The amendment modifies the Appendix A Technical Specifications by adding requirements for quarterly testing of containment ventilation (purge) valves to detect excessive degradation of the resilient seats.

Date of Issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 35.

Provisional Operating License No.: DPR–45. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38400).

The Commission's related evaluation of the amendment is contained in its letter transmitting the amendment dated December 12, 1983. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Duquense Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: July 14, 1983.

Brief description of amendment: The amendment changes the Beaver Valley Unit 1 Technical Specifications to clarify onsite AC power distribution configuration. This change brings Section 3.8.2.1 into conformance with Standard Westinghouse Technical Specifications.

The amendment also changes Figure 6.2–1, "Offsite Organization", to incorporate details of the organization under the Manager of Nuclear Engineering.

Date of issuance: December 13, 1983.

Effective date: December 13, 1983.

Amendment No. 75.

Facility Operating License No. DPR–66. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49585).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 13, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power and Light Company, et al., Docket No. 50–389, St. Lucie Plant, Unit 2, St. Lucie County, Florida

Date of application for amendment: June 6, 1983, supplemented June 28, 1983.

Brief description of amendment: The amendment changes the testing frequency of the turbine overspeed protection valves from weekly to monthly.

Date of issuance: December 20, 1983.

Effective date: December 20, 1983.

Amendment No.: 4.

Facility Operating License No. NPF–16. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 15, 1983 (48 FR 41536).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 20, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Community College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of Application for amendments: August 19, 1983, as supplemented on September 9, 1983, September 20, 1983 and October 4, 1983.

Brief description of amendments: The amendments change the Technical Specifications to support the integrated program for vessel flux reduction to resolve the pressurized thermal shock issue and to take credit for operation with the new steam generators in an unplugged (maximum of five (5) percent tube plugging) configuration. The Technical Specification changes: (1) Increase the hot channel $F_{\Delta H}$ limit from 1.55 to 1.62; (2) increase the total peaking factor F_0 limit from 2.30 to 2.32; (3) change the overpower ΔT setpoints and thermalhydraulic limit curves; and (4) delete restrictions and limits placed on the old steam generators which allowed operation with tubes plugged in excess of five percent.

Date of issuance: December 23, 1983.

Effective date: December 23, 1983, for Unit 3 and startup of cycle 10 for Unit 4.

Amendment Nos. 99 and 93.

Facility Operating License Nos. DPR–31 and DPR–41. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 7, 1983 (48 FR 45862).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 23, 1983. Significant hazards consideration comments have been received.

Source: Center for Nuclear Responsibility, Inc. and Joette Lorion.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of application for amendments: May 5, 1983.

Brief description of amendments: These amendments delete the non-radiological Environmental Technical Specifications in Appendix B which address terrestrial, biological and physical monitoring programs.

Date of issuance: January 4, 1984.

Effective date: January 4, 1984.

Amendment Nos. 100 and 94.

Facility Operating License No. DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38404).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation and Environmental Impact Appraisal dated January 4, 1984.

No comments on significant hazards consideration have been received.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199.

General Public Utilities Nuclear Corporation Docket No. 50–320, Three Mile Island Unit 2, Londonderry Township, Dauphin County

Date of amendment request: May 27, 1983.

Description of amendment request: This amendment deletes the requirement for reserve water tankage that would be used to store waste water from TMI–2. The reserve storage capacity was originally required by the staff because of the large volume of contaminated water that was being held in miscellaneous sumps in the auxiliary and fuel handling building and the containment building. Because of elimination of most of this volume of water and the significant reduction in the radioisotope content of the water remaining, the reserve tankage capacity is no longer necessary.

Date of issuance: December 14, 1983.

Effective date: January 1, 1984.

Amendment No.: 22

Facility Operating License No. DPR'–73: Amendment revised the License.

Date of initial notice in **Federal Register:** July 18, 1983 (48 FR 32707).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: State Library of Pennsylvania, Harrisburg, PA 17126.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: February 26, 1981, as supplemented October 1, 1981, September 19, 1983, October 3, 1983, December 14, 1983, and December 20, 1983.

Brief description of amendment: The amendments revise the Hatch Units 1 and 2 Technical Specifications to (1) add a Limiting Condition for Operation (LCO) and surveillance requirements for the Scram Discharge Volume (SDV) vent and drain valves, and (2) add the new diverse SDV high water level scram instrumentation (thermal level sensors), including trip setpoints, LCO, Action Statement and surveillance requirements, to the Reactor Protection System Instrumentation Tables.

The amendments also revise the TSs for Hatch Unit 1 to: (1) Add the SDV high water level trip instrumentation, including trip setpoint, LCO, Action Statement and surveillance requirements, to the Control Rod Block Instrumentation Tables, and (2) change the required frequency for functional testing of the SDV high water level reactor scram instrumentation from once per three months to once per month.

Date of issuance: January 4, 1984.

Effective date: January 4, 1984 for license No. DPR–57; within 30 days after issuance for License No. NPF–5..

Amendments Nos.: 97 and 34.

Facility Operating Licenses Nos. DPR–57 and NPF–5. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 14, 1983 (48 FR 51876)

Subsequent to the initial notice in the **Federal Register**, Georgia Power Company, by letters dated December 14 and 20, 1983, modified its September 19, 1983 proposed closure time requirement for the (SDV) vent and drain valves. Because of the late arrival of the December 14 and 20, 1983 submittals, the Commission has not completed its review of the proposed valve closure time requirement and therefore, has not included a closure time requirement in these amendments. It will however, provide a closure time requirement in subsequent amendment following completion of its review of the licensee's proposal. The existing Technical Specifications do not include a closure time requirement. The NRC staff will prepare a separate proposed determination and notice for the December 14 and 20, 1983 submittals.

The Commission's related evaluation of the amendment is contained in Safety Evaluations dated January 4, 1984.

No significant hazards consideration comments received: No.

Local Public Document location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: March 18, 1983.

Brief description of amendment: The amendment reflects approval of changes to the administrative organization at the Oyster Creek plant by (1) implementing a new Safety Review and Audit Program, (2) adding the position of Maintenance and Construction Director Oyster Creek to figure 6.2.2, and (3) removing the word "entire" from paragraph 6.5.3.1(b) and the word "all" from paragraphs 6.5.3.1 (a) and (c). Moreover, the amendment reissues Section 6.0 in its entirety for editorial and format purposes.

Date of issuance: January 12, 1984.

Effective date: January 12, 1984.

However, the approved changes are to be implemented 45 days after the date of issuance.

Amendment No.: 69

Provisional Operating License No. DPR–16. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 (48 FR 52813).

The Comission's related evaluation of this action is contained in its Safety Evaluation dated January 12,1984. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Document Room: 101 Washington Street, Toms River, New Jersey 08753.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: March 28, 1979 as superseded May 27, 1982.

Brief description of amendment: This amendment modified the Maine Yankee Technical Specifications concerning Inservice Inspection. These changes amend the Technical Specifications to conform with 10 CFR 50.55a.

Date of issuance: December 21, 1983.

Effective date: December 21, 1983.

Amendment No.: 71.

Facility Operating License No. DPR–36. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983, 48 FR 49574 at 49588.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 21, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

National Bureau of Standards, Docket No. 50–184, Gaithersburg, Maryland

Date of application for amendment: May 5, 1983.

Brief description of amendment: The amendment approves changes to the Physical Security Plan and adds the plan to the license.

Date of issuance: December 8, 1983.

Effective date: December 8, 1983.

Amendment No.: 4.

Facility Operating License No. TR–5. Amendment revised the license.

Date of initial notice in **Federal Register:** August 23, 1983 (48 FR 38408).

The Commission's related evaluation of the amendment is contained in a letter dated December 8, 1983.

No significant hazards consideration comments received: No.

Public Document Room location: 1717 H Street, N.W., Washington, D.C. 20555.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: March 22, 1978, supplemented March 17, 1980, and superseded May 2, 1983.

Brief description of amendment: Revises the Technical Specifications adding Limiting Conditions for Operation, surveillance requirements and changing the bases for the Fire Protection Program at the facility.

Date of issuance: December 20, 1983.

Effective date: December 20, 1983.

Amendment No.: 53.

Facility Operating License No. DPR–63.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, 48 FR 38409.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 20, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Northeast Nuclear Energy Company, Docket No. 50–245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: May 9, 1980 as superseded October 15, 1980 and as supported by letter dated September 22, 1983.

Brief description of amendment: The amendment authorizes Technical Specification changes to allow integrated containment leakage rate tests without the requirement of 24-hour minimum test duration.

Date of issuance: December 19, 1983.

Effective date: December 19, 1983.

Amendment No.: 94.

Provisional Operating License No. DPR–21.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43140). The Commission's related evaluation of this action is contained in its Safety Evalaution dated December 19, 1983. No public or State comments were received with respect to the Commission's proposed determination that the requested action would involve no significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station Unit No. 2, Town of Waterford, Connecticut

Date of application for amendment: June 3, 1983 as supplemented August 18 and November 17, 1983.

Brief description of amendment: The amendment changed the Technical Specifications to allow repair of degraded steam generator tubes by installing metal sleeves in addition to the current repair method of plugging.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment No.: 89.

Facility Operating License No. DPR–65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 28, 1983, 48 FR 34372.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 30, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station Unit No. 2, Town of Waterford, Connecticut

Date of application for amendment: April 13, 1983.

Brief description of amendment: This amendment modified Technical Specifications necessary for plant operation in Cycle 6, including: (1) Reduced Reactor Coolant Flow Rate; (2) Reduced CEA Drop Time; (3) New Axial Shape Index Tent; (4) Revised Total Planar Peaking Factor Curve; (5) Revised Total Radial Peaking Factor Curve; and (6) Revised Auxiliary Feedwater Pump Surveillance Requirements.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment No.: 90.

Facility Operating License No. DPR–65. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33076 at 33083).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 30, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Waterford, Connecticut.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 24, 1982.

Brief description of amendment: The revision to the Technical Specifications provides for an expanded Radiation Protection Program and limits the extent of required Operations Committee review of radiation protection procedures.

Date of issuance: December 30, 1983.

Effective date: December 30, 1983.

Amendment No.: 19.

Facility Operating License No. DPR–22.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 31, 1983, 48 FR 50180.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 30, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: September 30, 1982, as supplemented November 4, 1983.

Brief description of amendment: The revisions to the Technical Specifications allow the Source Range Monitor minimum count rate to fall below three counts per second during full core discharge and subsequent reloading.

Date of issuance: January 16, 1984.

Effective date: January 16, 1984.

Amendment No.: 20.

Facility Operating License No. DPR–22.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 13, 1983, 48 FR 55526.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 16, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of application for amendment: June 24, 1983.

Brief description of amendment: The amendments changed the exposure dependence function Bu(z) to 1.0 for all values of peak pellet exposure from 0 to 55 GWD/MTU. These amendments complete all items that were requested by letter dated June 24, 1983.

Date of issuance: December 28, 1983.

Effective date: December 28, 1983.

Amendment Nos.: 67 and 61.

Facility Operating License Nos. DPR–42 and DPR–60. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 3, 1983, 48 FR 50807.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Pacific Gas and Electric Company, Docket No. 50–275, Diablo Canyon Nuclear Power Plant, Unit 1, San Luis Obispo, California

Date of amendment request: December 29, 1982, May 2, and 23, and June 23, 1983.

Brief description of amendment: The changes allow installation of two new inverters and their associated busses to increase the capacity of the class IE instrument AC system; allow modification to the containment isolation system; require an additional firewater pump and modify the Halon system initiator replacement program; and change the time requirement for containment spray initiation.

Date of issuance: November 10, 1983.

Effective date: November 10, 1983.

Amendment No.: 7.

Facility Operating License No. DPR–76: Amendment revised the Technical Specification.

Date of initial notices in **Federal Register:** July 22, 1983, 48 FR 33574; August 18, 1983, 48 FR 37551; August 31, 1983, 48 FR 39538; and August 18, 1983, 48 FR 37553. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 10, 1983. No significnat hazards considered comments received.

Local Public Document Room location: California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: August 15, 1983.

Brief description of amendment: This amendment clarifies that the monthly requirement for grab samples for Gaseous Release Type "B" in Technical Specification Table 4.11.2.1.2–1 does not require grab samples for particulates and iodines. The amendment also adds fire hose stations above elevation 749'1" to Technical Specification Table 3.7.6.5–1 to ensure a proper level of surveillance on equipment that protects safety-related equipment.

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 20.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (49593).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 12, 1983.

No significant hazards considered comments received: No.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Portland General Electric Company, et al. Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon.

Date of application for amendment: October 4, 1983.

Brief description of amendment: The amendment made several changes to the off-site and on-site organization charts in the Trojan Technical Specifications.

Date of issuance: December 27, 1983.

Effective date: December 27, 1983.

Amendment No.: 86.

Facility Operating License No. NPF–1. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1983 (48 FR 52659).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 27, 1983.

No significant hazards consideration comments received: No comments received.

Location of Local Public Document Room: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Power Authority of the State of New York, Docket No. 50–286, Indian Point Nuclear Generating Plant, Unit No. 3, Westchester, New York

Date of application for amendment: January 13, 1983, as supplemented December 14, 1983.

Brief description of amendment: The amendment approves plant operation with a maximum of 24% tubes plugged in each steam generator.

Date of issuance: January 13, 1984.

Effective date: January 13, 1984.

Amendment No.: 48.

Facility Operating License No. DPR–64. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43142).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 13, 1984.

Significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Public Service Company of Colorado, Docket No. 50–267, Fort St. Brain Nuclear Generating Station, Platteville, Colorado.

Date of application for amendment: September 28, 1983.

Brief description of amendment: The amendment revised Technical

Specification SR 5.2.6 by changing the removal schedule for plateout probe assemblies from the third and fifth refuelings to the fourth and sixth. The plateout probe assemblies provide a measurement of radioactive contaminants circulating in the primary coolant which adhere (plateout) on internal surfaces.

Date of Issuance: January 3, 1984.
Effective Date: January 3, 1984.
Amendment Number: 38.
Facility Operating License No.: DPR-34.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983; 48 FR 52821.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 3, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Fairfield County, South Carolina.

Date of application for amendment: October 8, 1983.

Brief description of amendment: The amendment corrects administrative errors in the Technical Specifications involving typographical errors and incorrect plotting of the rod bow penalty curve data.

Date of Issuance: December 23, 1983.
Effective Date: December 23, 1983.
Amendment No: 19.
Facility Operating License No. NFP-12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 21, 1983 (48 FR 43145).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 23, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29218.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Fairfield County, South Carolina.

Date of application for amendment: July 22, 1983.

Brief description of amendment: The amendment changes the Technical Specifications pertaining to the Condensate Demineralizer Backwash Effluent Line and the Processed Steam Generator Blowdown Effluent Line.

Date of issuance: January 5, 1984.
Effective date: January 5, 1984.
Amendment No.: 20.
Facility Operating License No. NPF-12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49596).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 5, 1984.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29218.

Tennessee Valley Authority, Docket No. 50-259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama.

Date of application for amendment: July 13, 1983, as supplemented October 20, 1983 and November 17, 1983.

Brief description of amendment: The amendment revises the Technical Specifications to reflect the modification which added analog transmitter trip units in place of the mechanical-type switches originally used in the reactor protection system (RPS). Other requests in the July 13, 1983 application are being handled by separate amendments and evaluations.

Date of Issuance: December 16, 1983.
Effective Date: December 16, 1983.
Amendment No.: 93.

Facility Operating License No. DPR-33.

Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 28, 1983, 48 FR 49947. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 16, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units Nos. 1, 2 and 3, Limestone County, Alabama.

Date of application for amendment: March 25, 1983.

Brief description of amendment: The amendment change the Technical Specifications to add more stringent requirements to Section 3.6.C on allowable primary coolant leakage into the drywell.

Date of Issuance: December 27, 1983.
Effective Date: December 27, 1983.
Amendment Nos.: 94, 87 and 60.
Facility Operating License Nos. DPR-33, DPR-52 and DPR-68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 31, 1983, 48 FR 50182.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 27, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50-346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: July 10, 1981 (Item 6).

Brief description of amendment: The amendment modifies Technical Specification 3.7.10, "Fire Barrier Penetrations", to be consistent with the current Standard Technical Specifications for Babcock and Wilcox plants. The amendment also modifies Specification 6.9.2 to reflect the additional reporting requirements of Specification 3.7.10.

Date of issuance: January 12, 1984.
Effective date: January 12, 1984.
Amendment No.: 65.
Facility Operating License No. NPF-3 Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 12, 1983, 48 FR 55357.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: December 15, 1982.

Brief description of amendments: Revised Technical Specification reporting requirements to include an additional requirement to report all challenges to pressurizer power

operated relief valves and safety valves in the annual report.

Date of issuance: December 28, 1983.

Effective date: 20 days from the date of issuance.

Amendment Nos.: 79 and 84.

Facility Operating License Nos. DPR-24 and DPR-27. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983, 48 FR 33076 at 33093.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendment: June 30, 1982.

Brief description of amendment: Added as part of the surveillance testing requirements a test of the automatic actuation logic circuitry for the auxiliary feedwater pumps on a monthly basis.

Date of issuance: December 29, 1983.

Effective date: December 29, 1983.

Amendment Nos.: 80 and 85.

Facility Operating License Nos. DPR-24 and DPR-27. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33076 at 33093).

The Commission's related evaluation of the amendments is contained in a letter dated December 29, 1983 and Safety Evaluation dated May 3, 1982.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Wisconsin Electric Power Company, Docket No. 50-266, Point Beach Nuclear Plant, Unit No. 1, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendment: July 5, 1983.

Brief description of amendment: Authorized operation of Point Beach Unit 1 at either 2000 or 2250 psia reactor coolant system pressure upon return to power from the steam generator replacement outage.

Date of issuance: December 30, 1983.

Effective date: 20 days from the date of issuance.

Amendment No.: 81.

Facility Operating License No. DPR-24. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 23, 1983, (48 FR 38382) at 38431.

The Commission's related evaluation of the amendment is contained in a letter dated December 30, 1983.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: April 29, 1983, as supplemented June 24, and November 29, 1983.

Brief description of amendment: The amendment consists of changes to the Technical Specifications which are administrative in nature; clerical, changes to the rod misalignment limits and turbine overspeed protection system. The proposed change regarding the time constraint for the determination of the core peaking factors is not included in this amendment since the staff did not have adequate information to properly make a determination of this issue.

Date of issuance: December 28, 1983.

Effective date: December 28, 1983.

Amendment No.: 51.

Facility Operating License No. DPR-43: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49598).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 28, 1983.

Local Public Document Room location: Kewaunee Public Library, 822 Juneau Street, Kawaunee, Wisconsin 54216.

Yankee Atomic Electric Company, Docket No. 50-29, Yankee Nuclear Power Station, Franklin County, Massachusetts

Date of application for amendment: October 3, 1977.

Brief description of amendment: The Technical Specification changes approved for the inservice inspection program reflect provisions which are consistent with the requirements of the Edition and Addenda of Section XI of the ASME Code, as specified in 10 CFR 50.55a(g).

Date of issuance: January 3, 1984.

Effective date: January 3, 1984.

Amendment No.: 81.

Facility Operating License No. DPR-3. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 20, 1983 (48 FR 33096).

No comments received and no request for hearing received.

Local Public Document Room location: Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

NOTICE OF ISSUANCE OF AMENDMENT TO OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the 30-day period since publication of the last monthly notice the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing. For exigent circumstances, a press release seeking public comment as to the proposed no significant hazards consideration determination was used, and the State was consulted by telephone. In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant, a shorter public comment period (less than 30 days) has been offered and the State consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of

the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless indicated otherwise, the Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment. If the Commission has prepared an Environmental Impact Appraisal related to the action, it is so indicated. If indicated, this notice constitutes a negative declaration and indicates that the Commission has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see: (1) The application for amendment, (2) the amendment to Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Impact Appraisal, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By February 27, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave no intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief)*: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Carolina Power & Light Company, Docket No. 50–324, Brunswick Steam Electric Plant, Unit 2, Brunswick County, North Carolina

Date of application for amendment: December 7, 1983, as supplemented by letters dated December 16 and 20, 1983.

Brief description of amendment: The amendment revises the Technical Specifications of the operating license regarding a surveillance test requirement for the station electrical power systems for Brunswick Unit 2. The current Technical Specification in Section 4.8.2.3.2 paragraph d.2.a (battery 2A–2) requires a test of the station electrical batteries at least once per 18 months to demonstrate the ability of

battery 2A–2 to produce an electrical current (amperage) of 1211.90 amperes during the first 60 seconds of the test while maintaining a battery terminal voltage of at least 105 volts. The licensee requested that the amperage required by this test be reduced to 1074.9 amperes based on a reexamination of the amperage necessary to adequately supply power to safety-related equipment under emergency operating conditions.

The licensee has also requested the proposed Technical Specification be issued immediately to permit startup of the Brunswick Unit 2 facility. This unit has been shut down for the inspection of piping and the performance of surveillance tests. Nearly all work except for the battery test has been completed and the licensee has made every reasonable attempt to meet the requirement for battery testing.

The amendment was issued under the emergency circumstances provision since failure to act expeditiously on these changes would result in extending the shutdown of Brunswick Unit 2. Without the change proposed by the licensee, the battery surveillance test requirement cannot be met, the battery must be declared inoperable and the facility may not be started up. The licensee applied for the amendment in a timely fashion, as soon as the need for correction was identified.

Date of issuance: December 31, 1983.

Effective date: December 31, 1983.

Amendment No.: 90.

Facility Operating License No. DPR–62. Amendment revised the Technical Specifications.

Public comments requested as to no significant hazards consideration: No.

The Commission's related evaluation is contained in a Safety Evaluation dated December 31, 1983.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Pennsylvania Power and Light Company, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: October 20, 1983, as modified by licensee letter dated November 7, 1983.

Brief description of amendment: This amendment changes Technical Specification Table 4.8.1.1.2–2 to modify the start time sequence of two Emergency Service Water (ESW) pumps from 53 and 57 seconds to 44 and 48 seconds, respectively, to support two unit operation and prevent the potential concurrent starts of the Residual Heat Removal or Core Spray pumps with the ESW pumps. The amendment was issued under the exigent circumstances provision of the Commission's regulations since failure to act in a timely manner would result in delaying the startup of Unit 1 following the tie-in outage for Unit 2, and delaying the fuel load of Unit 2. The licensee applied for the amendment in a timely fashion, having identified the exigent nature of the need for the Technical Specification change during the week of October 31, 1983, followed by a formal request on November 7, 1983, to process the amendment request in accordance with 10 CFR 50.91(a)(6) (exigency basis).

Date of issuance: December 12, 1983.

Effective date: December 12, 1983.

Amendment No.: 19.

Facility Operating License No.: NPF–14 Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: Yes, press release and **Federal Register** Notice, November 16, 1983 (48 FR 52143).

One comment was received from a member of the public.

The Commission's related evaulation is contained in a Safety Evaulation dated December 12, 1983.

Attorney for licensee: Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland this 18th day of January 1984.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 84–1944 Filed 1–25–84; 8:45 am]

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January 26, 1984

Part IV

Department of Transportation

Federal Railroad Administration

49 CFR Parts 233, 235, and 236
Signal and Train Control; Miscellaneous Amendments; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Parts 233, 235, and 236

[Docket No. RSSI-78-5, Notice No. 9]

Signal and Train Control; Miscellaneous Amendments

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Final rule.

SUMMARY: This document amends and clarifies FRA's signal and train control rules and regulations; codifies Interstate Commerce Commission Order 29543 (Order 29543); eliminates certain rules that address obsolete equipment; revises certain rules to make them applicable to the latest technological advances; and reduces the burdens imposed by certain testing and recordkeeping requirements. This action is taken by FRA in an effort to improve its safety regulatory program and to eliminate unnecessary and burdensome regulations.

EFFECTIVE DATE: This regulation will become effective February 27, 1984.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: S. H. Stotts, Jr., Office of Safety, RRS–11, Federal Railroad Administration, Washington, D.C. 20590. Phone 202–472–4094.

Principal Attorney: Lawrence I. Wagner, Office of Chief Counsel, RCC–30, Federal Railroad Administration, Washington, D.C. 20590. Phone 202–426–8836.

SUPPLEMENTARY INFORMATION:

I. Background

On March 21, 1983, FRA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (48 FR 11882–11907) to revise Parts 233, 235, and 236 of Title 49, Code of Federal Regulations. The NPRM also proposed to codify Order 29543 into Part 236. The specific objectives of the proposed changes were to clarify the existing rules, eliminate rules no longer relevant to railroad safety, modify the rules to recognize the latest technology in signaling, and to eliminate unnecessary and burdensome requirements.

As announced in the NPRM, FRA held a public hearing on April 19, 1983. At the hearing FRA received testimony from the Association of American Railroads (AAR), the Brotherhood of Railroad Signalmen (BRS), and the New York State Department of Transportation (NYDOT). Written comments were subsequently received from the AAR, the National Transportation Safety Board (NTSB), The Long Island Railroad Company (LIRR), and one railroad consulting firm. All testimony and comments have been reviewed and fully considered by FRA during the formulation of the final rules set forth in this document.

The representatives of the AAR and the BRS expressed support for the proposed changes. The NTSB and NYDOT responded with a mixture of support and opposition to particular aspects of the proposal. The railroad consulting firm strongly supported a national standard for cab signal and train control systems. The LIRR opposed certain proposed revisions.

The specific comments furnished by the commenters on particular proposed changes to individual sections of the regulations are reflected in the summary of the comments received from all commenters. This summary, which also includes FRA's response to the comments, and the basis for any change to regulatory language has been organized in a section-by-section format. With one exception only those sections on which comments were received are addressed in the section-by-section analysis. All other sections are being adopted as proposed without further analysis since they were discussed extensively in the NPRM.

II. Section-by-Section Analysis

The following paragraphs discuss major points raised by the commenters. In addition, FRA has made editorial changes to some sections of the regulation without specific explanation. However, one editorial change does warrant discussion.

In § 233.3, 235.3, and 236.0, FRA proposed to use the current language, i.e., "this Part applies to each common carrier subject to the Signal Inspection Act." Upon further reflection, FRA had concluded that a more accurate applicability provision would focus on railroads that operate on standard gage track that is part of the general railroad system of transportation.

Authority for issuance of this regulation is found in both the Federal Railroad Safety Act of 1970 (Safety Act), which vests FRA with jurisdiction over "railroads", and the Signal Inspection Act, which vests FRA with jurisdiction over "common carriers by railroad." As used in the Safety Act "railroad" is the broader term and includes all entities that are "common carriers by railroad"; therefore, FRA has reworded these sections to state that the regulation applies to all railroads. Since the Safety Act does not vest FRA with authority over rail rapid transit systems unless they operate over a part of the general system, the reworded section contains appropriate exclusionary language.

A. Part 233—Signal System Reporting Requirements

Section 233.1—Scope.—FRA proposed to revise this section to clearly identify those methods, appliances, and systems that are subject to the reporting requirements contained in this Part. One commenter objected because the requirements of this Part do not include rail/highway grade crossing warning devices. It was the commenter's view that railroad companies should be required to report failures of rail/highway grade crossing warning devices to function as intended because intrusion of highway motor vehicles upon railroad rights-of-way often results in train damage and/or crew death or injury.

Rail/highway grade crossing warning devices are not within the scope of the NPRM, which focused not on grade crossings but on block signal systems, interlockings, automatic train stop, train control, and/or cab signal devices, and/or other similar appliances, methods, and systems used for the safe operation of trains. Therefore, there is no procedural basis for including rail/highway grade crossing warning devices in this proceeding and the rule is adopted as proposed. Although this issue is beyond the scope of the notice in this proceeding, it may become an appropriate topic for future rulemaking.

Section 233.7—Signal failure reports. FRA proposed to extend from 5 days to 15 days the time allowed for a carrier to report the occurrence of a false proceed signal failure. In addition, FRA proposed to eliminate the requirement for a negative report for the months in which no such failure occurs.

One commenter opposed the proposed changes stating that all false proceed signal failures should be reported within 24 hours, the same time frame as required for those that result in accidents. In addition, the commenter opposed elimination of the negative report because it provides FRA with a good means to monitor the effectiveness of the reporting system.

Another commenter supported the proposed changes stating the additional time would eliminate the necessity for follow-up reports. In supporting the proposed elimination of the negative report, the commenter stated that there is no need to memorialize in writing the absence of an event.

FRA provided its rationale for changing the reporting requirements of this section in the preamble to the proposed rule (48 FR 11883). None of the

commenters refuted that rationale. Consequently, FRA has adopted the proposed reporting requirements without change.

A commenter questioned whether a substantive change was intended by the proposed change to this rule requiring the reporting of a failure of an appliance, device, method or system to "function or indicate as required by Part 236" instead of "indicate or function as intended." This change is an editorial one made for purposes of clarity. The requirements set forth in Part 236 establish the proper functioning of signal and train control (S&TC) systems. The failure of an appliance, device, method, or system to function or indicate as required by Part 236, which results in a more favorable aspect than intended or other condition hazardous to the movement of a train, constitutes a false proceed signal indication and must be reported to FRA. Similar language has been added to the final rule and to section 233.5 in order to clarify this intent. This change should resolve this interpretive problem.

B. Part 235—Instructions Governing Applications for Approval of a Discontinuance or Material Modification of a Signal System

Section 235.7—Changes not requiring filing of application. FRA proposed a major revision to Part 235 to, among other things, clarify the meaning of a material modification, a discontinuance, a catastrophic occurrence, and a track change. To accomplish this purpose and based on information acquired through the experience of investigating applications for changes in S&TC systems, an extensive list of changes was developed that FRA believes should not require prior approval to implement.

One commenter supported the proposed changes stating they will benefit both the industry and Federal Government by permitting the industry to proceed in a timely fashion on projects that would otherwise be delayed by the application process.

One commenter correctly pointed out that in the preamble to the proposed changes FRA did not address the proposal to permit electric or mechanical locks to be removed from hand-operated switches in automatic block signal systems (ABS) without FRA approval. The commenter is of the opinion that removal of electric or mechanical locks in ABS systems or traffic control systems (TCS) should be permitted only on a case-by-case basis. Further, it was felt that locks should be retained or installed on all switches in areas where there is a high incidence of vandalism or where high-speed passenger or commuter trains are operated. It was alleged that electric or mechanical locks on hand-operated switches would have prevented two recent serious accidents.

The purpose of electric or mechanical locks is not to secure hand-operated switches in proper position against vandalism but to preclude unauthorized intrusions of trains into ABS or TCS territory. One of the two accidents alluded to was the result of human error, the other the result of vandalism. There is no assurance a lock would have deterred the vandalism.

FRA's intent is to treat the removal of an electric or mechanical lock the same regardless of whether the hand-operated switch on which it is installed is in ABS or in TCS. This revision should clarify the procedures required for removal of such locks in ABS or TCS territory without decreasing the safety of train operation. Consequently, FRA has rejected the suggestion that electric or mechanical locks be considered as requisite devices for high speed train operation or to deter vandalism and has adopted the section as proposed.

C. Part 236—Installation, Inspection, Maintenance, and Repair of Systems, Devices, and Appliances

This Part has been informally referred to as the "Rules, Standards, and Instructions" (RS&I) since its original issuance in 1939. For clarity FRA is adding those words and is identifying the systems, devices, and appliances covered as those of the S&TC type. This Part is now recaptioned as "Rules, Standards, and Instructions Governing the Installation, Inspection, Maintenance, and Repair of Signal and Train Control Systems, Devices, and Appliances."

Section 236.0—Applicability of this Part. FRA proposed to move the provisions for relief from this section to Part 235 and to codify Order 29543 in this section thus identifying criteria used to require the installation of S&TC systems. These criteria establish certain speeds at or above which trains may not be operated without a manual block system or S&TC systems prescribed by this part.

One commenter recommended that a national standard be adopted requiring cab signaling and automatic speed control (automatic train control (ATC)) where one passenger train per track per hour is scheduled during major portions of the day, or four passenger trains per hour are operated during peak (rush) hours. That commenter stated that automatic cab signals (ACS) alone or ACS with automatic train stop (ATS) was insufficient to afford proper accident protection or minimization.

During the public hearing a commenter objected to the provision that requires ACS, ATS, or ATC devices where trains operate at a speed of 80 or more miles per hour. The commenter recommended that the requirements be based on the braking capabilities of various types of equipment and trains which would permit certain trains to operate at a speed exceeding 80 miles per hour without ACS, ATS, or ATC.

In rebuttal, another commenter stated that he was unalterably opposed to raising the speed criteria and that, if any changes are to be made, the speeds should be lowered. The commenter supported codification of the requirements into this section without change in its content or meaning.

The purpose of an ACS system is to provide continuous information to engineers about block conditions rather than their receiving such information intermittently at wayside signal locations. The ACS system functions to keep engine crew members not only informed but also alert. When the cab signal changes to a more restrictive aspect, an audible indicator is sounded in the cab until a crew member operates a button or lever to silence it. Where ATS or ATC is also used, the device will function to stop the train or reduce its speed to the prescribed rate if the crew member fails to acknowledge and/or obey the more restrictive indication within the prescribed time. These systems have long been recognized as necessary to assure safe operation of trains at high speeds.

The speed provisions contained in Order 29543 have remained unchanged since being issued in 1947. Different speeds, both higher and lower, were suggested at the time the order was being considered. During the interim years, there have been recommendations both to raise and to lower the speeds. For nearly 35 years no compelling arguments have been presented that support either change.

FRA finds that no new or significant facts have been presented here that support a change of speeds at or above which ACS, ATS or ATC systems must be installed. It has been FRA's experience that the current criteria are appropriate for the safety of train operation. Therefore, this section has been adopted as proposed.

In adopting the provisions of Order 29543 in the final rule, FRA has reworded and recaptioned § 236.0 to more clearly specify the requirements contained in the order. Although reworded and restructured, section 236.0

contains the same intent and provisions expressed in the NPRM and Order 29543.

Section 236.6—Hand-operated switch equipped with switch circuit controller. Although FRA did not propose any change to § 236.6, one commenter recommended that the section be revised to clearly require that a switch circuit controller on a hand-operated switch be connected to the normally closed switch point, and to extend the requirements of this section to switch points operated by a switch-and-lock movement.

FRA has in the past and will continue to require each switch circuit controller to be connected to the switch point over which train movements are governed by signal indications. In addition, the provisions of section 236.6 apply to facing-point locks which are hand-operated switch-and-lock movements. Power-operated and mechanically-operated switch-and-lock movements are subject to the provisions contained in Subpart C of this chapter. This information should allay the interpretive concerns of the commenter. The commenter correctly pointed out that section 236.6 is not addressed in this rulemaking proceeding, and the recommendations are rejected accordingly.

Section 236.11—Adjustment, repair, or replacement of component. FRA proposed to change this section to provide a clearer understanding of the action required where a signal malfunction occurs. The proposed changes will require carriers to investigate and determine the cause of each signal aspect that is not in accordance with known operating conditions.

One commenter stated that the term "undue delay" is used in a very specific way and recommended defining it in a footnote or in the definitions subpart of this Part (49 CFR Part 236, Subpart G) to ensure the railroads' understanding of it.

As detailed at length in the preamble of the NPRM (48 FR 11885), the phrase "without undue delay" was defined when it was adopted. Nothing proposed here changes that definition. The significant change proposed here is the requirement to determine the cause of each improper signal aspect. This is a novel requirement and one FRA believes will result in corrective action of defective conditions more promptly than in the past. Consequently, FRA has adopted the section as proposed.

Section 236.23—Aspects and indications. FRA proposed to revise this section to more clearly prohibit the use of reflective devices in lieu of lights for night aspects, permit the use of illuminated numbers in cab signals, and combine the requirements of § 236.25 as paragraph (f) of this section.

The only comment regarding this section recommended that the term "qualifying appurtenance" be defined to explain how these appurtenances may be identified.

This section requires that all aspects be shown by position of semaphore blades, color of lights, position of lights, flashing of lights, or any combination thereof. The second sentence of paragraph (a) clearly identifies what qualifying appurtenances may be used in conjunction with those aspects. Since the qualifying appurtenances set forth are well recognized in the industry, FRA does not believe there is a need to further define them. Accordingly, this section has been adopted as proposed.

Section 236.57—Shunt and fouling wires. FRA proposed to revise this section to prohibit future use of shunt and fouling wires having duplex conductors fastened to a single plug for connecting to the rail. This change would require shunt and fouling wires to be two individual conductors, each fastened to an individual plug for connecting to the rail. Therefore, if one plug of a shunt or fouling wire is broken, the other shunt or fouling wire will still remain intact and capable of providing the intended protection.

One commenter recommended other language to clarify the intent of proposed paragraph (a) and to clarify in paragraph (b) whether the switch shunting circuit selected through a switch circuit controller is exempt or whether the exemption addresses a series type circuit arrangement whereby the circuit controller opens the track circuit. The commenter also recommended that exemption of existing installations be limited to a finite time or event, such as, when existing duplex type shunt and fouling wires are replaced.

FRA believes the proposed language of paragraph (a) clearly requires that separate conductors will be required in future installations. The phrase "two discrete conductors" was purposely inserted in the proposed language to clarify that two separate and distinct conductors will be required throughout the shunt or fouling circuit.

When it becomes effective, the rule will prohibit the installation of only one duplex shunt or fouling wire with single plug at new or existing installations. However, existing installations of duplex shunt or fouling wires with single plugs may continue in service until there is a need to replace them.

The proposed exemption of paragraph (b) would permit the use of a single shunt wire where track or control circuit is selected through the switch circuit controller. In adopting the final rule, FRA has decided to reword paragraph (b) to more clearly indicate this meaning. This change and the clarification provided above should resolve the interpretive problem noted by the commenter.

Section 236.60—Shunting of track circuits. FRA proposed this new section to restrict the use of switch shunting circuits that are used to protect switches and other protective devices, such as slide fences. One commenter believes that the railroads should not be allowed to continue to use those shunt type circuits for an indefinite time as allowed by the "grandfather clause" in the proposed section, but that some limiting period or event should trigger their removal or replacement.

As indicated in the preamble to the NPRM, the requirement that existing installations be brought into compliance would impose a very severe economic burden on the industry. FRA believes such an imposition would not be realistic at this time. FRA intends to monitor this particular area of signaling closely to assure that proper maintenance of switch shunting circuits will render them capable of performing as intended. Based on this information and the carriers' new standards and practices that will ultimately indicate trends in their ability to achieve compliance, FRA will address this issue in future rulemaking proceedings. Accordingly, FRA rejects the commenter's suggestion to eliminate the "grandfather clause" at this time. However, in order to more accurately describe the intent of this section, the final rule is recaptioned to read, "Switch shunting circuit; use restricted."

Section 236.101—Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements. FRA proposed to revise this section primarily to recognize the state of the art in signaling, namely, solid state devices. One commenter stated that the proposed language, "the limits within which such a device or relay is intended to operate," is not necessarily synonymous with either safe operation or safe tolerances. The commenter recommended that the rule state precisely that it is the limits of either safe operation or safe tolerances which is intended.

This section has in the past applied, and will continue to apply, only to those devices that affect the safety of train operation. It is clearly understood and accepted throughout the industry that all such signal devices and apparatus must

be so designed that the limits of their operating characteristics provide adequate safety margins. Therefore, the rule has been adopted as proposed.

Section 236.103—Switch circuit controller/point detector. FRA proposed revision of this section to require point detectors on power-operated switches to be inspected and tested as frequently as switch circuit controllers. One commenter stated that if the proposal is read alone and out of context without reference to the NPRM, it could be wrongly construed to apply only to those switch circuit controllers, point detectors, or circuit controllers that are operated by switch-and-lock movements.

In adopting the final rule, FRA decided to change the language of the rule so that it clearly identifies all of the intended apparatus to be tested at least once every three months. This change should resolve the interpretive problem expressed by the commenter.

Section 236.106—Relays. FRA proposed to revise this rule to (1) require more frequent tests of certain relays with a high failure rate that is detrimental to safety of train operation; (2) require continued testing at two-year intervals of certain relays with known, less serious problems; and (3) to permit all other relays to be tested at four-year intervals. While agreeing that some relays which might affect the safety of train operation have proven to be rugged and reliable, one commenter stated that FRA should identify in a distinct manner those non-vital relays or relays which have no record of significant failures that are to be exempt from test requirements.

So called non-vital relays have never been within the scope of this section. The rule addresses only vital relays, i.e., relays the functioning of which affects the safety of train operation. In its proposal FRA identified in technical terms those specific relays to be tested at the various intervals. By doing so, it is not necessary to identify various relays built by several manufacturers that would require testing at those intervals. Accordingly, the rule has been adopted as proposed.

Section 236.406—Indication of track circuit occupancy at controlled points, and *Section 236.409—Control machine; indication of switch operation.* FRA proposed to delete these two sections because it is generally recognized they do not address safety related issues in the new computer aided type systems. One commenter stated that indicators of track occupancy and/or switch operation are very important to control operators and these requirements should be retained for the older machines.

FRA agrees that such indications are useful in the older machines that are currently in operation. However, FRA believes the cost to remove those indication features from the older machines and the fact that those indications are necessary to efficiently operate the machines will preclude the railroads from making such changes. Consequently, these sections have been deleted as proposed.

Section 236.410—Locking, hand-operated switch; requirements. FRA proposed to amend this section by permitting the use of a signal in lieu of a mechanical or electric lock, at the option of the railroad, and by deleting the footnote which provided for removal of such locks under certain conditions. The provisions of the footnote would be revised and placed in § 235.7 of this title.

One commenter noted that FRA's interpretation, that all signaled track constitutes main track for the purpose of these requirements, will necessitate the installation of electric or mechanical locks on signaled sidings which individual railroads had previously considered exempt from such a requirement because the carrier considered them to be auxiliary tracks. The commenter did not take issue with FRA's interpretation, but requested that FRA "grandfather" those existing hand-operated switches in order to avoid the cost burden of a retrofit program. The commenter stated that the railroads could identify the locations of the nonequipped switches to assist FRA in monitoring them. Another commenter supported this position and noted FRA had acted in a similar fashion by exempting nonequipped switches installed prior to 1950.

Another commenter opposed the concept of "grandfathering" any switches and recommended that any previous exemptions have finite time frames. That commenter also suggested that the provisions of this section be extended and made applicable to ABS systems.

In adopting the final rule FRA has decided to change this section to respond to the points raised by the commenters. The commenter is correct that FRA considers all signaled track to be main track for the purposes of this section. Since the method of operation in TCS territory is by signal indication, electric or mechanical locks serve to maintain the integrity of that method of operation by prohibiting unauthorized occupancy of signaled or main track. In most instances, the ability to operate a lock constitutes authority for a train to proceed from auxiliary to main track. Therefore, the lock serves a purpose similar to a signal in that it prevents operation of the switch until it is safe to do so.

The safety goals which can be achieved through the use of such a locking device can also be achieved through other means. Two of these, slow speed and prohibiting the clearing of main track, have been contained in this section for many years. FRA proposed to add a third, the use of a signal to govern the movement, when it issued this NPRM. On further review, FRA has determined that a slightly revised approach to the slow speed concept will provide a fourth way to achieve the desired level of safety. By adding this new provision, FRA will permit use of nonequipped switches on signaled sidings that do not have intermediate signals if train speeds do not exceed 30 miles per hour. Trains entering such sidings are generally decelerating, are easier to control from a train handling perspective, and are prepared to stop on the siding for meeting or passing another train.

Because they will have occupied the switch points of the nonequipped switches, trains leaving such sidings will be permitted to accelerate up to 30 miles per hour. Thus, this increased speed over hand-operated switches of such sidings is not a significant decrease in safety. Sidings having intermediate signals or intermediate controlled points will continue to be considered main tracks that require hand-operated switches to be locked either electrically or mechanically where trains are permitted to clear the signaled track and train speeds exceed 20 miles per hour.

In view of this safety rationale FRA has decided that long-term retention of the "grandfather" concept for pre-1950 installations or extension of that concept as suggested by some commenters is not warranted. Consequently, FRA had added a footnote to this section that requires existing switches to be brought into compliance over a three-year period. FRA estimates there are approximately 100 switches that were previously "grandfathered" on the basis of pre-1950 installation and roughly 200 switches that were installed on tracks that carriers had denominated auxiliary track. A three-year period either to equip these switches with locks or to modify train operations so as to place them in an exempt category should be sufficient in FRA's judgment.

Although adopting the suggestion to eliminate the "grandfather" concept, FRA has rejected that commenter's other suggestion to extend the requirements of this section to ABS systems. In contrast to the method of

operation in TCS territory, the method of operation in ABS territory is by timetable and train orders in conjunction with the signal system. A train is not permitted to proceed, except by train order, regardless of indication of a signal governing its movement. Experience has shown that the redundancy of timetable, train orders, and block signals is sufficient to ensure the safety of train operation in ABS systems, and the proposal to make this section applicable to ABS systems would impose an immense economic burden on the industry without a significant improvement in safety.

Section 236.504—Operation interconnected with automatic block-signal system. FRA proposed to clarify the provision of this section by stating in more technical terminology how continuous and intermittent inductive ATC and ATS systems must react to wayside systems.

On commenter recommeded that FRA consider "elimination" of the intermittent inductive ATS system since a restrictive wayside signal can be acknowledged but does not enforce a reduction in speed to that prescribed by the restrictive wayside signal.

The commenter is correct in its analysis of the ATS system. However, the system does serve a safety function by ascertaining if the engineer is alert. Failure of the engineer to react properly will cause the ATS system to stop the train. Two major carriers still have a total of 2440 miles of intermittent inductive ATS systems in service over which passenger trains operate at speeds up to 90 miles per hour. The elimination of this type of ATS would constitute a significant reduction in safety. Consequently, the rule has been adopted as proposed.

Section 236.552—Insulation resistance; requirement. FRA proposed to increase the minimum allowable insulation resistance from 250,000 ohms for continuous inductive ATS, ATC, and ACS systems and 20,000 ohms for intermittent inductive ATS systems to one megohm and 250,000 ohms, respectively, at the time the periodic test prescribed in § 236.588 is made. Between periodic tests, the insulation resistance would be permitted to fall not lower than that currently prescribed. As indicated in the NPRM, the environment of the modern locomotive is highly conducive to achieving these higher safety values.

One commenter opposed this change, stating it would be impossible to bring the commenter's multiple-unit cars into compliance. The ATC system provided on that commenter's M–1 multiple-unit cars is powered from a common battery bus. The commenter has 764 such cars semi-permanently coupled in 382 married pairs. According to the commenter, between April 4 and April 19, 1983, periodic tests were performed on 62 pairs of cars, of which 44 pairs needed repairs to meet the existing minimum of 250,000 ohms. Only one pair was found to meet the one megohm standard.

The commenter acknowledged that with an isolated power supply as proposed in § 236.516, the one meghohm standard can be achieved without difficulty. At the present time the commenter is testing a prototype isolated power supply for field reliability. The commenter suggested that installation of an isolated power supply on its equipment would require a five-year overhaul program and that relief from this requirement would be necessary for the duration of the time need to accomplish the overhaul.

FRA is sympathetic to the commenter's dilemma and finds it commendable that the commenter is actively pursuing a resolution to this problem. The concerns of this commenter about achieving effective compliance during a retrofit program lend themselves to resolution via the procedures of § 235.8. Since the commenter's concerns apply to one group of equipment and can be resolved in a separate proceeding, FRA has adopted the provision as proposed.

Section 236.557—Receiver, intermittent inductive; location with respect to rail. The FRA proposed to revise this section by deleting the requirement that carriers file with FRA their specifications for mounting the receivers on locomotives. One commenter noted that use of an onboard test device instead of a wayside device no longer determines that receiver heights of continuous inductive devices are in proper relationship with the rails. Thus, a device successfully tested by onboard equipment may not respond to the wayside equipment in equipped territory because one or both receivers are too far removed from the rails, or a noncoded device having receivers too close to the rails may be coupled to an extraneous signal to produce a false proceed cab signal aspect.

FRA agrees with the commenter's analysis that continuous inductive systems receivers too far removed from the rail will cause the device to display a restrictive aspect. In that event the device would be cut out and the train movement continued under provisions of § 236.567. While considered safe, such failures are undesirable. In coded continuous inductive coded systems, receivers too close to the rails present no hazards because the code rate assures that the coupling to the wayside apparatus is correct. However, as previously stated, noncoded continuous inductive systems with receivers too close to the rails could be improperly coupled to produce a false proceed cab signal.

FRA has taken the commenter's recommendation into consideration and will recaption § 236.557 and revise it to require receivers of continuous inductive ACS, ATS, or ATC devices on locomotives having onboard test equipment to be maintained at proper height above the rails.

Section 236.586—Daily or after trip test. FRA proposed to revise this section to clearly require a daily visual inspection together with a test to determine the locomotive device is properly responsive to wayside equipment. In addition, intermittent inductive non-coded ATS and continuous inductive non-coded ATS or ATC systems must be tested for sensitivity.

One commenter suggested the proposed rule does not clearly establish what tests are required and recommended the rule be restructured for clarity. In adopting the final rule, FRA decided to incorporate the suggestion that the rule be restructured into three paragraphs. FRA made this change to improve the logic of the regulatory text and to avoid any possible confusion about the required tests. This change, which should resolve the potential confusion pointed out by the commenter, has necessitated restructuring proposed paragraph (b) to make the last sentence paragraph (b) of the final rule and the first sentence paragraph (c) of the final rule.

Section 236.587—Departure test. FRA proposed to revise this section to permit the use of onboard test devices as a permissible means to perform departure tests. This and previous changes have made this section difficult to understand. Therefore, the section has been editorially restructured for clarity.

Appendix A—Civil Penalty Policy. FRA is adding a new Appendix A to Part 236 to reflect a policy determination by FRA concerning the amount of civil penalties to be assessed in the event of violation of the provisions of this Part. This policy determination was previously announced on February 23, 1978 (43 FR 7438) when FRA amended Part 209 (49 CFR Part 209) to set forth penalty schedules for those regulations that lacked individual schedules. The restatement of that policy determination as Appendix A to the revised provisions of Part 236 will place all of the relevant

information concerning that regulation in a single part and will aid all parties in understanding the full impact of this regulation.

Appendix A is based on a consideration by FRA of the seriousness of noncompliance by a railroad with one or more of the requirements of the particular sections contained in Part 236.

As stated in the prior amendment to Part 209, the penalty that will be assessed for each ordinary failure to comply with each section or part of a section of Part 236 is $1,000. If the failure to comply is intentional, a penalty of $2,000 will be assessed. For the purposes of this Part, an intentional violation is defined as a violation caused by the knowing and willful failure of the carrier, its officers or agents to comply with a provision of this part. If a violation results in death or injury or involves an immediate hazard of death or serious injury (such as the failure to properly test a new or modified installation which results in the occurrence of a false proceed signal indication), FRA reserves the authority to assess the maximum penalty of $2,500. Each day that a violation continues constitutes a separate offense.

As provided in the Federal Claims Collection Act (31 U.S.C. 951–953) and in section 209 of the Safety Act (45 U.S.C. 438), the FRA will attempt to settle these claims administratively before transmitting them to the United States Attorney. In no case, however, will a claim be compromised for less than $250.

III. Regulatory Impact

This final rule primarily contains clarifying and technical revisions to the existing regulations. In addition, some editorial changes have also been made.

In general, the final rule serves to reduce the economic burdens of the existing regulations by extending the frequencies of prescribed periodic inspections and tests which will free the carriers from unnecessary and redundant testing and permit better utilization of their forces. The final rule will also reduce the recordkeeping burdens with attendant savings in associated costs for executing, printing, and distributing recordkeeping forms. Although none of the commenters responding to the NPRM provided data on the economic impact of the proposed changes, FRA estimates that the final rule will produce annual cost savings to the industry of at least $3 million dollars.

Because the final rule is primarily technically oriented, and generally reduces the regulatory burden for railroads, FRA has concluded that the revision does not constitute either a major rule under the terms of Executive Order 12291 or a significant rule under DOT's regulatory procedures.

The final rule will have a direct economic impact only on railroads. Its primary impact is on the larger railroads which own and operate hundreds of miles of signal systems. It does not place any new requirements or burdens on the public. FRA has not identified any small railroads or other small entity which possesses a signal system. Based on these facts, it is certified that the final rule will not have a significant economic impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601–612).

In addition, the final rule has also been considered and reviewed in light of FRA procedures for ensuring full consideration of the environmental impacts of FRA actions as required by the National Environmental Policy Act (42 U.S.C. 4321), other environmental statutes, Executive Orders, and DOT regulatory policies and procedures.

These FRA procedures require that an "environmental assessment" be performed prior to all major FRA actions. The procedures contain a provision that enumerates seven criteria which, if met, demonstrate that a particular action is not a "major" action for environmental purposes. These criteria involve disperate factors, including environmental controversiality; the availability of adequate relocation housing; the possible inconsistency of the action with Federal, state, or local law; the possible adverse impact on natural, cultural, recreational, or scenic environments; the use of properties covered by section 4(f) of the DOT Act; and the possible increase in traffic congestion. This revision meets the seven criteria which establish an action as a nonmajor action.

For the reasons above, FRA has determined that the revision of Parts 233, 235 and 236 of Title 49 of the CFR does not constitute a major FRA action requiring an environmental assessment.

IV. Paperwork Reduction Act

The final rule contains provisions concerning the collection of information that are subject to the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501–3520). Information collection requirements contained in §§ 233.7, 233.9, 235.5, 235.8, 235.10, 235.12, and 235.13 of this title have been approved by the Office of Management and Budget (OMB) under the provisions of this Act and have been assigned OMB control numbers 2130–0007, 2130–0006, 2130–0042, and 2130–0043 as shown in the final rules.

In further accord with the requirements of that statute, the reporting or recordkeeping provisions that are contained in §§ 233.5, 235.20, 236.110, 236.587, and 236.590 of this title have been submitted for approval to the OMB. They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation.

List of Subjects

49 CFR Part 233

Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 235

Railroad Safety, Administrative practice and procedure.

49 CFR Part 236

Railroad safety.

V. The Final Rules

In consideration of the foregoing, the FRA revises and amends Parts 233, 235, and 236 of Title 49 of the Code of Federal Regulations as set forth below:

A. 49 CFR Part 233 is revised to read as follows:

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

Sec.

233.1 Scope.
233.3 Application.
233.5 Accidents resulting from signal failure.
233.7 Signal failure reports.
233.9 Annual reports.
233.11 Civil penalty.
233.13 Criminal penalty.

Authority: Signal Inspection Act, as amended (49 U.S.C. 26); sec. 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); secs. 202, 208 (a) and (d), and 209, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437 (a) and (d), and 438); sec. 1(b) Pub. L. 97–449, 96 Stat. 2413 (49 U.S.C. 501(b)(2), 504 and 522(a)); § 1.49 (f), (g), and (m) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49 (f), (g), and (m)).

§ 233.1 Scope.

This part prescribed reporting requirements with respect to methods of train operation, block signal systems, interlockings, traffic control systems, automatic train stop, train control, and cab signal systems, or other similar appliances, methods, and systems.

§ 233.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage

track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall report within 24 hours to the Federal Railroad Administration by toll free telephone, number 800–424–0201, whenever it learns of the occurrence of an accident/incident arising from the failure of an appliance, device, method or system to function or indicate as required by Part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. (Not yet approved by the Office of Management and Budget.)

§ 233.7 Signal failure reports.

Each carrier shall report within 15 days each failure of an appliance, device, method, or system to function or indicate as required by Part 236 of this title that results in a more favorable aspect than intended or other condition hazardous to the movement of a train. Form FRA F6180–14, "Signal Failure Report," shall be used for this purpose and completed in accordance with instructions printed on the form.

(Approved by the Office of Management and Budget under OMB control number 2130–0007)

§ 233.9 Annual reports.

Not later than April 1 of each year, each carrier shall file a report for the preceding calendar year on Form FRA F6180–47, "Signal Systems Annual Report," in accordance with instructions and definitions on the reverse side thereof.

(Approved by the Office of Management and Budget under OMB control number 2130–0006)

§ 233.11 Civil penalty.

A carrier that fails or refuses to file reports as required by this Part is liable for the maximum civil penalty of $2,500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26, and the Federal Railroad Safety Act of 1970, as amended, 45 U.S.C. 438. Each day a failure or refusal continues is a separate offense.

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part is subject to a $5,000 fine and 2 years imprisonment as prescribed by 49 U.S.C. 522(a) and section 209(e) of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 438(e)).

B. 49 CFR Part 235 is revised to read as follows:

PART 235—INSTRUCTIONS GOVERNING APPLICATIONS FOR APPROVAL OF A DISCONTINUANCE OR MATERIAL MODIFICATION OF A SIGNAL SYSTEM OR RELIEF FROM THE REQUIREMENTS OF PART 236

Sec.

235.1 Scope.
235.3 Application.
235.5 Changes requiring filing of application.
235.7 Changes not requiring filing of application.
235.8 Relief from the requirements of Part 236 of this title.
235.9 Civil penalty.
235.10 Contents of application.
235.12 Additional required information-prints.
235.13 Filing procedure.
235.14 Notice.
235.20 Protests.

Authority: Signal Inspection Act, as amended (49 U.S.C. 26); sec. 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); secs. 202, 208 (a) and (d), and 209, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437 (a) and (d), and 438); § 1.49 (f), (g), and (m) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49 (f), (g), and (m)).

§ 235.1 Scope.

This part prescribes application for approval to discontinue or materially modify block signal systems, interlockings, traffic control systems, automatic train stop, train control, or cab signal systems, or other similar appliances, devices, methods, or systems, and provides for relief from Part 236 of this title.

§ 235.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

§ 235.5 Changes requiring filing of application.

(a) Except as provided in § 235.7, applications shall be filed to cover the following:

(1) The discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system or other similar appliance or device;

(2) The decrease of the limits of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system; or

(3) The modification of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system.

(Approved by the Office of Management and Budget under OMB control number 2130–0042)

§ 235.7 Changes not requiring filing of application.

(a) It is not necessary to file an application for approval of the following discontinuances:

(1) Removal of block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system from track approved for abandonment by formal proceeding;

(2) Removal of devices and associated signals used to provide protection against unusual contingencies such as landslide, burned bridge, high water, high and wide load, or tunnel protection when the unusual contingency no longer exists;

(3) Removal of an interlocking where a drawbridge has been permanently closed by the formal approval of another government agency; or

(4) Removal from service not to exceed six months of block signal system, interlocking, or traffic control system necessitated by catastrophic occurrence such as derailment, flood, fire, or hurricane.

(b) When the resultant arrangement will comply with Part 236 of this title, it is not necessary to file for approval to decrease the limits of a system as follows:

(1) Decrease of the limits of an interlocking when interlocked switches, derails, or movable-point frogs are not involved;

(2) Removal of electric or mechanical lock from hand-operated switch in automatic block signal or traffic control territory where train speed over switch does not excess 20 miles per hour; or

(3) Removal of electric or mechanical lock from hand-operated switch in automatic block signal or traffic control territory where trains are not permitted to clear the main track at such switch.

(c) When the resultant arrangement will comply with Part 236 of this title, it is not necessary to file an application for approval of the following modifications:

(1) A modification that is required to comply with an order of the Federal Railroad Administration or any section of Part 236 of this title;

(2) The installation of an automatic block signal or a traffic control system to replace manual block or non-signaled territory;

(3) The installation of a traffic control system to replace a roadway automatic block signal system (discontinuance of an automatic train stop, train control, or cab signal system is not permitted without FRA approval);

(4) The installation of an automatic train stop, train control, or cab signal system in an existing automatic block or traffic control system;

(5) The installation of a continuous inductive automatic train stop system to replace an existing intermittent inductive automatic train stop system;

(6) The installation of a continuous inductive automatic train stop system to supplement an existing automatic cab signal system;

(7) The installation of an automatic train control system to replace an existing automatic train stop system or to supplement an existing automatic cab signal system;

(8) The installation of an interlocking to replace existing stop signs, gates, or pipe-connected derails protecting a railroad crossing at grade;

(9) The installation of all relay type locking to replace existing mechanical or electromechanical locking of an interlocking;

(10) The installation of an additional controlled point in existing traffic control system;

(11) The installation of an interlocking in an existing block signal system;

(12) The conversion of a hand-operated switch, a hand-operated switch locked either electrically or mechanically, or a spring switch to a power-operated switch;

(13) The conversion of a spring switch to a hand-operated switch, or to a hand-operated switch locked either electrically or mechanically;

(14) The removal or relocation of signals associated with a spring switch converted to hand operation;

(15) The installation, relocation, or removal of signals to specifically provide adequate stopping distance;

(16) The change of aspects;

(17) The relocation of a signal to improve preview of signal aspect visibility;

(18) To replace a signal with a signal of another type;

(19) To change an approach signal to operative or inoperative signal, or remove an approach signal not required by § 236.310 of this title;

(20) The change in location of a machine from which an interlocking or traffic control system is controlled;

(21) The closing of a manual block station or the change in hours during which a manual block station is attended;

(22) The change in hours during which a manual interlocking is attended provided the interlocking operates for all routes over which train movements are permitted;

(23) The installation of devices used to provide protection against unusual contingencies such as landslide, burned bridges, high water, high and wide loads, or dragging equipment;

(24) The installation, relocation, or removal of signals, interlocked switches, derails, movable-point frogs, or electric locks in an existing system directly associated with:

(i) The installation of new track;

(ii) The elimination of existing track other than a second main track;

(iii) The extension or shortening of a passing siding;

(iv) Elimination of second main track where signal system on retained main track is arranged to provide both opposing and following protection for train movements provided second main track is physically removed; or

(v) A line relocation; or

(25) The temporary or permanent arrangement of existing systems necessitated by highway rail separation construction. Temporary arrangements shall be removed within six months following completion of construction.

§ 235.8 Relief from the requirements of Part 236 of this title.

Relief from the requirements of the rules, standards and instructions contained in Part 236 of this title will be granted upon a adequate showing by an individual carrier. Relief heretofore granted to any carrier shall constitute relief to the same extent as relief granted under the requirements of this part.

(Approved by the Office of Management and Budget under OMB control number 2130-0043)

§ 235.9 Civil penalty.

A carrier that fails or refuses to file an application required by this part is liable for the maximum civil penalty of $2,500 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26, and the Federal Railroad Safety Act of 1970, as amended, 45 U.S.C. 438. Each day a failure or refusal continues is a separate offense.

§ 235.10 Contents of applications.

(a) The application may be submitted by letter and shall contain the following information:

(1) The corporate name of each applicant;

(2) The manner in which applicant is involved;

(3) The location of the project, giving name of operating division and nearest station;

(4) The track or tracks involved;

(5) A complete description of proposed changes as they would affect the existing facilities or of the section from which relief is sought;

(6) The reason for proposed changes or justification for relief from the requirements;

(7) The approximate dates of beginning and completion of project;

(8) Changes in operating practices, temporary or permanent;

(9) Whether safety of operation will be affeced, and if so, how; and

(10) Whether proposed changes will conform to the Federal Railroad Administration's Rules, Standards and Instructions (Part 236 of this title).

(Approved by the Office of Management and Budget under OMB control number 2130-0042)

§ 235.12 Additional required information-prints.

(a) A print or prints, size 8 inches by 10½ inches, or 8½ inches by 11 inches, or folded to 8 inches by 10½ inches or to 8½ inches by 11 inches, shall be furnished with each application.

(b) The print or prints shall be to scale or by indicated dimensions, using Association of American Railroads graphic symbols.

(c) The following information shall be shown on the print or prints:

(1) Present and proposed arrangement of tracks and signal facilities;

(2) Name of carrier;

(3) Operating division;

(4) Place and State; and

(5) Timetable directions of movements.

(d) If stopping distances are involved, the following information shall also be shown:

(1) Curvature and grade;

(2) Maximum authorized speeds of trains; and

(3) Length of signal control circuits for each signal indication displayed.

(e) The following color scheme is suggested on prints:

(1) Installations, relocations, and added signal aspects should be colored, preferably in yellow;

(2) Removals, discontinuances, and abandonments should be colored, preferably in red; and

(3) Existing facilities not pertinent to change proposed in application should be shown uncolored.

(Approved by the Office of Management and Budget under OMB control number 2130–0042)

§ 235.13 Filing procedure.

(a) Applications or requests for reconsideration of an application shall be submitted by an authorized officer of the carrier.

(b) The original and two copies of each application with supporting papers should be filed.

(c) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590.

(d) A separate application shall be filed for each project.

(e) At a joint facility where changes are proposed in the automatic block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system on the tracks of more than one carrier, or if more than one carrier will be affected by the proposed changes or relief sought, a joint application signed by all carriers affected shall be filed.

(f) Where only one carrier at a joint facility is affected by the discontinuance or modification of the installation or relief sought, it shall be responsible for filing the application. It shall also certify that the other joint carriers have been notified of the filing of its application.

(Approved by the Office of Management and Budget under OMB control number 2130–0042)

§ 235.14 Notice.

The FRA will post public notice of the filing of an application or a request for reconsideration of an application in the FRA Office of Public Affairs and will mail copies to all interested parties.

§ 235.20 Protests.

(a) A protest against the granting of an application shall set forth specifically the grounds upon which it is made, and contain a concise statement of the interest of protestant in the proceeding.

(b) The original and two copies of any protest shall be filed with the Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, and one copy shall be furnished to each applicant.

(c) Protests should be filed within the time limit set forth in the public notice.

(d) The protestant shall certify that service of a copy of its protest was made upon each applicant.

(e) Request for hearing must be accompanied with a showing why the protestant is unable to properly present his or her position by written statements. (Not yet approved by the Office of Management and Budget.)

C. 49 CFR Part 236 is amended as follows:

1. The title of this part is revised to read as follows:

PART 236—RULES, STANDARDS, AND INSTRUCTIONS GOVERNING THE INSTALLATION, INSPECTION, MAINTENANCE, AND REPAIR OF SIGNAL AND TRAIN CONTROL SYSTEMS, DEVICES, AND APPLIANCES

2. The authority citation for Part 236 is revised to read as follows:

Authority: Signal Inspection Act, as amended (49 U.S.C. 26); sec. 6(e)(6)(A) of the Department of Transportation Act (49 U.S.C. 1655(e)(6)(A)); secs. 202, 208 (a) and (d), and 209, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437 (a) and (d), and 438); § 1.49 (f), (g), and (m) of the regulations of the Office of the Secretary of Transportation (49) CFR 1.49 (f), (g), and (m)).

3. Section 236.0 is revised to read as follows:

§ 236.0 Applicability and minimum requirements.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to rail rapid transit operations conducted over track that is used exclusively for that purpose and that is not part of the general system of railroad transportation.

(c) Where a passenger train is operated at a speed of 60 or more miles per hour, or a freight train is operated at a speed of 50 or more miles per hour, a block signal system complying with the provisions of this Part shall be installed or a manual block system shall be placed permanently in effect which shall conform to the following conditions:

(1) A passenger train shall not be admitted to a block occupied by another train except under flag protection;

(2) No train shall be admitted to a block occupied by a passenger train except under flag protection;

(3) No train shall be admitted to a block occupied by an opposing train except under flag protection; and

(4) A freight train, including a work train, may be authorized to follow a freight train, including a work train, into a block but the following train must proceed prepared to stop within one-half the range of vision but not exceeding 20 miles per hour.

(d) Where any train is operated at a speed of 80 or more miles per hour, an automatic cab signal, automatic train stop or automatic train control system complying with the provisions of this Part shall be installed.

(e) Nothing in this section authorizes the discontinuance of a block signal system, interlocking, traffic control system, automatic train stop, train control, or cab signal system without approval of the Federal Railroad Administration.

4. Section 236.1 is revised to read as follows:

§ 236.1 Plans, where kept.

As required for maintenance, plans shall be kept at all interlockings, automatic signals and controlled points. Plans shall be legible and correct.

5. Section 236.3 is revised to read as follows:

§ 236.3 Locking of signal apparatus housings.

Signal apparatus housings shall be secured against unauthorized entry.

6. Section 236.4 is revised to read as follows:

§ 236.4 Interference with normal functioning of device.

The normal functioning of any device shall not be interfered with in testing or otherwise without first taking measures to provide for safety of train operation which depends on normal functioning of such device.

7. Section 236.8 is revised as follows:

§ 236.8 Operating characteristics of electromagnetic, electronic, or electrical apparatus.

Signal apparatus, the functioning of which affects the safety of train operation, shall be maintained in accordance with the limits within which the device is designed to operate.

8. Section 236.11 is revised to read as follows:

§ 236.11 Adjustment, repair, or replacement of component.

When any component of a signal system, the proper functioning of which is essential to the safety of train operation, fails to perform its intended signaling function or is not in correspondence with known operating

conditions, the cause shall be determined and the faulty component adjusted, repaired or replaced without undue delay.

9. Section 236.12 is revised to read as follows:

§ 236.12 Spring switch signal protection; where required.

Signal protection shall be provided for facing and trailing movements through spring switch within interlocking limits and through spring switch installed in automatic block signal, train stop, train control or cab signal territory where train movements over the switch are made at a speed exceeding 20 miles per hour, except that signal protection shall be required only with the current of traffic on track signaled for movement in only one direction.

Note: Does not apply to spring switch installed prior to October 1, 1950 in automatic block signal, automatic train stop, or automatic train control territory.

10. By adding a new § 236.16 to read as follows:

§ 236.16 Electric lock, main track releasing circuit.

When an electric lock releasing circuit is provided on the main track to permit a train or an engine to diverge from the main track without time delay, the circuit shall be of such length to permit occupancy of the circuit to be seen by a crew member stationed at the switch. When the releasing circuit extends into the fouling circuit, a train or engine on the siding shall be prevented from occupying the releasing circuit by a derail either pipe-connected to switch point or equipped with an independently operated electric lock.

11. Redesignate § 236.313 as § 236.17 and revise it to read as follows:

§ 236.17 Pipe for operating connections, requirements.

(a) Steel or wrought-iron pipe one inch or larger, or members of equal strength, shall be used for operating connections for switches, derails, movable-point frogs, facing-point locks, rail-locking devices of movable bridge protected by interlocking, and mechanically operated signals, except up-and-down rod which may be three-fourths inch pipe or solid rod. Pipe shall be fully screwed into coupling and both ends of each pipe shall be riveted to pipe plug with 2 rivets.

(b) Pipeline shall not be out of alignment sufficiently to interfere with proper operation, shall be properly compensated for temperature changes, and supported on carriers spaced not more than 8 feet apart on tangent and curve of less than 2° and not more than 7 feet apart on curve of 2° or more. With lever in any position, couplings in pipe line shall not foul carriers.

12. Section 236.21 is revised to read as follows:

§ 236.21 Location of roadway signals.

Each roadway signal shall be positioned and aligned so that its aspects can be clearly associated with the track it governs.

13. In § 236.23, paragraphs (a)(2), (b), and (e) are revised and new paragraph (f) is added to read as follows:

§ 236.23 Aspects and indications.

(a) * * *

(2) Reflector lenses or buttons or other devices which depend for visibility upon reflected light from an external source shall not be used hereafter in night aspects, except qualifying appurtenances.

(b) The aspects of cab signals shall be shown by lights or by illuminated letters or numbers.

* * * * *

(e) The names, indications, and aspects of roadway and cab signals shall be defined in the carrier's Operating Rule Book or Special Instructions. Modifications shall be filed with the FRA within thirty days after such modifications become effective.

(f) The absence of a qualifying appurtenance, the failure of a lamp in a light signal, or a false restrictive position of an arm of a semaphore signal shall not cause the display of a less restrictive aspect than intended.

14. Section 236.51 is amended by revising the introductory paragraph and paragraph (a)(2) to read as follows:

§ 236.51 Track circuit requirements.

Track relay controlling home signals shall be in deenergized position, or device that functions as a track relay controlling home signals shall be in its most restrictive state, and the track circuit of an automatic train stop, train control, or cab signal system shall be deenergized in the rear of the point where any of the following conditions exist:

(a) * * *

(2) As result of leakage current or foreign current in the rear of a point where a break occurs.

* * * * *

15. Section 236.54 is revised to read as follows:

§ 236.54 Minimum length of track circuit.

When a track circuit shorter than maximum inner wheelbase of any locomotive or car operated over such track circuit is used for control of signaling facilities, other means shall be used to provide the equivalent of track circuit protection.

16. Section 236.55 is revised to read as follows:

§ 236.55 Dead section; maximum length.

Where dead section exceeds 35 feet, a special circuit shall be installed. Where shortest outer wheelbase of a locomotive operating over such dead section is less than 35 feet, the maximum length of the dead section shall not exceed the length of the outer wheelbase of such locomotive unless special circuit is used.

17. Section 236.56 is revised to read as follows:

§ 236.56 Shunting sensitivity.

Each track circuit controlling home signal or approach locking shall be so maintained that track relay is in deenergized position, or device that functions as a track relay shall be in its most restrictive state if, when track circuit is dry, a shunt of 0.06 ohm resistance is connected across the track rails of the circuit, including fouling sections of turnouts.

18. Section 236.57 is revised to read as follows:

§ 236.57 Shunt and fouling wires.

(a) Except as provided in paragraph (b) of this section, shunt wires and fouling wires hereafter installed or replaced shall consist of at least two discrete conductors, and each shall be of sufficient conductivity and maintained in such condition that the track relay will be in deenergized position, or device that functions as a track relay will be in its most restrictive state, when the circuit is shunted.

(b) This rule does not apply to shunt wires where track or control circuit is opened by the switch circuit controller.

19. Section 236.58 is revised to read as follows:

§ 236.58 Turnout, fouling section.

Rail joints within the fouling section shall be bonded, and fouling section shall extend at least to a point where sufficient tract centers and allowance for maximum car overhang and width will prevent interference with train, locomotive, or car movement on the adjacent track.

20. Add a new § 236.60 to read as follows:

§ 236.60 Switch shunting circuit; use restricted.

Switch shunting circuit shall not be hereafter installed, except where tract or control circuit is opened by the circuit controller.

21. Section 236.71 is revised to read as follows:

§ 236.71 Signal wires on pole line and aerial cable.

Signal wire on pole line shall be securely tied in on insulator properly fastened to crossarm or bracket supported by pole or other support. Signal wire shall not interfere with, or be interfered by, other wires on the pole line. Aerial cable shall be supported by messenger.

22. Section 236.76 is revised to read as follows:

§ 236.76 Tagging of wires and interference of wires or tags with signal apparatus.

Each wire shall be tagged or otherwise so marked that it can be identified at each terminal. Tags and other marks of identification shall be made of insulating material and so arranged that tags and wires do not interfere with moving parts of apparatus.

23. Section 236.101 is revised to read as follows:

§ 236.101 Purpose of inspection and tests; removal from service of relay or device failing to meet test requirements.

The following inspections and tests shall be made in accordance with specifications of the carrier, subject to approval of the FRA, to determine if the apparatus and/or equipment is maintained in condition to perform its intended function. Electronic device, relay, or other electromagnetic device which fails to meet the requirements of specified tests shall be removed from service, and shall not be restored to service until its operating characteristics are in accordance with the limits within which such device or relay is designed to operate.

24. Section 236.102 is revised to read as follows:

§ 236.102 Semaphore or searchlight signal mechanism.

(a) Semaphore signal mechanism shall be inspected at least once every six months, and tests of the operating characteristics of all parts shall be made at least once every two years.

(b) Searchlight signal mechanism shall be inspected, and the mechanical movement shall be observed while operating the mechanism to all positions, at least once every six months. Tests of the operating characteristics shall be made at least once every two years.

25. Section 236.103 is revised to read as follows:

§ 236.103 Switch circuit controller or point detector.

Switch circuit controller, circuit controller, or point detector operated by hand-operated switch or by power-operated or mechanically-operated switch-and-lock movement shall be inspected and tested at least once every three months.

26. Section 236.106 is revised to read as follows:

§ 236.106 Relays.

Each relay, the functioning of which affects the safety of train operations, shall be tested at least once every four years except:

(a) Alternating current centrifugal type relay shall be tested at least once every 12 months;

(b) Alternating current vane type relay and direct current polar type relay shall be tested at least once every 2 years; and

(c) Relay with soft iron magnetic structure shall be tested at least once every 2 years.

27. Section 236.107 is revised to read as follows:

§ 236.107 Ground tests.

(a) Except as provided in paragraph (b) of this section, a test for grounds on each energy bus furnishing power to circuits, the functioning of which affects the safety of train operation, shall be made when such energy bus is placed in service, and shall be made at least once every three months thereafter.

(b) The provisions of this rule shall not apply to track circuit wires, common return wires of grounded common single-break circuits, or alternating current power distribution circuits grounded in the interest of safety.

28. Section 236.108 is revised to read as follows:

§ 236.108 Insulation resistance tests, wires in trunking and cables.

(a) Insulation resistance of wires and cables, except wires connected directly to track rails, shall be tested when wires, cables, and insulation are dry. Insulation resistance tests shall be made between all conductors and ground, and between conductors in each multiple conductor cable, and between conductors in trunking, when wires or cables are installed and at least once every ten years thereafter.

(b) Then insulation resistance of wire or cable is found to be less than 500,000 ohms, prompt action shall be taken to repair or replace the defective wire or cable and until such defective wire or cable is replaced, insulation resistance test shall be made annually.

(c) In no case shall a circuit be permitted to function on a conductor having an insulation resistance to ground or between conductors of less than 200,000 ohms during the period required for repair or replacement.

29. Section 236.109 is revised to read as follows:

§ 236.109 Time releases, timing relays and timing devices.

Time releases, timing relays and timing devices shall be tested at least once every twelve months. The timing shall be maintained at not less than 90 percent of the predetermined time interval, which shall be shown on the plans or marked on the time release, timing relay, or timing device.

30. Section 236.110 is added to read as follows:

§ 236.110 Results of tests.

Results of tests made in compliance with §§ 236.102 to 236.109, inclusive; 236.376 to 236.387, inclusive; 236.576; 236.577; 236.586; 236.588; and 236.589 shall be recorded on preprinted or computerized forms provided by the railroad. Such forms shall show the name of the railroad, place and date, equipment tested, results of tests, repairs, replacements, adjustments made, and condition in which the apparatus was left. Each record shall be signed by the employee making the test and shall be filed in the office of a supervisory official having jurisdiction. Each record shall be retained until the next record is filed but in no case less than one year. (Not yet approved by the Office of Management and Budget.)

31. Section 236.204 is amended by revising the last sentence to read as follows:

§ 236.204 Track signaled for movements in both directions, requirements.

* * * In absolute permissive block signaling, when a train passes a head block signal, it shall cause the opposing head block signal to display an aspect with an indication not more favorable than "stop."

32. Section 236.205 is amended by revising paragraph (d) to read as follows:

§ 236.205 Signal control circuits; requirements.

* * * * *

(d) When a track relay is in de-energized position or a divice which functions as a track relay is in its most restrictive state; or when signal control circuit is deenergized.

33. Section 236.207 is revised to read as follows:

§ 236.207 Electric lock on hand-operated switch; control.

Electric lock on hand-operated switch shall be controlled so that it cannot be unlocked until control circuits of signals governing movements over such switch have been opened. Approach or time locking shall be provided.

34. Section 236.302 is revised to read as follows:

§ 236.302 Track circuits and route locking.

Track circuits and route locking shall be provided and shall be effective when the first pair of wheels of a locomotive or a car passes a point not more than 13 feet in advance of the signal governing its movement, measured from the center of the mast, or if there is no mast, from the center of the signal.

35. Section 236.307 is revised to read as follows:

§ 236.307 Indication locking.

Indication locking shall be provided for operative approach signals of the semaphore type, power-operated home signals, power-operated switches, movable-point frogs and derails, and for all approach signals except light signals, all aspects of which are controlled by polar or coded track circuits or line circuits so arranged that a single fault will not permit a more favorable aspect than intented to be displayed.

36. Section 236.309 is revised to read as follows:

§ 236.309 Loss of shunt protection; where required.

(a) A loss of shunt of 5 seconds or less shall not permit an established route to be changed at an automatic interlocking.

(b) A loss of shunt of 5 seconds or less shall not permit the release of the route locking circuit of each power-operated switch hereafter installed.

37. Section 236.311 is revised to read as follows:

§ 236.311 Signal control circuits, selection through track relays or devices functioning as track relays and through signal mechanism contacts and time releases at automatic interlocking.

(a) The control circuits for aspects with indications more favorable than "proceed at restricted speed" shall be selected through track relays, or through devices that function as track relays, for all track circuits in the route governed.

(b) At automatic interlocking, signal control circuits shall be selected (1) through track relays, or devices that function as track relays, for all track circuits in the route governed and in all conflicting routes within the interlocking; (2) through signal mechanism contacts or relay contacts closed when signals for such conflicting routes display "stop" aspects; and (3) through normal contacts of time releases, time element relays, or timing devices for such conflicting routes, or contacts of relays repeating the normal position or normal state of such time releases, time element relays, or timing devices.

38. Section 236.312 is amended by adding a new last sentence to read as follows:

§ 236.312 Movable bridge, interlocking of signal appliances with bridge devices.

* * * Emergency bypass switches and devices shall be locked or sealed.

39. Section 236.327 is revised to read as follows:

§ 236.327 Switch, movable-point frog or split-point derail.

Switch, movable-point frog, or split-point derail equipped with lock rod shall be maintained so that it can not be locked when the point is open three-eighths inch or more.

40. Section 236.376 is revised to read as follows:

§ 236.376 Mechanical locking.

Mechanical locking in interlocking machine shall be tested when new locking is installed; and thereafter when change in locking is made, or locking becomes disarranged, or tested at least once every two years, whichever shall occur first.

41. Section 236.377 is revised to read as follows:

§ 236.377 Approach locking.

Approach locking shall be tested when placed in service and thereafter when modified, disarranged, or at least once every two years, whichever shall occur first.

42. Section 236.378 is revised to read as follows:

§ 236.378 Time locking.

Time locking shall be tested when placed in service and thereafter when modified, disarranged, or at least once every two years, whichever shall occur first.

43. Section 236.379 is revised to read as follows:

§ 236.379 Route locking.

Route locking or other type of switch locking shall be tested when placed in service and thereafter when modified, disarranged, or at least once every two years, whichever shall occur first.

44. Section 236.380 is revised to read as follows:

§ 236.380 Indication locking.

Indication locking shall be tested when placed in service and thereafter when modified, disarranged, or at least once every two years, whichever shall occur first.

45. Section 236.381 is revised to read as follows:

§ 236.381 Traffic locking.

Traffic locking shall be tested when placed in service and thereafter when modified, disarranged, or at least once every two years, whichever shall occur first.

46. Section 236.382 is revised to read as follows:

§ 236.382 Switch obstruction test.

Switch obstruction test of lock rod of each power-operated switch and lock rod of each hand-operated switch equipped with switch-and-lock-movement shall be made when lock rod is placed in service or changed out, but not less than once each month.

47. Section 236.383 is revised to read as follows:

§ 236.383 Valve locks, valves, and valve magnets.

Valve locks on valves of the non-cut-off type shall be tested at least once every three months, and valves and valve magnets shall be tested at least once every year.

48. Section 236.384 is revised to read as follows:

§ 236.384 Cross protection.

Cross protection shall be tested at least once every six months.

49. Section 236.401 is revised to read as follows:

§ 236.401 Automatic block signal system and interlocking standards applicable to traffic control systems.

The standards prescribed in §§ 236.201, to 236.203, inclusive, §§ 236.205, 236.206, 236.303, 236.307 and 236.309 to 236.311, inclusive, shall apply to traffic control systems.

50. Section 236.403 is revised to read as follows:

§ 236.403 Signals at controlled point.

Signals at controlled point shall be so interconnected that aspects to proceed cannot be displayed simultaneously for conflicting movements, except that opposing signals may display an aspect indicating "proceed at restricted speed" at the same time on a track used for switching movements only, by one train at a time.

51. Section 236.407 is revised to read as follows:

§ 236.407 Approach or time locking; where required.

Approach or time locking shall be provided for all controlled signals where route or direction of traffic can be changed.

52. Section 236.408 is revised to read as follows:

§ 236.408 Route locking.

Route locking shall be provided where switches are power-operated. Route locking shall be effective when the first pair of wheels of a locomotive or car passes a point not more than 13 feet in advance of the signal governing its movement, measured from the center of the signal mast or, if there is no mast, from the center of the signal.

53. Section 236.410 is amended by revising paragraph (a) and adding paragraph (c) to read as follows:

§ 236.410 Locking, hand-operated switch; requirements.

(a) Each hand-operated switch in main track shall be locked either electrically or mechanically in normal position, except:

(1) Where train speeds over the switch do not exceed 20 miles per hour;

(2) Where trains are not permitted to clear the main track;

(3) Where a signal is provided to govern train movements from the auxiliary track to the signaled track; or

(4) On a signaled siding without intermediate signals where the maximum authorized speed on the siding does not exceed 30 miles per hour.

* * * * *

(c) Where a signal is used in lieu of electric or mechanical lock to govern movements from auxiliary track to signaled track, the signal shall not display an aspect to proceed until after the control circuits of signals governing movement on main track in either direction over the switch have been opened, and either the approach locking circuits to the switch are unoccupied or a predetermined time interval has expired.

Note.—Railroads shall bring all hand-operated switches that are not electrically or mechanically locked and that do not conform to the requirements of this section on the effective date of this Part into conformity with this section in accordance with the following schedule:

Not less than 33% during calendar year 1984.

Not less than 66% during calendar year 1985.

The remainder during calendar year 1986.

54. Section 236.476 is revised to read as follows:

§ 236.476 Interlocking inspections and tests applicable to traffic control systems.

The inspections and tests prescribed in §§ 236.377 to 236.380, inclusive, and §§ 236.382, 236.383, and 236.386 shall apply to traffic control systems.

55. Section 236.504 is revised to read as follows:

§ 236.504 Operation interconnected with automatic block-signal system.

(a) A continuous inductive automatic train stop or train control system shall operate in connection with an automatic block signal system and shall be so interconnected with the signal system as to perform its intended function in event of failure of the engineer to acknowledge or obey a restrictive wayside signal or a more restrictive cab signal.

(b) An intermittent inductive automatic train stop system shall operate in connection with an automatic block signal system and shall be so interconnected with the signal system that the failure of the engineer to acknowledge a restrictive wayside signal will cause the intermittent inductive automatic train stop system to perform its intended function.

56. Section 236.508 is revised to read as follows:

§ 236.508 Interference with application of brakes by means of brake valve.

The automatic train stop, train control, or cab signal apparatus shall be so arranged as not to interfere with the application of the brakes by means of the brake valve and not to impair the efficiency of the brake system.

57. Section 236.513 is revised to read as follows:

§ 236.513 Audible indicator.

(a) The automatic cab signal system shall be so arranged that when the cab signal changes to display a more restrictive aspect, an audible indicator will sound continuously until silenced by manual operation of an acknowledging device.

(b) The audible cab indicator of automatic cab signal, automatic train stop, or automatic train control system shall have a distinctive sound and be clearly audible throughout the cab under all operating conditions.

58. Section 236.515 is revised to read as follows:

§ 236.515 Visibility of cab signals.

The cab signals shall be plainly visible to member or members of the locomotive crew from their stations in the cab.

59. Section 236.516 is revised to read as follows:

§ 236.516 Power supply.

Automatic cab signal, train stop, or train control device hereafter installed shall operate from a separate or isolated power supply.

60. Section 236.527 is revised to read as follows:

§ 236.527 Roadway element insulation resistance.

Insulation resistance between roadway inductor and ground shall be maintained at not less than 10,000 ohms.

61. Section 236.529 is revised to read as follows:

§ 236.529 Roadway element inductor; height and distance from rail.

Inductor of the inert roadway element type shall be maintained with the inductor pole faces at a height above the plane of the tops of the rails, and with its inner edge at a horizontal distance from the gage side of the nearest running rail, in accordance with specifications of the carrier.

62. Section 236.531 is revised to read as follows:

§ 236.531 Trip arm; height and distance from rail.

Trip arm of automatic train stop device when in the stop position shall be maintained at a height above the plane of the tops of the rails, and at a horizontal distance from its center line to gage side of the nearest running rail, in accordance with specifications of the carrier.

63. Section 236.532 is revised to read as follows:

§ 236.532 Strap iron inductor; use restricted.

No railroad shall use strap iron inductor or other roadway element with characteristics differing from its standard type on track where speed higher than restricted speed is permitted.

64. Section 236.552 is revised to read as follows:

§ 236.552 Insulation resistance; requirement.

When periodic test prescribed in § 236.588 is performed, insulation resistance between wiring and ground of continuous inductive automatic cab signal system, automatic train control system, or automatic train stop system shall be not less than one megohm, and that of an intermittent inductive automatic train stop system, not less than 250,000 ohms. Insulation resistance values between periodic tests shall be not less than 250,000 ohms for a continuous inductive automatic cab signal system, automatic train control system, or automatic train stop system, and 20,000 ohms for an intermittent inductive automatic train stop system.

65. Section 236.557 is revised to read as follows:

§ 236.557 Receiver; location with respect to rail.

(a) Receiver of intermittent inductive automatic train stop device of the inert roadway element type shall be maintained with bottom of the receiver at a height above the plane of the tops of the rails, and with its outer edge at a horizontal distance from the gage side of the nearest rail, in accordance with specifications of the carrier.

(b) Receiver of continuous inductive automatic cab signal, train stop, or train control device of locomotive equipped with onboard test equipment, shall be maintained with the bottom of the receiver at a height above the plane of the tops of the rails, and with its outer edge at a horizontal distance from the gage side of the nearest rail, in accordance with specifications of the carrier.

66. Section 236.560 is revised to read as follows:

§ 236.560 Contact element, mechanical trip type; location with respect to rail.

Contact element of automatic train stop device of the mechanical trip type shall be maintained at a height above the plane of the tops of the rails, and at a horizontal distance from the gage side of the rail, in accordance with specifications of the carrier.

67. Section 236.562 is revised to read as follows:

§ 236.562 Minimum rail current required.

The minimum rail current required to restore the locomotive equipment of continuous inductive automatic train stop or train control device to normal condition or to obtain a proceed indication of automatic cab signal device (pick-up) shall be in accordance with specifications of the carrier.

68. Section 236.577 is revised to read as follows:

§ 236.577 Test, acknowledgement, and cut-in circuits.

Test, acknowledgement, and cut-in circuits shall be tested at least once every twelve months.

69. Section 236.586 is revised to read as follows:

§ 236.586 Daily or after trip test.

(a) Except where tests prescribed by § 236.588 are performed at intervals of not more than 2 months, each locomotive equipped with an automatic cab signal or train stop or train control device operating in equipped territory shall be inspected for damage to the equipment and tested at least once each calendar day or within 24 hours before departure upon each trip.

(b) Each equipped locomotive shall be tested to determine the locomotive equipment is responsive to the wayside equipment and shall be cycled to determine the device functions as intended.

(c) Each locomotive equipped with intermittent inductive automatic train stop or non-coded continuous inductive automatic train stop or non-coded continuous inductive automatic train control device shall be tested to determine that the pickup of the device is within specified limits.

70. Section 236.587 is revised to read as follows:

§ 236.587 Departure test.

(a) The automatic train stop, train control, or cab signal apparatus on each locomotive, except a locomotive or a multiple-unit car equipped with mechanical trip stop, shall be tested using one of the following methods:

(1) operation over track elements;

(2) operation over test circuit;

(3) use of portable test equipment; or

(4) use of onboard test device.

(b) The test shall be made on departure of the locomotive from its initial terminal unless that apparatus will be cut out between the initial terminal and the equipped territory. If the apparatus is cut out between the initial terminal and the equipped territory the test shall be made prior to entering equipped territory.

(c) If a locomotive makes more than one trip in any 24-hour period, only one departure test is required in such 24-hour period.

(d) If a departure test is made by an employee, other than the engineer, the engineer shall be informed of the results of such test and a record kept thereof.

(Record requirement not yet approved by the Office of Management and Budget)

71. Section 236.588 is revised to read as follows:

§ 236.588 Periodic test.

Except as provided in § 236.586, periodic test of the automatic train stop train control, or cab signal apparatus shall be made at least once every 92 days, and on multiple-unit cars as specified by the carrier, subject to approval by the FRA.

72. Section 236.589 is revised to read as follows:

§ 236.589 Relays.

(a) Each relay shall be removed from service, subjected to thorough test, necessary repairs and adjustments made, and shall not be replaced in service unless its operating characteristics are in accordance with the limits within which such relay is designed to operate, as follows:

(1) Master or primary relays of torque type depending on spring tension to return contacts to deenergized position in noncoded continuous inductive automatic train stop or train control system, at least once every two years; and

(2) All other relays, at least once every six years.

73. Section 236.590 is revised to read as follows:

§ 236.590 Pneumatic apparatus.

Automatic train stop, train control, or cab signal pneumatic apparatus shall be inspected and cleaned at least once every 736 days. The pneumatic apparatus shall be stenciled, tagged, or otherwise marked to indicate the last cleaning date of the apparatus.

("Stenciled, tagged or otherwise marked" requirement not yet approved by the Office of Management and Budget)

74. Section 236.717 is revised to read as follows:

§ 236.717 Characteristics, operating.

The measure of electrical values at which electrical or electronic apparatus operate (e.g., drop-away, pick-up, maximum and minimum current, and working value).

75. Section 236.744 is revised to read as follows:

§ 236.744 Element, roadway.

That portion of the roadway apparatus of automatic train stop, train control, or cab signal system, such as

electric circuit, inductor, or trip arm to which the locomotive apparatus of such system is directly responsive.

76. Section 236.746 is revised to read as follows:

§ 236.746 Feature, restoring.

An arrangement on an electro-pneumatic switch by means of which power is applied to restore the switch movement to full normal or to full reverse position, before the driving bar creeps sufficiently to unlock the switch, with control level in normal or reverse position.

77. Section 236.812 is revised to read as follows:

§ 236.812 Speed, restricted.

A speed that will permit stopping within one-half the range of vision, but not exceeding 20 miles per hour.

78. Add a new § 236.813a to read as follows:

§ 236.813a State, most restrictive.

The mode of an electric or electronic device that is equivalent to a track relay in its deenergized position.

79. Add a new § 236.820a to read as follows:

§ 236.820a Switch, power-operated.

A switch operated by an electrically, hydraulically, or pneumatically driven switch-and-lock movement.

80. Section 236.831 is revised to read as follows:

§ 236.831 Time, delay.

As applied to an automatic train stop or train control system, the time which elapses after the onboard apparatus detects a more restrictive indication until the brakes start to apply.

§§ 236.25, 236.27, 236.72, 236.75, 236.77, 236.78, 236.331, 236.332, 236.333, 236.385, 236.406, 236.409, 236.510, 236.530, 236.533, 236.558, 236.559, 236.561, 236.704, 236.715, 236.716, 236.748, and 236.781 [Removed]

81. The following sections are removed in their entirety: §§ 236.25, 236.27, 236.72, 236.75, 236.77, 236.78, 236.313, 236.331, 236.332, 236.333, 236.385, 236.406, 236.409, 236.510, 236.530, 236.533, 236.558, 236.559, 236.561, 236.704, 236.715, 236.716, 236.748, and 236.781.

82. By adding a new appendix to Part 236 to read as follows:

Appendix A—Civil Penalties

(a) A carrier that violates any provision of this Part is liable for a penalty of: (1) $2,500 for each such violation that results in death or serious injury or involves an immediate hazard of death or injury; (2) $2,000 for each such violation that results from the knowing and willful failure of a carrier, its officers, or its agents to comply with such provision; (3) $1,000 for each other violation of this Part.

(b) Each day that such violation continues is a separate offense.

Issued in Washington, D.C. on January 17, 1984.

John H. Riley,

Administrator.

[FR Doc. 84-1657 Filed 1-25-84; 8:45 am]

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January 26, 1984

Part V

Architectural and Transportation Barriers Compliance Board

Standards for Telecommunication Devices for Deaf Persons in Transportation Facilities; Notice

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Standards for Telecommunication Devices for Deaf Persons in Transportation Facilities

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: An invitation to comment on the development of advisory standards for TDDs in transportation facilities.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Board) issues an invitation to comment on the development of advisory standards to address methods for providing telecommunication devices for deaf (TDDs) persons in transportation facilities, particularly airports. Section 502(d)(3) of the Rehabilitation Act of 1973, as amended in 1978, directs the Board, in consultation and coordination with other concerned Federal departments and agencies, to "develop standards and provide appropriate technical assistance to any public or private activity, person, or entity affected by regulations prescribed pursuant to (Title V of the Rehabilitation Act of 1973) with respect to overcoming architectural, transportation, and communication barriers." Since the Board's responsibilities to develop standards under Section 502(d)(3) are separate and apart from its responsibility to establish minimum guidelines and requirements for accessible design under Section 502(b)(7), this invitation to comment does not address what requirements, if any, for TDDs may be addressed in the Board's Minimum Guidelines and Requirements For Accessible Design. The Board may be addressing these requirements at a later date.

DATE: Written comments must be received or postmarked on or before March 26, 1984.

ADDRESS: Written comments should be submitted to the Docket Officer, ATBCB Docket Number 83–TDD–1, U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Switzer Building, Washington, D.C. 20202. Comments received will be available for public inspection in room 1010 from 9 a.m. to 5:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For information contact Ms. Karen Smith, Office of Technical Services (202) 472–2700 (voice or TDD); or Ms. Debra Fischer, General Attorney (202) 245–1801 (voice or TDD).

For additional copies of the invitation to Comment contact Ms. Diane Pernick, Office of Administration and Management, Room 1010, 330 C Street, S.W., Washington, D.C. 20202; (202) 245–1591 (voice or TDD). Copies are also available on tapes for those with visual impairments. Tapes may be obtained at the above address or by contacting Ms. Pernick.

SUPPLEMENTARY INFORMATION:

A. Background: Section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 29 U.S.C. 792, established the Architectural and Transportation Barriers Compliance Board (Board) as an independent regulatory agency to ensure compliance with standards issued under the Architectural Barriers Act of 1968, Pub. L. 90–480, 42 U.S.C. 4151 *et seq.*, as amended, to establish minimum guidelines and requirements for those standards, to investigate and examine alternative approaches to the architectural, transportation, communication, and attitudinal barriers confronting handicapped individuals, to develop standards and provide appropriate technical assistance, and to carry out other functions directed toward the elimination of architectural, transportation, communication and attitudinal barriers.

In November 1978, Congress enacted the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602) amending, in part, Section 502 of the Rehabilitation Act of 1973 (Pub. L. 93–112). The amendments added communication barriers to the Board's mandate and directed the Board to "investigate and examine alternative approaches to communication barriers confronting handicapped individuals, particularly with respect to telecommunication devices" (29 U.S.C. 792(b)(2)) and to "develop standards and provide appropriate technical assistance to any public or private activity, person, or entity affected by regulations prescribed pursuant to this title with respect to overcoming . . . communication barriers . . ." (29 U.S.C. 792(d)(3)).

The standards which will be developed under Section 502(d)(3) will be advisory in nature and may be specified by agencies which issue regulations under Title V and may be used by the Board and others in providing technical assistance to public and private entities. The standards are separate and apart from the Board's final rule, "Minimum Guidelines and Requirements for Accessible Design" (hereafter "MGRAD") issued January 16, 1981, revised January 27, 1982 (47 FR 3934) and August 4, 1982 (47 FR 33862).

The MGRAD provides a useful framework for the development of accessibility standards to be issued under the Architectural Barriers Act of 1968, as amended, by four Federal standard-setting agencies: General Services Administration (GSA), Department of Defense (DOD), Department of Housing and Urban Development (HUD), and the United States Postal Service (USPS).

During the rulemaking process for the MGRAD, the Board very carefully weighed questions related to telephone TDDs.

A telecommunication device for deaf persons (TDD) is any type of device that provides transmission, emission or reception of signals, signs, writing, images or intelligence of any nature, by wire, cable, satellite, fiber optics, laser, visual, or other electronic, electric, electromagnetic or acoustically-coupled means which does not depend upon the aural mode. One type of telecommunication device (frequently called telephone TDDs or TTY) uses a keyboard and acoustical coupler to communicate with another similar device via telephone lines. In addition to these devices, technological advances have made a number of other types of TDDs available. Examples of these devices include captioning and teletext, electronic mail, electronic information services (news, weather, sports, electronic newspapers, advertising), educational programming, financial services, library services, electronic directories, electronic payment mechanisms and telecommunication cash transfer, and interactive CRTs (*e.g.* television screens, LED message displays, and the like).

In the course of its development of the MGRAD, the Board received a wide range of comments from consumers, service providers, and manufacturers highlighting concerns on telephone TDD issues. Deaf individuals and their advocacy organizations were strongly in favor of requiring telephone TDDs at public telephones in Federal and federally-assisted buildings and facilities. One organization observed that public telephones which are amplified or are compatible with hearing aids remain useless to those with severe or profound hearing loss and noted that only telephone TDDs can benefit them. Some commentors also raised concerns over any requirement for public phones to have telephone TDDs. These concerns were threefold: problems with cost (including maintenance), vandalism, and compatibility between TDDs utilizing dissimilar codes (BAUDOT and ASCII). After extensive consideration, the Board

decided not to require the use of TDDs at public telephones until information could be acquired through research or other sources to assist the Board in answering a number of questions that had been raised regarding telephone TDD use.

In an effort to carry out its responsibilities in this area, the Board has initiated two actions. First, the Board approved, at its May 1982 meeting, a research proposal to gather technical information and data on telecommunication devices for deaf individuals. Secondly, at its July 1983 meeting, the Board accepted the Communications Committee's recommendation to issue an invitation to comment on the development of advisory standards for access to telecommunication devices for deaf persons in transportation facilities, particularly airports.

B. Invitation To Comment: The purpose of this invitation to comment is to focus public attention on issues concerning communication barriers to deaf persons in transportation facilities, and to develop advisory standards and provide appropriate technical assistance to any public or private activity, persons, or entity affected by regulations prescribed pursuant to Title V of the Rehabilitation Act of 1973, as amended, with respect to overcoming communication barriers as provided under 29 U.S.C. 792(d)(3). With particular reference to federally assisted transit facilities, including airports, applicable Title V regulations include the Department of Transportation Section 504 regulations (49 CFR Part 27). The Board wishes to emphasize that the invition to comment merely raises issues and provides some background information; none of the statements or questions should be interpreted to represent legal or policy positions of the Board.

In this context, the Board invites public comment for the next 60 days on the issues identified below. These questions are designed to elicit information regarding communication barriers in various kinds of transportation facilities. Airports, bus terminals, railroad stations, and subways may have different types of communication barriers and as a result, may require different solutions. For example, some large airports, bus or train terminals may provide "traveler's aid" information while smaller facilities may not. Some facilities are privately owneed and operated and may not be subject to Federal requirements.

In answering the following questions, commenters should pay particular attention to which devices/services should be provided in which type of facility. Comment is also invited on any additional issues related to communication barriers in transportation facilities which members of the public believe are important and whose resolution would contribute to effective accessibility and usability of the facility.

Based on comments received in response to this invitation to comment and other available information, the Board will determine if it is appropriate to develop advisory standards for telephone TDDs in transportation facilities.

The Board is most anxious to expedite its technical assistance function with respect to communication barriers under Section 502(d)(3). The Board hopes that this invitation to comment will elicit guidance in this task and promote an understanding of the issues.

Dated: July 12, 1983.

By vote of the Board.

Wm. Bradford Reynolds,

Chairperson, Architectural and Transportation Barriers Compliance Board and Assistant Attorney General for Civil Rights, Department of Justice.

Hale Zukas,

Vice Chairperson, Architectural and Transportation Barriers Compliance Board.

BILLING CODE 6820-BP-M

C. Questions

1. Purpose: What is the primary need of deaf/hearing impaired persons for telephone TDDs or other telecommunication devices at transportation facilities? (Rate each factor from 1 to 5 as follows: 1 = Very important; 2 = Important; 3 = Desirable, but not necessary; 4 = Unimportant; 5 = Undesirable.)

____ routine calls
____ calls to note arrival/departure
____ to seek assistance/pick up
____ to obtain flight/transportation information
____ to obtain/confirm reservations
____ other (please explain)

_____

_____

2. Location in Transportation Facilities

a. How important is it to have telephone TDDs in each of these types of transportation facilities? (Rate each factor from 1 to 5.)

____ air terminal
____ transit station
____ commuter/subway system
____ bus terminal

Where should these devices be located in these facilities and why? (Rate each factor from 1 to 5 as follows: 1 = Very Important; 2 = Important; 3 = Desirable, but not necessary; 4 = Unimportant; 5 = Undesirable.)

	Air Terminals	Train Stations	Commuter/ Subway Systems	Bus Terminals
information centers				
traveler's aid				
security office				
each main terminal				
each concourse				
each platform				
each transportation operators counter				
first aid station				
at bank of public pay phones				
at courtesy phone				
administration office				
station attendants kiosk				

other (be specific) _____

(Rationale for rating): _____

_____

b. Should the location be standardized for each type of transportation facility? (Check appropriate box)

	Yes	No
Air Terminals		
Train Stations		
Commuter/Subway Stations		
Bus Terminals		

c. Should telecommunication devices be provided in more than one location?

_____

Which locations? _____

_____

Why? _____

_____

What types of devices? _____

_____

What types of facilities? _____

_____

d. Rate the following factors to be taken into consideration when establishing locations and numbers of telephone TDDs or other telecommunication devices to be provided. (Rate each factor from 1 to 5 as follows: 1 = Very Important; 2 = Important; 3 = Desirable, but not necessary; 4 = Unimportant; 5 = Undesirable.)

(It is important to realize that choices may have to be made between alternative courses of action, given limited resources. Your ratings should therefore discriminate carefully among alternatives.)

	Air Terminals	Train Stations	Commuter/ Subway Syst	Bus Terminals
size of buildings				
number of scheduled arrivals and departures				
number of passengers				
number of airlines/ transportation operators				
number of personnel				
geographic considerations				
number of terminals				
distance between terminals				
number of concourses				
number of train platforms				
number of public pay phones				
number of communication impaired travelers				
television monitors				
flip boards				
other (specify)				

e. In some transportation facilities, a telephone TDD is located in the security office. When the device is so located (Check appropriate boxes):

Are hearing impaired and deaf travelers provided adequate information as to the availability and location of the device?

	Air Terminals	Train Stations	Comm/Subway Systems	Bus Terminals
Yes				
No				

Other Comments: _____

_____

Are the devices available only during certain hours?

Yes				
No				

Other comments: _____

_____

Does this location adequately satisfy the needs of hearing impaired/deaf travelers?

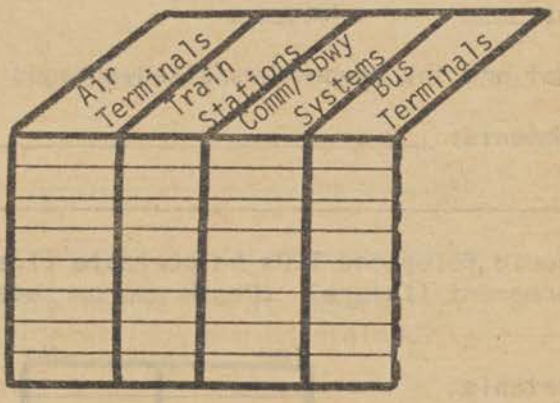
Yes				
No				

Other comments: _____

_____

3. Type of Device

What type of devices are needed to eliminate or reduce the various communication barriers encountered by deaf travelers in different types of transportation systems? Please rate the various types of transportation systems from 1-5 as follows: 1 = Very Important; 2 = Important; 3 = Desirable, but not necessary; 4 = Unimportant; 5 = Undesirable.



- telephone TDD/TTY
- message board/LED display
- television display
- reactive computer interface terminal
- computer maps
- visual arrival/departure signals
- visual emergency alarms
- other devices (be specific)

_____

4. Availability

a. Should telephone TDDs and other telecommunication devices be available during all hours that the transportation facility is open? (Check appropriate box)

Yes ____ No ____

Comments: _____

_____

b. Should telephone TDDs and other telecommunication devices be available only during heavy "peak" hours? (Check appropriate box)

Yes ____ No ____

If your answer is "no", during what hours are TDDs and other telecommunication devices not necessary? _____

	Heavy (Peak) hours	Light (Off-peak) hours
Bus terminals		
Train Stations		
Commuter/Subway Systems		
Air terminals		

c. Should there be a separate telephone line (number) for the telephone TDD only? (Check appropriate box)

Yes ____ No ____

What are the advantages/disadvantages of a separate line?

Comments: _____

_____

d. Should telephone TDDs be portable (i.e., movable) or installed as a permanent fixture? (Check appropriate box)

	Yes	No
Portable		
Permanent		

e. In addition to or in lieu of a telephone TDD, what alternative assistance should be considered for communication impaired persons?

Comments: _____

_____

f. Do you own a telephone TDD? _____

Do you own other telecommunication devices? _____

Is it portable? _____

Have you ever used your own telephone TDD with a public telephone?

_____

5. Service/Repair/Maintenance

a. Are personnel at the transportation facilities aware of the location of telephone TDDs and other specialized equipment?

Yes ____ No ____

b. Are personnel at the transportation facilities trained to use telephone TDDs and other specialized equipment?

Yes ____ No ____

If not, is there a need to train them?

Yes ____ No ____

Who should provide such training?

____ transit operator
____ carriers
____ building owners
____ state/local governments
____ Federal governments
____ constituent organizations
____ other (be specific) _____

_____

c. Are there any procedures at transportation facilities to ensure that telephone TDDs and other telecommunication devices are maintained?

Yes ____ No ____

If a device is out of service, is a backup device available?

Yes ____ No ____

Comments: _____

_____

d. What is the time frame for repairs/maintenance? _____

_____

e. How often do TDDs have to be repaired?

Comments: _____

_____

_____

f. In transportation facilities that have telephone TDDs, is the device compatible with other telecommunication devices in such respects as:

circuit systems _____
handset (receiver) design _____
other _____

_____

In transportation facilities that have telephone TDDs:

Is the device located near a telephone? _____

Does the telephone handset (receiver) have sufficient cord to use the TDD? _____

Is an electrical outlet located near a telephone TDD? _____

Other: _____

_____

6. Signage

a. What actions are necessary to adequately advertise and instruct on the availability, location, and use of telecommunication devices at transportation facilities:

_____

_____

_____

b. Are signs being provided?

Yes ____ No ____

c. Who is responsible for ensuring that signs are in place and maintained to direct people who wish to use telephone TDDs? (Check appropriate boxes.)

____ carriers
____ transit operators
____ building managers
____ communication companies
____ other (be specific) _____

_____

d. If signs are required, where should they be located and how many are needed? (Rate each location from 1 to 5 as follows: 1 = Very Important; 2 = Important; 3 = Desirable, but not necessary; 4 = Unimportant; 5 = Undesirable)

Location	Number	Priority rating
facility entrance		
information center		
traveler's aid		
security office		
each main terminal		
each platform		
each concourse		
each airline/train or bus operator		
first aid station		
bank of public pay phones		
at courtesy phones		
administrative office		
station attendants kiosk		
every 100 feet		
every 200 feet		
other		

e. Do such signs require any special physical characteristics? (Check appropriate box(es).)

size ____
color ____
height ____
tactile characters ____
other ____

f. Should every public pay phone or bank of pay phones have instructions to indicate on where a telephone TDD is located?

Yes ____ No ____

Would other signage be required?

Yes ____ No ____

Other: _____

_____

7. Vandalism

a. Is vandalism a problem?

Yes ____ No ____

If it is a problem, please explain: _____

_____

_____

_____

b. Who is responsible for the security of equipment? (Check appropriate box or boxes.)

____ carriers
____ operators
____ building managers/owners
____ other? _____

_____

c. Is it possible to enclose a portable telephone TDD in a similar hard plastic cover as is used on pay phones?

Yes ____ No ____

What would be the cost?

_____

_____

Who would be responsible for doing this? (Check appropriate box or boxes.)

airline	____
airport	____
phone company	____
transportation operators	____
TDD manufacturers	____
other	____

d. Is there any interest by manufacturers to develop a coin operated or charge call telephone TDD for use in public places?

Yes ____ No ____

Comments: _____

_____

e. Could a portable telephone TDD be attached by cable near the pay phone?

Yes ____ No ____

Comments: _____

_____

f. Are there any other measures that could be used to prevent vandalism without jeopardizing the use of the telephone TDD?

_____

_____

_____

_____

8. Costs

a. What is the unit cost of a public telephone TDD device?

_____

b. What is the installed unit cost of public telephone TDD device?

_____

c. What is the average monthly maintenance cost of telephone TDDs?

_____

What, if any, is the monthly service charge for telephone TDDs?

_____

d. What is the average life expectancy of a telephone TDD?

_____

_____

e. What is the average number of uses a public telephone TDD device received per month by deaf, speech and hearing impaired individuals? Please cite examples.

_____

_____

f. To what extent would anticipated revenues from public telephone devices be expected to cover installation and maintenance costs?

_____

_____

g. If telephone TDDs are provided by Federal regulation, should the Federal government participate in the net cost of:

	Yes	No
equipment purchase		
installation		
maintenance		

If Federal financial assistance should be provided, what should be the source of such funds?

_____

_____

Can funds be provided for this purpose under existing laws?

_____

h. Who else should participate in financing this equipment and in what proportions? (Rank in order of importance and assign a percentage signifying the proportion of the participant.)

Rank %

____ ____ the airport operator
____ ____ the airlines
____ ____ the users
____ ____ telephone companies or other utility providing the equipment
_____ others, please be specific _____

_____

i. How should cost factors be recognized in the proposed standards with respect to types of devices specified, locations, availability, service and so forth? _____

_____

_____

9. Other Questions

a. Department of Transportation regulation 49 CFR 27, Subpart D, dated 5/31/79, requires that new terminals constructed by airports that have received Federal funds be equipped with telephone TDD service to permit hearing impaired persons to communicate readily with airline ticket agents and other personnel.

- How effective has this regulation been? _____

_____

- Would the needs of hearing impaired persons be adequately met if these same (49 CFR 27) requirements were extended to all airports?

_____

- Does the wording of this regulation adequately reflect the needs of hearing impaired air travelers? _____

_____

- If not, what wording changes are appropriate? _____

_____

- What additional requirements, if any, are needed? _____

_____

- Has the lack of advisory standards and/or guidelines concerning the selection, installation, and use of such devices hampered implementation of this regulation? _____

_____

- Describe actions taken by airports/airlines with respect to type of equipment selected, located, signage, training, etc., in satisfying this regulation. _____

_____

- Did any of these actions include creation of separate information centers to provide information to hearing impaired and other handicapped travelers? _____

_____

b. At locations where air carriers own or share telephone TDDs with other airlines:

- Is the telephone TDD service requirement in the Department of Transportation regulation 49 CFR Part 27 satisfied? _____

- At how many airports do airlines provide such service? _____

- What procedure is used when airlines share telephone TDDs? _____

_____

- How many airlines regularly provide such service? _____

- If an airline is the sole possessor of telephone TDD equipment at a specific airport, is the deaf or hearing impaired traveler adequately serviced? _____

- How is the telephone TDD service provided by airlines advertised?

_____

c. At locations where transit authorities other than air carriers (i.e., terminals used by more than one bus or train company) own or share telephone TDDs with other companies?

- How many transit authorities provide such service? _____

- What procedure is used when companies share telephone TDDs? _____

_____

- If a company is the sole possessor of telephone TDD equipment at a specific transit authority, is the deaf or hearing impaired traveler adequately serviced? _____

- How is the telephone TDD service advertised? _____

_____

d. Department of Transportation regulation 49 CFR 27 also requires that terminal information systems in new airport terminals take into consideration the needs of handicapped persons. It further states that the primary mode shall be visual words and letters, or symbols, using lighting and color coding. Airport terminals shall also have facilities providing information orally.

- Does the wording adequately address the additional needs of the handicapped individual at airports for terminal information? _____

- Do television monitors and/or arrival/departure schedules and status boards meet the requirement for visual words? _____

- To what extent should color coding be required? _____

_____

- To what extent should the use of public address systems be required for announcing arrival/departure schedules, schedule changes, flight status, etc.? _____

_____

- What other terminal information should be recommended or required to comply with the regulation as written? _____

_____

e. What telecommunication systems are needed in other types of transportation systems? _____

_____

f. In many cases, considerable information (schedule changes, vehicle arrival/departure, emergency notification, paging) is conveyed by loud speaker public address systems.

- What needs to be done in terminals? _____

_____

- What needs to be done in vehicles for important announcements (e.g., next-station and door closing calls in subways, fasten seat belts in airplanes)? _____

_____

g. To what extent could the Board anticipate that adequate communication services for the deaf, hearing and speech impaired persons will be provided by the private sector without need for advisory standards being issued by the Board? _____

_____

h. What criteria, (type of service/program, use of building, size of building) should be used to determine whether telephone TDD capabilities should be incorporated in all federally supported buildings related to transportation facilities where telephone services are provided for the general public? (Check appropriate box(es).)

____ type of service
____ type of program
____ use of building
____ size of building
____ other _____

_____

i. What are the special telecommunication needs of deaf-blind individuals in transportation facilities? _____

_____

j. Do you know of any instances in which an ASCII capable telephone TDDs available in transportation facilities, was or is used by the business community to communicate with a computer? _____

_____

k. Additional comments on related issues. _____

_____

_____

[FR Doc. 84-2068 Filed 1-25-84; 8:45 am]
BILLING CODE 6820-BP-C

federal register

Thursday
January 26, 1984

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978; Notice

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. No. 1045]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
Issued January 19, 1984

VOLUME 1045

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALSID OIL & GAS DEVELOPMENT CO				RECEIVED:	12/20/83	JA: OH			
8412735		3409921634		107-TF		QUAY UNIT #1	GOSHEN	15.0	
-AMERICAN ENERGY DEVELOPMENT INC				RECEIVED:	12/20/83	JA: OH			
8412736		3408520489		107-TF		MICHAEL PAPARIZOS #1	MADISON	35.0	
-BERMAN J SHAFER				RECEIVED:	12/20/83	JA: OH			
8412737		3415321514		107-TF		CONSOLIDATED FREIGHTWAYS #1	RICHFIELD	1.2	EAST OHIO GAS CO
-BLAUSER WELL SERVICE INC				RECEIVED:	12/20/83	JA: OH			
8412738		3416726672		107-TF		W A MCKIBBEN #1	DECATUR TOWNSHIP	6.7	COLUMBIA GAS TRAN
8412739		3416726684		107-TF		W T JAMES JR #1	DECATUR	7.2	COLUMBIA GAS TRAN
-CHARLES L WOOD				RECEIVED:	12/20/83	JA: OH			
8412740		3459234980		103	107-TF	SNYDER #1	MONROE	12.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	12/20/83	JA: OH			
8412776		3411926724		107-TF		WEISER #3-786	FALLS	10.0	
-DERBY OIL & GAS CORP				RECEIVED:	12/20/83	JA: OH			
8412741		3400523642		103	107-TF	JAMES SCHWEYER #1	MOHICAN	12.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED:	12/20/83	JA: OH			
8412742		3411523273		103	107-TF	PHILLIS #1	MANCHESTER	18.2	TEXAS EASTERN TRA
-EVERFLOW EASTERN INC				RECEIVED:	12/20/83	JA: OH			
8412745		3415123904		103	107-TF	COBLENTZ #1	LAKE	0.0	
8412743		3409920917		103	107-RT	CONSERVATION CLUB #1	GOSHEN	0.0	
8412744		3413323099		103	107-TF	PEMBERTON #1	EDINBURG	0.0	
-FUTURE ENERGY CORPORATION				RECEIVED:	12/20/83	JA: OH			
8412747		3411523211		103	107-TF	DRAKE #1	MALTA	30.0	
8412746		3411523056		103	107-TF	HAZEM #2	MALTA	30.0	
8412748		3411523260		103	107-TF	PIERCE #1	MALTA	30.0	
-GASEARCH INC				RECEIVED:	12/20/83	JA: OH			
8412749		3415321480		103	107-TF	GOLDEN LINKS #20	NORTHFIELD CENTER	20.0	GAS OHIO TRANSPOR
8412750		3415321481		103	107-TF	GOLDEN LINKS #21	NORTHFIELD CENTER	20.0	GAS OHIO TRANSPOR
-GEO ENERGY INC				RECEIVED:	12/20/83	JA: OH			
8412751		3412725821		107-TF		KELBER-BELCHER #10-3	SALT LICK	18.0	
-GREEN ENERGY				RECEIVED:	12/20/83	JA: OH			
8412753		3409321222		107-TF		APPLE PARTNERSHIP #1	COLUMBIA	10.0	
8412754		3409321224		107-TF		APPLE PARTNERSHIP #2	COLUMBIA	15.0	
8412756		3409321227		107-TF		BARTTER #11	COLUMBIA	10.0	COLUMBIA GAS TRAN
8412752		3409321201		107-TF		BARTTER #7	COLUMBIA	10.0	
8412757		3410323451		107-TF		NOCON #1	HINCKLEY	15.0	COLUMBIA GAS TRAN
8412755		3409321225		107-TF		SLANSKY #1	COLUMBIA	8.0	COLUMBIA GAS TRAN
-JAMES P NOLL				RECEIVED:	12/20/83	JA: OH			
8412758		3412725998		107-TF		LLOYD-WILSON #2	READING	300.0	COLUMBIA-GAS-TRAN
-JOHN C MASON				RECEIVED:	12/20/83	JA: OH			
8412759		3407523728		107-TF		ANDY ERB #7	MECHANIC	20.0	COLUMBIA GAS TRAN
-JOHN TANSKY				RECEIVED:	12/20/83	JA: OH			
8412760		3412725080		103	107-TF	USA (SURFACE) #2	SALT LICK	3.0	
-LOMAK PETROLEUM INC				RECEIVED:	12/20/83	JA: OH			
8412762		3405520529		103	107-TF	A BARBER #3	CLARIDON	24.0	EAST OHIO GAS CO
8412761		3405520397		103	107-TF	A MOLZON #1	CLARIDON	24.0	EAST OHIO GAS CO

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8412763		3405520541		107-TF		EASTERN SPECIALTY - CHAPMAN #1
8412764		3405525620		107-TF		F GIEL #1
8412767		3413323089		107-TF		L ZALA UNIT #1
8412766		3411523202		103	107-TF	OHIO POWER #7 MD
8412765		3411523155		107-TF		OPL #6-MD
-NEW FRONTIER EXPLORATION INC				RECEIVED:	12/20/83	JA: OH
8412768		3415522303		103	107-TF	SUTTON #2
-NOBLE OIL CORP				RECEIVED:	12/20/83	JA: OH
8412769		3400722283		107-TF		FETTERS #2
8412770		3413323002		107-TF		HILLEGAS #2
-OHIO OIL & GAS CO				RECEIVED:	12/20/83	JA: OH
8412771		3415522399		107-TF		PEARCE #1
-POI ENERGY INC				RECEIVED:	12/20/83	JA: OH
8412772		3400722365		103	107-TF	MC CREADY #2
8412773		3405520553		103	107-TF	MITCHELL UNIT #GM-3
8412774		3405520581		103	107-TF	ROBINSON-RUBES #GM-1
-THE BENATTY CORPORATION				RECEIVED:	12/20/83	JA: OH
8412775		3411521839		107-RT		FOX #1
-TWINOAKS OIL & GAS				RECEIVED:	12/20/83	JA: OH
8412777		3410323478		103	107-TF	OSCAR PHILLIPS #1
********** OKLAHOMA CORPORATION COMMISSION **********						
-ARCO OIL AND GAS COMPANY				RECEIVED:	12/19/83	JA: OK
8412692	25136	3501922709		103		FORD - BOGGESS #1
-ARKOMA GAS CO				RECEIVED:	12/19/83	JA: OK
8412662	24035	3512120246		108		BLEVINS 1-18
8412663	24034	3512120466		108		HILSEWECK 1-16
8412664	24033	3512120481		108		HILSEWECK 1-8
-BAILEY PETROLEUM CORP				RECEIVED:	12/19/83	JA: OK
8412691	25192	3511124421		103		MCGUIRE #1
-BLUE QUAIL ENERGY INC				RECEIVED:	12/19/83	JA: OK
8412684	25235	3501722522		103		JULIETTE #1
-BOBBY J DARNELL				RECEIVED:	12/20/83	JA: OK
8412785	25267	3508322283		103		HELEN #1
8412786	25268	3508322284		103		TERHUNE #2
-CUMMINGS OIL CO				RECEIVED:	12/20/83	JA: OK
8412798	25265	3507323455		103		CORBIN "A" #1
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/19/83	JA: OK
8412695	25049	3500935438		108		VANNERSON #1
-F C D OIL CORP				RECEIVED:	12/19/83	JA: OK
8412671	25302	3505332101		103		LYDA #1
8412683	25240	3505320969		103		RUTH 1-19
-F HOWARD WALSH JR				RECEIVED:	12/19/83	JA: OK
8412673	25335	3501521455		103		BRIGHT #1
-HADSON PETROLEUM CORP				RECEIVED:	12/19/83	JA: OK
8412689	25202	3508720364		108		RAY #1-33
-HARPER OIL COMPANY				RECEIVED:	12/19/83	JA: OK
8412672	25331	3504723312		103		COURTER #4
-HAZELWOOD PRODUCTION & EXPL CO				RECEIVED:	12/19/83	JA: OK
8412674	25337	3509321365		103		ARMSTRONG #14-1
8412676	25342	3509321366		103		BARTLETT #14-1
8412661	25285	3509321333		103		LAWHON #11-1
-J L THOMAS ENGINEERING INC				RECEIVED:	12/20/83	JA: OK
8412778	25275	3513921747		103		HARRISON #1-31
-JORDAN OIL & GAS COMPANY				RECEIVED:	12/19/83	JA: OK
8412690	25194	3507216210		103		WALKER NO 2-33
-JORDAN OIL & GAS COMPANY				RECEIVED:	12/20/83	JA: OK
8412781	25196	3506321814		103		COPPEDGE NO 1-2
-K P EXPLORATION INC				RECEIVED:	12/19/83	JA: OK
8412666	22552	3513921558		102-4		CARPENTER #4-8
8412667	22551	3513921600		102-4		CARPENTER #6-8
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	12/20/83	JA: OK
8412800	25283	3501922825		103		PERKINS #3-3
-KEENER OIL CO				RECEIVED:	12/19/83	JA: OK
8412660	25289	3511124516		103		CASTATOR #4
-KELLOIL INC				RECEIVED:	12/19/83	JA: OK
8412693	25122	3500722249		108		WATSON #1
-KEPCO INC				RECEIVED:	12/19/83	JA: OK
8412675	25341	3508778363		103		WELLS 1-19
-LINCOLN ROCK CORP				RECEIVED:	12/20/83	JA: OK
8412788	23027	3508520337		102-4		STATE #1
-LITTLE RIVER ENERGY CO				RECEIVED:	12/20/83	JA: OK
8412794	24795	3503724565		103		WHEELER #2
-MACK OIL CO				RECEIVED:	12/20/83	JA: OK
8412779	25276	3504723413		103		STORMS #3
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	12/19/83	JA: OK
8412670	25301	3500320248		108		ALTON #1
-MESA PETROLEUM CO				RECEIVED:	12/19/83	JA: OK
8412669	25298	3515300000		108		LEACHMAN 1-19
-MEWBOURNE OIL COMPANY				RECEIVED:	12/19/83	JA: OK
8412665	23133	3504521035		102-4		STUART UNIT NO 2 OTC #045-73227
-OXLEY PETROLEUM CO				RECEIVED:	12/20/83	JA: OK
8412796	25026	3505121129		103		ANDERS #1
-PAUL BOGIE				RECEIVED:	12/20/83	JA: OK
8412799	25284	3511124529		103		ELLISON #1
-PAWNEE PETROLEUM CO				RECEIVED:	12/19/83	JA: OK
8412680	25255	3511720784		103		FLAGOR #1
8412679	25256	3511720804		103		FRICK #1
8412678	25257	3511721159		103		FRICK #3
8412682	25253	3511720723		103		GRIPE #2
8412681	25254	3511720917		103		GRIPE #3
-PETRO-LEWIS CORPORATION				RECEIVED:	12/19/83	JA: OK
8412696	24843	3500722489		103		GEORGIA CUSTER 1-16
-PETRO-LEWIS CORPORATION				RECEIVED:	12/20/83	JA: OK
8412795	24895	3507300000		108		EBERHARDT 29-1
-PETROLEUM RESOURCES CO				RECEIVED:	12/20/83	JA: OK
8412792	24322	3508321960		103		LILLIAN B GRAFF #3
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/20/83	JA: OK
8412780	25030	3503920910		103		GOE "A" #1
8412789	23121	3507323674		102-4		ROTT B #1
8412791	23124	3501722407		102-4		SCHWEITZER C #1
8412790	23122	3507322813		102-4		VOSS A #1
-PREMIER OPERATING CO				RECEIVED:	12/19/83	JA: OK

FIELD NAME	PROD	PURCHASER
BURTON	24 0	EAST OHIO GAS CO
BURTON	18 0	EAST OHIO GAS CO
HIRAM	18 0	EAST OHIO GAS CO
BRISTOL	35 0	
BRISTOL	24.0	EAST OHIO GAS CO
BRISTOL	0.0	YANKEE RESOURCES
NEW LYME	20 0	EAST OHIO GAS CO
PALMYRA	20 0	GENERAL ELECTRIC
KINSMAN	20.0	COLUMBIA GAS TRAN
ANDOVER	36.0	
BAINBRIDGE	35.0	
BAINBRIDGE	40 0	
BLOOM	10.0	CLINTON AMERICAN
GRANGER	12 0	COLUMBIA GAS TRAN
N W OIL CITY	91 3	MOBIL OIL CORP
NW CABANISS	16.0	ARKANSAS LOUISIAN
NW CABANISS	18.5	ARKANSAS LOUISIAN
NW CABANISS	11 2	ARKANSAS LOUISIAN
WEST HOFFMAN	10 8	PHILLIPS PETROLEU
S MUSTANG	0.0	PHILLIPS PETROLEU
SOUTHEAST LOVELL	44.0	EASON OIL CO
SOUTHEAST LOVELL	46 0	EASON OIL CO
SOONER TREND	0.0	NORTHWEST CENTRAL
ERICK SOUTH - BROWN D	28 0	EL PASO NATURAL G
S E LAMONT	22.9	FARMLAND INDUSTRI
SOUTH POND CREEK	16.0	FARMLAND INDUSTRI
	29.0	ARKANSAS LOUISIAN
NORTH DIBBLE	10.0	LONE STAR GAS CO
SOONER TREND	0.0	ARKANSAS LOUISIAN
AMES	51.1	TRANSOK INC
AMES	154.8	TRANSOK INC
AMES	292.0	TRANSOK INC
SOUTHEAST KEYES	108.0	PHILLIPS PETROLEU
	18.0	TRANSOK INC
	274.0	TRANSOK PIPELINE
NORTHWEST HOOKER FIEL	365.0	NORTHWESTERN CENT
NORTHWEST HOOKER FIEL	365.0	NORTHWESTERN CENT
TATUMS	0.0	
CASTATOR FARM	6.0	PHILLIPS PETROLEU
	0.0	NATURAL GAS P L C
WASHINGTON	0.0	SUN EXPLORATION &
NORTHEAST MARIETTA	12.0	CIMARRON TRANSMIS
WILDCAT	0.0	ARCO OIL & GAS CO
N W CARRIER	105.0	UNION TEXAS PETRO
RINGWOOD	10.5	UNION TEXAS PETRO
RICHMOND	10.0	MICHIGAN WISCONSI
STUART RANCH (MORROW	185.0	NORTHERN NATURAL
	0.0	PHILLIPS PETROLEU
SOUTHEAST MORRIS	0.0	PHILLIPS PETROLEU
MERAMAC	0.0	PHILLIPS PETROLEU
MERAMEC	0.0	PHILLIPS PETROLEU
MERAMEC	0.0	PHILLIPS PETROLEU
MERAMAC	0.0	PHILLIPS PETROLEU
MERAMAC	0.0	PHILLIPS PETROLEU
ELMWOOD WEST	0.0	PHILLIPS PETROLEU
SOONER TREND	13.8	PARTNERSHIP PROPE
CRESCENT-LOVELL	912.0	EASON OIL CO
NORTH CUSTER CITY	0.0	
WEST OKARCHE	0.0	ONG WESTERN INC
WEST OKARCHE	0.0	
W OKARCHE	0.0	ONG WESTERN INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412687	25207	3507323782		103		CERNY-MUEGGENBORG #1	SOONER TREND	15.0	CONOCO INC
8412688	25204	3504723387		103		SEMRAD #1	SOONER TREND	25.0	CHAMPLIN PETROLEU
-PREMIER OPERATING CO				RECEIVED:	12/20/83	JA: OK			
8412783	25230	3500321043		103		KEIFFER #1	SOONER TREND	40.0	UNION TEXAS PETRO
-QUANTUM RESOURCES CORP				RECEIVED:	12/20/83	JA: OK			
8412784	25248	3504723096		103		POSEY #7-2	NORTH ENID	25.0	UNION TEXAS PETRO
-R & M PETROLEUM INC				RECEIVED:	12/20/83	JA: OK			
8412782	25231	3503725230		103		CHIEFTAIN #1	MANNFORD	1.0	
-RED EAGLE OIL CO				RECEIVED:	12/19/83	JA: OK			
8412694	25081	3509322666		103		ANNA #1	N W OKEENE	182.0	PIONEER GAS PRODU
-RESOURCE DEVELOPMENT CO INC				RECEIVED:	12/20/83	JA: OK			
8412797	25186	3508122012		103		ETHRIDGE #3-22	SOUTH STROUD PRUE	12.0	SWAB CORP
-RONNIE BLUBAUGH				RECEIVED:	12/19/83	JA: OK			
8412685	25219	3510321408		103		SCHULTZ #1	POLO	12.0	ARCO OIL & GAS CO
-TENNECO OIL COMPANY				RECEIVED:	12/19/83	JA: OK			
8412668	25297	3510322004		103		SOUTH LONE ELM CLEVELAND SAND #112	SOUTH LONE ELM	3.0	AMINOIL U S A INC
-TRINEHA INC				RECEIVED:	12/20/83	JA: OK			
8412787	25278	3501722557		103		GREER #1-4	S W MUSTANG (SE/4 SEC	360.0	PHILLIPS PETROLEU
-UNION TEXAS PETROLEUM				RECEIVED:	12/19/83	JA: OK			
8412698	24669	3509300000		108		JOHN HESS #1	HODGE I	58.0	PANHANDLE EASTERN
8412697	24667	3500300000		108		MARIE SMITH #1	HODGE I	15.0	PANHANDLE EASTERN
8412699	24670	3500300000		108		MILDRED O HUGHES #1	HODGE I	27.0	PANHANDLE EASTERN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	12/19/83	JA: OK		60.0	
8412686	25215	3504521134		103		BERRYMAN #1-23			
-WOODS PETROLEUM CORPORATION				RECEIVED:	12/19/83	JA: OK	S E WATONGA	136.0	OKLAHOMA GAS & EL
8412677	26351	3501120244		107-PE		LOOSEN UNIT #1			
-WOODS PETROLEUM CORPORATION				RECEIVED:	12/20/83	JA: OK	SW MINCO	657.0	TRANSOK PIPE LINE
8412793	24469	3505121445		103		KUYKENDALL #16-1			

WEST VIRGINIA DEPARTMENT OF MINES

-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	12/19/83	JA: WV			
8412730		4704103095		108		A - 1036	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8412700		4704101871		108		A - 454	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8412702		4701703051		108		A-1052	CENTRAL DISTRICT	0.0	CONSOLIDATED GAS
8412729		4708504875		108		A-887	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-APPCO OIL & GAS CORP				RECEIVED:	12/19/83	JA: WV	UNION	0.0	CONSUMER GAS UTIL
8412618		4708506288		103		ROBINSON #2			
-B&W PRODUCERS				RECEIVED:	12/19/83	JA: WV			
8412648		4710700772		108		ASA BUNNER WELL #1	WALKER FIELD	9.6	CONSOLIDATED GAS
8412650		4710700784		108		ASA M BUNNER WELL #2	WALKER	1.6	CONSOLIDATED GAS
8412652		4710700797		108		ASA M BUNNER WELL #3	WALKER	9.6	CONSOLIDATED GAS
8412651		4710700785		108		ASA M BUNNER WELL #4	WALKER	0.0	CONSOLIDATED GAS
8412655		4710700893		108		DUNLAP #2	WALKER	1.5	CONSOLIDATED GAS
8412654		4710700892		108		DUNLAP WELL #1	WALKER	1.5	CONSOLIDATED GAS
8412653		4710700816		108		LINCICONE WELL #1	WALKER	3.0	CONSOLIDATED GAS
8412647		4710700757		108		VILLERS WELL #3	WALKER FIELD	6.0	CONSOLIDATED GAS
8412649		4710700773		108		W L ROBERTS WELL #1	WALKER	2.4	CONSOLIDATED GAS
-BERRY ENERGY CONSULTANTS & MGRS INC				RECEIVED:	12/19/83	JA: WV			
8412626		4700101880		103		B-534	CHESTNUT FLATS - VALL	0.0	EASTERN PIPELINE
-BLUE CREEK GAS CO				RECEIVED:	12/19/83	JA: WV			
8412720		4703903902		107-DV		CASTLEBERRY #1	JEFFERSON	25.0	CABOT CORP
8412722		4703903875		107-DV		KAS #4	ELK	20.0	COLUMBIA GAS TRAN
8412721		4703903878		107-DV		KCS #7	ELK	25.0	COLUMBIA GAS TRAN
8412723		4703903825		107-DV		8204	ELK DISTRICT	25.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	12/19/83	JA: WV			
8412704		4709900442		108		B H SPRY #1	GRANT	4.9	TENNESSEE GAS PIP
8412713		4703501577		108		BROTHERTON #1	RIPLEY	1.1	TENNESSEE GAS PIP
8412714		4700501361		108		BULL CREEK A-10	PEYTONA	2.3	TENNESSEE GAS PIP
8412711		4703903579		108		C A SHUMAN #1	WASHINGTON	4.7	TENNESSEE GAS PIP
8412709		4709900868		108		E R PRICHARD 1-872	GRANT	4.0	TENNESSEE GAS PIP
8412716		4703902248		108		HARRISON #1	UNION	9.6	COLUMBIA GAS TRAN
8412708		4707901057		108		J L MCLEAN A-92	UNION	14.9	TENNESSEE GAS PIP
8412712		4703903575		108		JOHN KOGOY #1	JEFFERSON	22.9	TENNESSEE GAS PIP
8412710		4703903768		108		M B TYLER #1	JEFFERSON	9.8	TENNESSEE GAS PIP
8412715		4704700491		108		MARY BRICKER B-1	SANDY RIVER	0.0	CONSOLIDATED GAS
8412707		4707901058		108		MCLEAN HEIRS A-103	UNION	8.3	TENNESSEE GAS PIP
8412706		4707901061		108		MCLEAN HEIRS A-104	UNION	12.4	TENNESSEE GAS PIP
8412705		4707901062		108		MCLEAN HEIRS A-107	UNION	15.6	TENNESSEE GAS PIP
8412703		4707901071		108		MCLEAN HEIRS A-109	UNION	12.4	TENNESSEE GAS PIP
-CLINT HURT & ASSOCIATES INC				RECEIVED:	12/19/83	JA: WV			
8412627		4708506463		107-DV		DAVISSON #1	UNION	19.0	COLUMBIA GAS TRAN
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED:	12/19/83	JA: WV			
8412640		4708505651		103		SIMMONS HEIRS #2 (B-1)	UNION	1.0	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	12/19/83	JA: WV			
8412590		4709900817		108		TCO MIN TR #1 806879	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	12/19/83	JA: WV			
8412593		4704102055		108		ABRAM GASTON 12198	FREEMANS CREEK	9.0	GENERAL SYSTEM PU
8412607		4701702411		108		B D HELMICK 1476	GRANT	0.0	GENERAL SYSTEM PU
8412610		4704500975		108		BOONE COUNTY COAL CORPORATION 9258	LOGAN	1.0	GENERAL SYSTEM PU
8412591		4709100146		108		BOOTHS CREEK 7554	BOOTHS CREEK	0.0	GENERAL SYSTEM PU
8412641		4700100153		108		C C WARD 10513	UNION	0.0	GENERAL SYSTEM PU
8412728		4703300595		108		C E SNIDER 11425	GRANT	19.0	GENERAL SYSTEM PU
8412642		4713004140		108		CARR SHAFFER 7789	LEE	0.0	GENERAL SYSTEM PU
8412601		4703301366		108		COLUMBUS HUSTEAD 3333	SARDIS	1.0	GENERAL SYSTEM PU
8412597		4704102234		108		G D ALFRED 3120	FREEMANS CREEK	9.0	GENERAL SYSTEM PU
8412598		4704102303		108		GEO WAGONER 7834	FREEMANS CREEK	1.0	GENERAL SYSTEM PU
8412603		4703301447		108		HUGH O STOUT 6926	ELK	0.0	GENERAL SYSTEM PU
8412726		4704101813		108		ISAAC JACKSON 11390	HACKERS CREEK	2.0	GENERAL SYSTEM PU
8412608		4703300871		108		J M THRASH 11864	UNION	21.9	GENERAL SYSTEM PU
8412701		4709500669		108		J VICTOR AYERS 12563	MEADE	18.0	GENERAL SYSTEM PU
8412595		4704102229		108		JOHN DOORY 2925	FREEMANS CREEK	1.0	GENERAL SYSTEM PU
8412609		4704500374		108		LAWSON HRS INC 9850	LOGAN	21.0	GENERAL SYSTEM PU
8412604		4703300971		108		LEWIS B HINKLE 12160	ELK	20.0	GENERAL SYSTEM PU
8412592		4709700437		108		LLOYD REEDER 9898	WARREN	0.0	GENERAL SYSTEM PU
8412602		4703301400		108		LOUSIA HARRISON 4104	CLAY	1.0	GENERAL SYSTEM PU
8412644		4704500297		108		M D COOK 9743	TRIADELPHIA	0.0	GENERAL SYSTEM PU
8412606		4701701807		108		M T WILLIAMS 12117	GREENBRIER	21.0	GENERAL SYSTEM PU
8412594		4704102200		108		MICHAEL QUINN 1613	FREEMANS CREEK	4.0	GENERAL SYSTEM PU
8412605		4700101006		108		NANCY H PAUGH 6967	ELK	0.0	GENERAL SYSTEM PU
8412645		4704700274		108		OLGA COAL CO 10561	SANDY RIVER	0.0	GENERAL SYSTEM PU
8412599		4704102248		108		PATRICK HINES 3681	FREEMANS CREEK	1.0	GENERAL SYSTEM PU
8412725		4710900851		108		POCAHONTAS LAND CORP I-27 12712	BAKERS RIDGE	17.0	GENERAL SYSTEM PU
8412646		4707700077		108		VIRGINIA SEVERE 10173	RENO	0.0	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412643		4703500787		108		W B BARNETT 9481	UNION	0.0	GENERAL SYSTEM PU
8412727		4704101773		108		W G BENNETT 11311	FREEMANS CREEK	21.0	GENERAL SYSTEM PU
8412600		4700100049		108		W L MORRISON ACRES 100 9068	UNION	15.0	GENERAL SYSTEM PU
8412596		4704102230		108		WILLIAM FALLON 2955	FREEMANS CREEK	3.0	GENERAL SYSTEM PU
-EAGLE GAS CO				RECEIVED:	12/19/83	JA: WV			
8412718		4703302804		108		MABLE BRENT #1	CLAY DISTRICT	8.0	LUMBERPORT-SHINNS
-FRAME & LEANY RESOURCES				RECEIVED:	12/19/83	JA: WV			
8412658		4701500873		108		(B F PIERSON) HAYES OIL & GAS #1	B F PIERSON FARM (15	0.0	SOUTHEASTERN GAS
8412657		4701500033		108		B F PIERSON #1 (F-1234)	B F PIERSON FARM (40	0.0	SOUTHEASTERN GAS
8412656		4701500004		108		B F PIERSON F-1222 WELL #2	B F PIERSON FARM (40	0.0	SOUTHEASTERN GAS
8412659		4703500204		108		MARCELLA FISHER #1	MARCELLA FISHER FARM	0.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	12/19/83	JA: WV			
8412631		4708506333		103		FURBEE & SWEENEY H-1382	GRANT DISTRICT	25.0	CONSOLIDATED GAS
-HYDROCARBON DEVELOPMENT CORP				RECEIVED:	12/19/83	JA: WV			
8412634		4701302627		108		LOUIS BENNETT #I-598	ORMA	16.0	CONSOLIDATED GAS
-JAMAR LAND CO INC				RECEIVED:	12/19/83	JA: WV			
8412731		4709901747		103		GLENHAYES #6	LINCOLN DISTRICT	0.0	COLUMBIA GAS TRAN
8412732		4709901745		103		KEARNS #1	LINCOLN DISTRICT	0.0	COLUMBIA GAS TRAN
-L & B OIL CO INC				RECEIVED:	12/19/83	JA: WV			
8412628		4707301569		107-DV		DON WILSON #1	ST MARYS	35.0	
-L & M PETROLEUM INC				RECEIVED:	12/19/83	JA: WV			
8412632		4707301645		103		HAMMETT #1	UNION	10.0	CONSOLIDATED GAS
8412630		4707301614		103		RAWSON HEIRS #1	UNION	10.0	CONSOLIDATED GAS
-LENORE DEEM				RECEIVED:	12/19/83	JA: WV			
8412633		4708521909		108		A H TATE #1	A H TATE	9.6	CONSOLIDATED GAS
-PALEO INC				RECEIVED:	12/19/83	JA: WV			
8412636		4700700932		108		BREWSTER #1	ARNETT	3.5	CONSOLIDATED GAS
8412639		4700701620		108		BURDETTE #1	ARNETT	6.3	CONSOLIDATED GAS
8412637		4700700956		108		KIDD #1	ARNETT	1.9	CONSOLIDATED GAS
8412635		4700700915		108		SINGLETON #1	ARNETT	5.8	CONSOLIDATED GAS
8412638		4700701128		108		TRIO WILSON	ARNETT	3.9	CONSOLIDATED GAS
-PEAKE OPERATING CO				RECEIVED:	12/19/83	JA: WV			
8412615		4708100574		103		CRAB ORCHARD #1-AC	UNION	5.0	COLUMBIA GAS TRAN
8412621		4708100596		103		CRAB ORCHARD #9-AC	UNION	5.0	COLUMBIA GAS TRAN
8412619		4708100592		103		CRAB ORCHARD 10AC	UNION	5.0	COLUMBIA GAS TRAN
8412620		4708100600		103		CRAB ORCHARD 15AC	UNION	5.0	COLUMBIA GAS TRAN
8412624		4708100601		103		JONES & GIBSON 5AJ	UNION	5.0	COLUMBIA GAS TRAN
8412625		4708100618		103		JONES & GIBSON 6AJ	UNION	5.0	COLUMBIA GAS TRAN
8412623		4708100621		103		JONES & GIBSON 8AJ	UNION	5.0	COLUMBIA GAS TRAN
8412612		4708100591		103		NEW RIVER #9 AR	UNION	5.0	COLUMBIA GAS TRAN
8412611		4708100595		103		NEW RIVER BAR	UNION	5.0	COLUMBIA GAS TRAN
8412614		4708100589		103		NEW RIVER 10 AR	UNION	5.0	COLUMBIA GAS TRAN
8412622		4708100573		103		NEW RIVER 4AR	UNION	5.0	COLUMBIA GAS TRAN
8412616		4708100560		103		NEW RIVER 6-AR	UNION	5.0	COLUMBIA GAS TRAN
8412613		4708100590		103		NEW RIVER 7AR	UNION	5.0	COLUMBIA GAS TRAN
8412617		4704302594		103		TAYLOR I-A	UNION	5.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY				RECEIVED:	12/19/83	JA: WV			
8412719		4701302935		108		KENNY LAND & OIL COMPANY #2	HENRIETTA	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/05/83	JA: WV			
8412802		4706100317		108-PB		GREER A #1		0.0	CONSOLIDATED GAS
8412803		4706100319		108-PB		GREER B #1		0.0	CONSOLIDATED GAS
8412808		4707700128		108-PB		HALBRITTER A #1		0.0	CONSOLIDATED GAS
8412801		4707700102		108-PB		HOLMES B #1		0.0	CONSOLIDATED GAS
8412805		4706100303		108-PB		PERRY A #1	SOUTH BURNS CHAPEL	0.0	CONSOLIDATED GAS
8412806		4706100226		108-PB		PIXLER A #1		0.0	CONSOLIDATED GA S
8412804		4706100322		108-PB		ROBY D #1		0.0	CONSOLIDATED GAS
8412807		4706100314		108-PB		SELLARO A #1		0.0	CONSOLIDATED GAS
-ROGERS & SON				RECEIVED:	12/19/83	JA: WV			
8412717		4701302990		108		JOHN ARTHUR #1	LEE DISTRICT	2.5	COLUMBIA GAS TRAN
-TAY RIVER MINES LTD				RECEIVED:	12/19/83	JA: WV			
8412724		4708504736		108		C W WADE #1	BEREA	0.0	CARNEGIE NATURAL
-VISTA GAS & OIL CORP				RECEIVED:	12/19/83	JA: WV			
8412734		4707301611		103		CORNELL #4	JEFFERSON	20.0	CONSOLIDATED GAS
8412733		4707301627		103		H & S MILLER #1	JEFFERSON	15.0	CONSOLIDATED GAS
-WAYMAN W BUCHANAN				RECEIVED:	12/19/83	JA: WV			
8412629		4710501001		103		GROW #4	BURNING SPRINGS	0.0	CONSOLIDATED GAS

[FR Doc. 84-2095 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1046]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capital St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS VOLUME 1046
Issued January 19, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
**** KENTUCKY DEPARTMENT OF MINES & MINERALS ****									
-ASHLAND EXPLORATION INC				RECEIVED:	12/22/83	JA: KY			
8412866	506199	1619548846		103		COLONY COAL & COKE #72 - 094551	EASTERN KENTUCKY	75.0	COLUMBIA GAS TRAN
8412865	506202	1619547626		107-DV		JAMES HATCHER LAND CO #12 - 094002	EASTERN KENTUCKY	53.0	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	12/22/83	JA: KY			
8412864	506203	1619500000		107-DV		KENTLAND CO 820169	KENTUCKY FIELD AREA C	23.8	COLUMBIA GAS TRAN
-HAR-KEN OIL COMPANY				RECEIVED:	12/22/83	JA: KY			
8412863	506194	1617700000		102-4		PEABODY COAL COMPANY (CRAIG) #6	GRAHAM SEC 2-I-27	146.0	TEXAS GAS TRANSMI
8412862	506193	1617700000		102-4		PEABODY COAL COMPANY (MOSLEY) #3	GRAHAM	146.0	TEXAS GAS TRANSMI
-KEPCO INC				RECEIVED:	12/22/83	JA: KY			
8412873	506198	1607100000		107-DV		BOBBY LEE HACKWORTH - NO K423-1536D	KENTUCKY EAST	7.0	KENTUCKY WEST VIR
8412868	506197	1611900000		107-DV		RICHARD & JOE HALL - #KL418	KENTUCKY EAST	55.6	KENTUCKY WEST VIR
8412867	506196	1607100000		107-DV		ROBERT L BURCHETT - #KL390	KENTUCKY EAST	68.2	KENTUCKY WEST VIR
-KV OIL & GAS INC				RECEIVED:	12/22/83	JA: KY			
8412870	506618	1615900000		107-DV		A L MOORE MR 203	A L MOORE	15.0	COLUMBIA GAS TRAN
8412872	506619	1615900000		107-DV		J B CLARK MR 204	J B CLARK	30.0	COLUMBIA GAS TRAN
8412871	506620	1615900000		107-DV		W J PARKS MR 202	W J PARKS	15.0	COLUMBIA GAS TRAN
-WISER OIL CO				RECEIVED:	12/22/83	JA: KY			
8412869	506195	1612100000		102-2		GILBERT JONES WELL #1	KAY JAY	0.0	COLUMBIA GAS TRAN
**** OKLAHOMA CORPORATION COMMISSION ****									
-ATKINSON J V				RECEIVED:	12/21/83	JA: OK			
8412828	24236	3510500000		102-4		LEROY PLACE CT-3		15.0	RH OPERATING
8412827	24235	3510500000		102-4		LEROY PLACE CT-4		15.0	RH OPERATING
-BAMCO OIL & GAS INC				RECEIVED:	12/22/83	JA: OK			
8412892	23230	3504723348		102-2		MARCY LANE #1-35	CANEY DEL	1.0	UNION TEXAS PETRO
-BARBOUR ENERGY CORP				RECEIVED:	12/21/83	JA: OK			
8412818	25371	3508121039		103		AMERMAN #1		0.0	ALLIED MATERIALS
8412816	25373	3508120910		103		ETHRIDGE #1		0.0	ALLIED MATERIALS
8412815	25375	3508121046		103		HUDSON UNIT #1		0.0	ALLIED MATERIALS
8412817	25372	3508121289		103		LEMASTER SHIELDS UNIT #1-5		0.0	ALLIED MATERIALS
-BENSON-MCCOWN & CO				RECEIVED:	12/22/83	JA: OK			
8412881	25343	3510321255		103		WILDE #3	WEST PERRY	0.0	ARCO OIL & GAS CO
-BONRAY ENERGY CORP				RECEIVED:	12/22/83	JA: OK			
8412878	25357	3510300000		103		DONAHUE #33-1	S LONE ELM	30.0	AMINOIL USA INC
-CMC OIL & GAS LTD				RECEIVED:	12/22/83	JA: OK			
8412880	25347	3511922255		103		JOHNSON #3	WEST YALE	250.0	PHILLIPS PETROLEU
-CORE OIL & GAS CORP				RECEIVED:	12/22/83	JA: OK			
8412891	23193	3513322188		102-4		LARNEY #2		0.0	SOUTHWEST PETROGA
-COTTON PETROLEUM CORPORATION				RECEIVED:	12/21/83	JA: OK			
8412839	24672	3505121446		103		WYATT #1	NORGE SW	0.0	PHILLIPS PETROLEU
-CUESTA ENERGY CORP				RECEIVED:	12/21/83	JA: OK			
8412830	24755	3501121803		103		FEDERAL #1-1	S W LYONS	207.0	PHILLIPS PETROLEU
-CUMMINGS OIL CO				RECEIVED:	12/22/83	JA: OK			
8412895	23256	3504521086		102-4		VAUGHN #36-1		0.0	PRODUCERS GAS CO
-DAVIS OIL COMPANY				RECEIVED:	12/22/83	JA: OK			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412882	25336	3501722556		103		JOHN LAUB #1	COTTAGE GROVE	35.0	
-DLB ENERGY CORP				RECEIVED:	12/22/83	JA: OK			
8412887	22837	3507323733		102-4		YOWELL #32-9	SOONER TREND	0.0	PHILLIPS PETROLEU
-GRAHAM OIL & GAS LTD				RECEIVED:	12/21/83	JA: OK			
8412820	25313	3500722498		103		BOMMER #1	GUTHRIE	0.0	PHILLIPS PETROLEU
-GRIBBLE R W JR				RECEIVED:	12/22/83	JA: OK			
8412888	23062	3508520638		102-4		KIMBELL TRUST 2-13	N PIKE	90.0	AMINOIL USA INC
-GUIDON OIL & GAS CO INC				RECEIVED:	12/21/83	JA: OK			
8412814	25381	3510500000		108		STALL #1		0.0	NORTHWEST CENTRAL
-GULF OIL CORPORATION				RECEIVED:	12/22/83	JA: OK			
8412886	7595	3505120086		108-SA		JOHN COURTNEY #1	MIDDLEBURG (OSBORNE)	9.0	MOBIL OIL CORP
-HARPER OIL COMPANY				RECEIVED:	12/21/83	JA: OK			
8412819	25349	3509321630		103		DON CHOATE #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED:	12/22/83	JA: OK			
8412879	25350	3507322944		103		LEITNER #1		0.0	PHILLIPS PETROLEU
-HELMERICH & PAYNE INC				RECEIVED:	12/22/83	JA: OK			
8412894	23253	3504321670		102-4		BOILEAU #2-21	(NEW FIELD)	0.0	HYDROCARBON SERVI
-HOPPES WILLIAM B JR				RECEIVED:	12/22/83	JA: OK			
8412876	25360	3503723246		103		ANTHIS #2	CUSHING	36.5	S & T TRANSMISSIO
8412877	25361	3503723227		103		UNGLESBY NO 2-A	CUSHING	82.1	S & T TRANSMISSIO
-INEXCO OIL COMPANY				RECEIVED:	12/22/83	JA: OK			
8412890	23064	3512920961		102-2		HUGHES #1-16	N W HAMMON	450.0	
8412889	23063	3503920811		102-2		UPSHER #1-23	EAST HAMMON	91.0	
-J C HESTER JR				RECEIVED:	12/21/83	JA: OK			
8412822	25309	3503120600		108		WILHELMINA #2	EAST LAWTON	27.0	MANN INDUSTRIES I
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	12/21/83	JA: OK			
8412859	25110	3510321764		103		FRED KOPP #1	NORTHEAST SUMNER	114.0	NOBLE COUNTY OPER
8412857	25108	3510321803		103		K A SPAULDING #5	CERES SOUTH	90.0	ARCO OIL & GAS CO
8412858	25109	3510321970		103		K A SPAULDING #7	CERES SOUTH	76.0	ARCO OIL & GAS CO
-JOE C RICHARDSON JR				RECEIVED:	12/21/83	JA: OK			
8412840	24759	3500722430		103		KATE #1-7	MOCANE LAVERNE GAS AR	240.0	PEOPLES NATURAL G
-JONES & PELLOW OIL CO				RECEIVED:	12/21/83	JA: OK			
8412848	24904	3501922664		103		CARR #13-1		0 0	MOBIL OIL CORP
-K & P OIL CORP				RECEIVED:	12/21/83	JA: OK			
8412846	24911	3507323818		103		RUSSELL #23-1	SOONER TREND	365.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	12/21/83	JA: OK			
8412821	25310	3500700000		108		FLOYD SHEPPARD #1	S GLENWOOD	16.5	MICHIGAN-WISCONSI
-KIRKPATRICK OIL CO				RECEIVED:	12/21/83	JA: OK			
8412855	25021	3507323287		103		PHILLIPS UNIT #3		0.0	EXXON CO USA
8412854	25020	3507323443		103		STATES "A" #3		0 0	EXXON CO USA
-LEEDE OIL & GAS INC				RECEIVED:	12/21/83	JA: OK			
8412813	26480	3514920360		107-DP		GUTHRIE #1		651.9	
-MOBIL OIL CORP				RECEIVED:	12/21/83	JA: OK			
8412826	23385	3513700000		108		WILDHORSE UNIT #23-6 (FRANKLIN #6)	SHO VEL TUM	0.0	OKLAHOMA NATURAL
-O G OIL CO				RECEIVED:	12/21/83	JA: OK			
8412850	24931	3514723858		103		GUINN #B-13	GUINN LEASE	1.8	BARTLESVILLE GATH
8412849	24930	3514723961		103		GUINN #B-4	GUINN LEASE	3.0	BARTLESVILLE GATH
8412851	24932	3514724335		103		GUINN #P-4	GUINN LEASE	3.4	BARTLESVILLE GATH
8412852	24933	3514724336		103		GUINN #P-5	GUINN LEASE	2.8	BARTLESVILLE GATH
8412831	24929	3514724337		103		GUINN #P-6	GUINN LEASE	3.9	BARTLESVILLE GATH
-PETRO-LEWIS CORPORATION				RECEIVED:	12/21/83	JA: OK			
8412841	24893	3500300000		108		HUGHES #1 ID #5088101	SOONER TREND	4.7	UNION TEXAS PETRO
8412842	24894	3507300000		108		LOIS 25-1	SOONER TREND	3.0	EASON OIL CO
8412843	24896	3507300000		108		MCCANDLESS 1-1	SOONER TREND	16.8	PARTNERSHIP PROPE
8412844	24897	3507300000		108		SCHEMMER 34-1	SOONER TREND	7.7	PARTNERSHIP PROPE
8412834	25233	3513700000		108		SLEDGE A & B H M #7	SOUTH VELMA	4.9	GETTY OIL CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/22/83	JA: OK			
8412893	23244	3501722310		102-4		HUFNAGEL A #2	N CONCHO	0.0	DELHI GAS PIPELIN
-PREMIER OPERATING CO				RECEIVED:	12/21/83	JA: OK			
8412861	25115	3509322716		103		LEIERER #1	SOONER TREND	30.0	UNION TEXAS PETRO
-R & M PETROLEUM INC				RECEIVED:	12/21/83	JA: OK			
8412860	25114	3503725244		103		VICKERY 1A	STROUD	1.0	
-READING & BATES PETROLEUM CO				RECEIVED:	12/21/83	JA: OK			
8412832	24982	3504700000		103		EARLEY #1-4	KREMLIN	146.0	UNION TEXAS PETRO
-ROYE REALTY & DEVELOPING INC				RECEIVED:	12/22/83	JA: OK			
8412898	23278	3506120566		102-2		WATSON #1		153.3	ARKANSAS LOUISIAN
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	12/22/83	JA: OK			
8412896	23262	3503920679		102-2		TROXELL 1-11	E WEATHERFORD	584.0	PRODUCERS GAS CO
-SKI ENERGY				RECEIVED:	12/21/83	JA: OK			
8412829	24384	3514322546		103		SKI A1-9 #1		0.0	PHILLIPS PETROLEU
-SOONER CRUDE INC				RECEIVED:	12/21/83	JA: OK			
8412853	24956	3508322290		103		RALSTON #1	SOUTH CRESCENT 35-17N	80.0	CONOCO INC
-STANTON ENERGY INC				RECEIVED:	12/21/83	JA: OK			
8412825	25304	3503724665		103		DAVIS #1		70.0	
-TENNECO OIL COMPANY				RECEIVED:	12/21/83	JA: OK			
8412836	25296	3501922784		103		SOUTH GRAHAM DEESE SAND UNIT 9-5A	SHO-VEL-TUM	0.5	MOBIL OIL CORP
8412833	24983	3510321996		103		SOUTH LONE ELM CLEVELAND SAND #118	SOUTH LONE ELM	1.0	AMINOIL USA INC
8412837	25296	3510322011		103		SOUTH LONE ELM CLEVELAND SAND #125	SOUTH LONE ELM	1.0	AMINOIL USA INC
-TEXACO INC				RECEIVED:	12/21/83	JA: OK			
8412835	25244	3513723395		103		C E DENNY "A" #20	SHO VEL TUM	7.4	GETTY OIL CO
8412847	24916	3513921741		103		C OLSON #1	GUYMON NE	0.0	
-TEXACO INC				RECEIVED:	12/22/83	JA: OK			
8412885	24530	3502500000		108		ELLINGTON UNIT #1	GRIGGS S E	10.5	TRANSWESTERN PIPE
-TEXCO PETROLEUM INC				RECEIVED:	12/21/83	JA: OK			
8412856	25091	3511100000		103		BRUNER #1	NATURA	175.2	PHILLIPS PETROLEU
8412824	25305	3511124247		103		HENDRICKS #1	HECTORVILLE	233.0	PHILLIPS PETROLEU
-THE WIL-MC OIL CORP				RECEIVED:	12/22/83	JA: OK			
8412883	25330	3510321850		103		MOE JEROME #1	EAST POLO	6.4	
8412884	25328	3510321900		103		MOE JEROME #2	SOUTH AIRPORT	17.5	
-TOKLAN OIL CORP				RECEIVED:	12/21/83	JA: OK			
8412845	24899	3511921765		103		WEBB #2	LOST CREEK	400.0	SUN GAS TRANSMISS
-TOWNER PETROLEUM CO				RECEIVED:	12/22/83	JA: OK			
8412897	23270	3504520866		102-2		DENNETT #35-1		0.0	PHILLIPS PETROLEU
-UNION TEXAS PETROLEUM				RECEIVED:	12/21/83	JA: OK			
8412838	25119	3504723272		103		A MORAVEK #3		46.0	PANHANDLE EASTERN
-VIERSEN & COCHRAN				RECEIVED:	12/22/83	JA: OK			
8412875	25359	3504321739		103		STATE OF OKLAHOMA #2-36		55.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP				RECEIVED:	12/21/83	JA: OK			
8412823	25308	3501121823		103		GOULD #1	NW EAGLE CITY	1640.0	DELHI GAS PIPELIN

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED:	12/23/83	JA: WY			
8412900	NG 134-83	4904120567		107-DP		CHAMPLIN 804 AMOCO "C" #1	WOODRUFF NARROWS	376.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CHEVRON U S A INC				RECEIVED:	12/23/83	JA: WY			
8412903	NG 137-83	4904120486		102-4		PRU 24-5A	EAST PAINTER	900.0	
8412902	NG 136-83	4904120433		102-4		PRU 24-7A	EAST PAINTER	832.0	
8412904	NG 138-83	4904120455		102-4		PRU 44-7A	EAST PAINTER	1100.0	
-CHIPPEWA OIL & GAS INC				RECEIVED:	12/23/83	JA: WY			
8412922	NG 156-83	4900922200		102-4		CHIPPEWA 14-19	SCOTT FIELD	38.0	PHILLIPS PETROLEU
-ENERGETICS INC				RECEIVED:	12/23/83	JA: WY			
8412924	NG 159-83	4903722244		107-TF		LMU STATE 30-16	LITTLE MONUMENT UNIT	12.3	NORTHWEST PIPELIN
8412923	NG 158-83	4903722245		107-TF		STATE 20-16	LITTLE MONUMENT	112.9	NORTHWEST PIPELIN
-MILESTONE PETROLEUM INC				RECEIVED:	12/23/83	JA: WY			
8412921	NG 155-83	4900527031		103		BIRDSALL 32-5	PORCUPINE	16.0	PHILLIPS PETROLEU
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	12/23/83	JA: WY			
8412899	NG 86-83	4902320327		107-RT		EUBANK CATTLE CO #34-28	FONTENELLE	106.0	PACIFIC GAS TRANS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/23/83	JA: WY			
8412925	NG 160-83	4900526984		103		ADON ROAD FEE #2-13	N ADON ROAD FIELD	14.2	UNDEDICATED
-TEXACO INC				RECEIVED:	12/23/83	JA: WY			
8412901	NG 135-83	4903722206		103		TABLE ROCK UNIT #70	TABLE ROCK	65.0	COLORADO INTERSTA
-TOCO CORP				RECEIVED:	12/23/83	JA: WY			
8412912	NG 146-83	4904521413		102-4		COLLIN #2	FINN-SHURLEY	1.5	MGPC INC
8412911	NG 145-83	4904521386		102-4		COLLINS #1	FINN-SHURLEY	1.5	MGPC INC
8412919	NG 153-83	4904521643		102-4		COLLINS #10	FINN-SHURLEY	1 5	MGPC INC
8412920	NG 154-83	4904521644		102-4		COLLINS #11	FINN-SHURLEY	1.5	MGPC INC
8412913	NG 147-83	4915421414		102-4		COLLINS #3	FINN-SHURLEY	1.5	MGPC INC
8412914	NG 148-83	4904521435		102-4		COLLINS #4	FINN-SHURLEY	1.5	MGPC INC
8412915	NG 149-83	4904521978		102-4		COLLINS #5	FINN-SHURLEY	1.5	MGPC INC
8412916	NG 150-83	4904521641		102-4		COLLINS #6	FINN-SHURLEY	1.5	MGPC INC
8412917	NG 151-83	4904521642		102-4		COLLINS #7	FINN-SHURLEY	1.5	MGPC INC
8412918	NG 152-83	4904521752		102-4		COLLINS #9	FINN-SHURLEY	1.5	MGPC INC
-UNION OIL COMPANY OF CALIF				RECEIVED:	12/23/83	JA: WY			
8412926	NG 161-83	4900526821		102-2		STATE #1-L16	SCHOOL CREEK	80.0	PHILLIPS PETROLEU
-WESTERN PRODUCTION CO				RECEIVED:	12/23/83	JA: WY			
8412905	NG I39-83	4904522085		102-4		COLEN 10-10	SHURLEY	4.0	M G P C INC
8412906	NG 140-83	4904522000		102-4		GRIEVES #20	FINN	4.0	M G P C INC
8412907	NG 141-83	4904521477		102-4		WESTERN PRODUCTION 1-36-K	SHURLEY	2.0	M G P C INC
8412910	NG 144-83	4904522092		102-4		WESTERN STATE 1-35-F	SHIRLEY	3.0	M G P C INC
8412909	NG 143-83	4904522084		102-4		WRENCH 2-3	SHIRLEY	4.0	M G P C INC
8412908	NG 142-83	4904522083		102-4		WRENCH 3-3	SHURLEY	3.0	M G P C INC
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, LOS ANGELES,CA									
**********									
-UNION OIL COMPANY OF CALIF				RECEIVED:	12/22/83	JA: CA 2			
8412874	OCS P26-83	0431120555		102-5		SANTA CLARA UNIT WELL #S-25	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY									
**********									
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	12/21/83	JA: WY 5			
8412810	W633-2	4903520673		107-DP		RILEY RIDGE FEDERAL 33-24	SEC 33 T30N-R114W	0.0	
-AMOCO PRODUCTION CO				RECEIVED:	12/21/83	JA: WY 5			
8412811	W644-2	4902320424		107-TF		SHUTE CREEK UNIT #8	SHUTE CREEK - FRONTIE	181.0	
-CHEVRON U S A INC				RECEIVED:	12/21/83	JA: WY 5			
8412812	W640-2	4902320394		107-DP		CHEVRON-FEDERAL 1-31M	WHITNEY CANYON - CART	4600.0	COLUMBIA GAS TRAN
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	12/21/83	JA: WY 5			
8412809	W641-2	4902320461		102-2		HORSETRAP #1 (OSTREA)	WILD CAT	234.0	PACIFIC GAS AND E

[FR Doc. 84-2096 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1047]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft. rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
Issued January 19, 1984

VOLUME 1047

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION **********									
-BENNETT PETROLEUM CORP				RECEIVED: 12/27/83		JA: NY			
8413076	1596	3105115592		102-2		KENNETH M CURRY #1	UNNAMED	0.0	COLUMBIA GAS TRAN
8413077	1598	3105115784		102-2		MILO PATRICK & SONS #2	UNNAMED	0.0	COLUMBIA GAS TRAN
-EYE PETROLEUM ASSOCIATES				RECEIVED: 12/27/83		JA: NY			
8413081	5718	3102918464		103	107-TF	PEPPER #1	LAKESHORE	0.0	NATIONAL FUEL GAS
8413080	5719	3102918463		103	107-TF	PEPPER #2	LAKESHORE	0.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED: 12/27/83		JA: NY			
8413086	5222	3105117354		102-2		E NIXON #1 LRC #146	CALEDONIA	20.0	NEW JERSEY NATURA
8413075	5214	3105117370		102-2		E NIXON #2 LRC #156	CALEDONIA	20.0	NEW JERSEY NATURA
8413071	5218	3105117380		102-2		F E ANDERSON UNIT #1 LRC #170	CALEDONIA	20.0	NEW JERSEY NATURA
8413069	5221	3105117353		102-2		H WILSON UNIT #1 LRC #145	CALEDONIA	20.0	NEW JERSEY NATURA
8413065	5286	3105117404		102-2	107-TF	K B SIMPSON #1 LRC #179	CALEDONIA	20.0	NEW JERSEY NATURA
8413067	5332	3105117403		102-2	107-TF	K B SIMPSON UNIT #1 LRC #178	CALEDONIA	20.0	NEW JERSEY NATURA
8413070	5219	3105117406		102-2		K WALTON #1 LRC #181	CALEDONIA	20.0	NEW JERSEY NATURA
8413068	5334	3105117377		102-2	107-TF	L P HILL #1 LRC #168	WILDCAT	20.0	NEW JERSEY NATURA
8413064	5265	3105117405		102-2	107-TF	L P HILL UNIT #2 LRC #180	CALEDONIA	20.0	NEW JERSEY NATURA
8413066	5288	3105117373		102-2	107-TF	L T WALTON #1 LRC # 167	WILDCAT	20.0	NEW JERSEY NATURA
8413074	5215	3105117371		102-2		S R POWELL UNIT #2 LRC #157	CALEDONIA	20.0	NEW JERSEY NATURA
8413063	5224	3105117357		102-2		STURM & WILSON UNIT #1 LRC #153	CALEDONIA	20.0	NEW JERSEY NATURA
8413072	5217	3105117375		102-2		W H DOOLITTLE #1 LRC #166	CALEDONIA	20.0	NEW JERSEY NATURA
8413073	5216	3105117372		102-2		W H DOOLITTLE UNIT #1 LRC #165	CALEDONIA	20.0	NEW JERSEY NATURA
8413078	5223	3105117355		102-2		WEEWOOD FARM UNIT #2 LRC #150	CALEDONIA	20.0	NEW JERSEY NATURA
-TRAHAN PETROLEUM INC				RECEIVED: 12/27/83		JA: NY			
8413082	5929	3101312483		107-TF		FREDRICKSON NY #29 #31-013-12483	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8413083	5931	3101318490		107-TF		MANSFIELD #2 #31-013-18490	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8413085	5933	3101318491		107-TF		MANSFIELD #3 #31-013-18491	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
8413084	5935	3101318504		107-TF		MANSFIELD #4 #31-013-18504	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED: 12/27/83		JA: NY			
8413079	5907	3101318227		103	107-TF	HORTON UNIT #7	CHARLOTTE	20.0	COLUMBIA GAS TRAN
********** OKLAHOMA CORPORATION COMMISSION **********									
-ANADARKO PRODUCTION COMPANY				RECEIVED: 12/23/83		JA: OK			
8412995	23330	3500722014		102-4		KING "B" #1	EAST LORENA	11.0	PANHANDLE EASTERN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 12/23/83		JA: OK			
8413010	25478	3509322713		103		ESTER SCHRAG #2	CHANEY DEL MISSISSIPP	0.0	CHAMPLIN PETROLEU
-CLARK RESOURCES INC				RECEIVED: 12/23/83		JA: OK			
8413009	25470	3504723402		103		FREDA 35-1	SOONER TREND	25.0	EASON OIL CO
-CORE PETROLEUM LTD				RECEIVED: 12/23/83		JA: OK			
8412994	23358	3501521450		102-2		DUNCAN #1		0.0	PEOPLES NATURAL G
8412993	23359	3501521406		102-2		TAKEWA #1		0.0	PEOPLES NATURAL G
-EARLSBORO ENERGIES CORP				RECEIVED: 12/23/83		JA: OK			
8413007	25468	3515121402		103		BLH #1-35	OAKDALE	272.0	
8413008	25469	3509322721		103		GARD #1-24		180.0	PHILLIPS PETROLEU
8413006	25467	3509322730		103		JAMES NOBLE #1-4		127.0	TRANSOK PIPE LINE
8413005	25466	3515121394		103		PARKER #2-2		166.0	AMINOIL USA INC

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HOLD OIL CORP				RECEIVED:	12/23/83	JA: OK			
8412996	23309	3512121002		102-2		J C HOUCK #1	BROOKEN FIELD	250.0	ARKANSAS LOUISIAN
-JET OIL COMPANY				RECEIVED:	12/23/83	JA: OK			
8413003	25462	3508322305		103		EWING #2	ELKHORN	0.0	EASON OIL CO
8413002	25461	3508322222		103		MCNEILL #1	ORLANDO	0.0	EASON OIL CO
-RAMBLER CO				RECEIVED:	12/23/83	JA: OK			
8413000	22360	3504923158		102-4		HINTON #2-2		0.0	
-REGENCY EXPLORATION INC				RECEIVED:	12/23/83	JA: OK			
8412992	23434	3505321069		102-2		LEFORCE FARMS #2-34		0.0	UNION TEXAS PETRO
-ROYAL OIL & GAS CORPORATION				RECEIVED:	12/23/83	JA: OK			
8413001	25440	3511922260		103		H C ROBINSON #5	PRATT FIELD	36.5	ENTERPRISE DEVELO
-STANTON ENERGY INC				RECEIVED:	12/23/83	JA: OK			
8412998	23302	3514322253		103		FIXICO #1	KEYSTONE	25.0	COLORADO GAS COMP
8412997	23303	3514322423		102-4		JOSH #1	KEYSTONE	25.0	COLORADO GAS COMP
-TEXCO PETROLEUM INC				RECEIVED:	12/23/83	JA: OK			
8412991	25314	3511124194		103		JAMES CROWELL #4	HECTOR	9.9	PHILLIPS PETROLEU
-THE WIL-MC OIL CORP				RECEIVED:	12/23/83	JA: OK			
8413011	25505	3510721454		103		PRINCE #1	WELEETKA	10.0	TRANSOK PIPE LINE
-TXO PRODUCTION CORP				RECEIVED:	12/23/83	JA: OK			
8413004	25463	3501722575		103		WIEDEMANN #2	E RICHLAND	0.0	DELHI GAS PIPELIN
-WESSELY ENERGY CORPORATION				RECEIVED:	12/23/83	JA: OK			
8412999	23172	3504922029		102-4		MANTOOTH #3 049-59990-3-1966	S STORY	10.0	NORTHWEST CENTRAL
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ASHTOLA PRODUCTION CO				RECEIVED:	12/23/83	JA: PA			
8412940	19464	3705120287		108		HENRY MCCRACKEN #1	WALTERSBURG	0.0	COLUMBIA GAS PENN
8412939	19463	3705120283		108		LELAND B COLDREN #1	WALTERSBURG	0.0	INDUSTRIAL ENERGY
8412948	20226	3705321653		108		NATIONAL FUEL WARRANT 3188 A-14	DEADMAN CORNERS	0.0	UGI DEVELOPMENT C
8412938	19426	3705324230		108		PENNZOIL WARRANT 5102 X-14	DEADMAN CORNERS	0.0	UGI DEVELOPMENT C
-CASTLE GAS CO INC				RECEIVED:	12/23/83	JA: PA			
8412968	21561	3706327428		103		BORO OF INDIANA #1 (C-772)	CENTER TOWNSHIP	50.0	PEOPLES NATURAL G
8412970	21564	3706327431		103		V J ENDERLEIN #4 (C-770) IND-27431	WHITE TOWNSHIP	60.0	PEOPLES NATURAL G
8412969	21562	3706327380		103		WM J BROOKS #3 (C-683) IND-27380	GREEN TOWNSHIP	65.0	COLUMBIA GAS TRAN
-CNG DEVELOPMENT CO				RECEIVED:	12/23/83	JA: PA			
8412959	21523	3706327514		103		C J CLAWSON #2 CNGD #89	MONTGOMERY TOWNSHIP	40.0	
8412960	21524	3706327504		103		HAROLD R BROCIOUS #1 CNGD #88	GREEN TOWNSHIP	8.0	
8412961	21526	3706327515		103		JOSEPH D TONKIN #1 CNGD #86	GRANT TOWNSHIP	43.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	12/23/83	JA: PA			
8412971	21594	3703321539		102-4		J L BROTHERS #11 WN-1981	BURNSIDE	67.0	GENERAL SYSTEM PU
-D & P DRILLING CO				RECEIVED:	12/23/83	JA: PA			
8412962	21535	3706327382		103		LEONARD UNIT #2 WELL 1	WHITE	30.0	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC				RECEIVED:	12/23/83	JA: PA			
8412966	21555	3706327601		102-2		JAMES LOWE JR #1 KA-180	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
-EXLEY OIL & GAS CORP				RECEIVED:	12/23/83	JA: PA			
8412944	19946	3712128191		108		WELL #1	BOOCKS FARM	0.0	NATIONAL FUEL GAS
8412946	19948	3712128183		108		WELL #2	BOOCKS FARM	0.0	NATIONAL FUEL GAS
8412945	19947	3712128184		108		WELL #3	BOOCKS FARM	0.0	NATIONAL FUEL GAS
8412943	19945	3712128185		108		WELL #4	BOOCKS FARM	0.0	NATIONAL FUEL GAS
8412947	19949	3712128187		108		WELL #6	BOOCKS FARM	0.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO				RECEIVED:	12/23/83	JA: PA			
8412958	21522	3706322511		103		GEORGE STIFFLER #2 F-3753	CUSH CUSHION	25.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	12/23/83	JA: PA			
8412986	21667	3703321653		102-2		ANTHONY BERNECKY #1 - FDG #288	BURNSNE TOWNSHIP	25.5	COLUMBIA GAS TRAN
-G & G GAS INC				RECEIVED:	12/23/83	JA: PA			
8412965	21551	3703121278		103		REED MILLING #1	REDBANK	9.0	COLUMBIA GAS TRAN
-HANLEY & BIRD				RECEIVED:	12/23/83	JA: PA			
8412949	21250	3700522544		103		F & A MATTILIO SHB-14 SN1726	RURAL VALLEY	11.0	APOLLO GAS CO
8412957	21520	3700522846		103		JOHN & ELVA ODOSSO #1 SHB-15 SN1727	BELKNAP	5.5	PEOPLES NATURAL G
-I L GEER & SONS				RECEIVED:	12/23/83	JA: PA			
8412989	21743	3712326601		108		LOT 614 #1	CLARENDON	1.4	UGI CORP
8412990	21745	3712326602		108		LOT 615 #1	CLARENDON	1.4	UGI CORP
8412987	21738	3712327869		108		LOT 615 #2	CLARENDON	1.4	UGI CORP
8412988	21742	3712327871		108		LOT 640 #1	CLARENDON	1.4	UGI CORP
-J C ENTERPRISES				RECEIVED:	12/23/83	JA: PA			
8412954	21400	3700522849		103		DANNY B STEELE ARM-22849 #211	PLUMVILLE	42.5	
8412978	21619	3700522848		103		DONALE E MCENTIRE JR ARM-22848 #209	PLUMVILLE	30.0	
8412955	21401	3700522847		103		HARVEY WALL ARM-22847 #208-1	PLUMVILLE	47.5	
8412977	21618	3700522863		103		MARLIN B STEELE ARM-22863 #214-2	PLUMVILLE	40.0	
-MARK RESOURCES CORP				RECEIVED:	12/23/83	JA: PA			
8412956	21480	3712135078		102-3		DEETER #1	JACKSON	50.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	12/23/83	JA: PA			
8412983	21636	3703922014		102-2		BUNTING MERLE #714-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
8412984	21637	3703922014		107-TF		BUNTING MERLE #714-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
8412981	21634	3703922019		102-2		BUNTING UNIT (SHERRED) #710-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
8412982	21635	3703922019		107-TF		BUNTING UNIT (SHERRED) #710-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
-MICON ENERGY GROUP LTD				RECEIVED:	12/23/83	JA: PA			
8412928	19045	3708300314		108		AS #1	DANIEL CROWLEY	7.3	NORTH PENN GAS CO
8412936	19058	3708339322		108		CROWLEY #21	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412934	19056	3708340386		108		CROWLEY #47	CROWLEY	7.3	NORTH PENN GAS CO
8412933	19055	3708340387		108		CROWLEY #48	CROWLEY	7.3	NORTH PENN GAS CO
8412932	19054	3708339651		108		CROWLEY #60	CROWLEY	7.3	NORTH PENN GAS CO
8412931	19053	3708339653		108		CROWLEY #62	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412935	19057	3708339963		108		CROWLEY #64	CROWLEY	7.3	NORTH PENN GAS CO
8412930	19052	3708340373		108		CROWLEY #66	CROWLEY	7.3	NORTH PENN GAS CO
8412929	19051	3708340374		108		CROWLEY #67	CROWLEY	7.3	NORTH PENN GAS CO
8412937	19203	3708338874		108		CROWLEY #9	CROWLEY	7.3	NORTH PENN GAS CO
-PEMCO GAS INC				RECEIVED:	12/23/83	JA: PA			
8412964	21547	3700522836		103		HARRY S MARSHALL #1	W PA UPPER DEVONIAN S	28.8	PEOPLES NATURAL G
-PEOPLES NATURAL GAS CO				RECEIVED:	12/23/83	JA: PA			
8412975	21616	3706327496		103		A RICHARD KINTER #2 IND-27496	W PENNA UPPER DEVONIA	14.0	PEOPLES NATURAL G
8412976	21617	3706327479		103		LOTTIE N FLENNIKEN #4 IND-27479	W PENNA UPPER DEVONIA	40.0	PEOPLES NATURAL G
8412974	21615	3706327500		103		MAX C ALTMAN #3 IND-27500	W PENNA UPPER DEVONIA	20.0	PEOPLES NATURAL G
8412972	21612	3706327463		103		RALPH E GREENE #4-IND-27463	W PENNA - UPPER DEVON	83.0	PEOPLES NATURAL G
8412973	21614	3706327577		103		VERA TRIMARCHI #5 - IND-27577	W PENNA UPPER DEVONIA	60.0	THE PEOPLES NATUR
-PHILLIPS PRODUCTION CO				RECEIVED:	12/23/83	JA: PA			
8412963	21536	3706327568		103		BLAINE & RAYMOND C MCADOO #1	GRANT	25.0	
-S T JOINT VENTURE 82-D				RECEIVED:	12/23/83	JA: PA			
8412985	21638	3703321558		103		IDEAL FOUNDATION #1	BRADY	25.0	NATIONAL FUEL GAS
-SCOTT AND HUSSING				RECEIVED:	12/23/83	JA: PA			
8412941	19592	3700522328		108		RUTH L KIMMEL #1 WELL #124	PLUM CREEK	20.0	BETHLEHEM STEEL C
8412942		3700522329		108		RUTH L KIMMEL #2 WELL #125	PLUM CREEK	20.0	BETHLEHEM STEEL C
-THO-JO ENTERPRISES INC				RECEIVED:	12/23/83	JA: PA			
8412927	9472	3706320424		108		ORVILLE WATSON #2	WASHINGTON	2.4	PEOPLES NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TURM OIL INC				RECEIVED:	12/23/83	JA: PA			
8412950	21341	3700522858		103		KENNETH P & DOROTHY M BRICE #1	DAYTON	40.0	APOLLO GAS CO
8412951	21342	3700522862		103		RAY A FRAILEY #1	GASTOWN	36.0	APOLLO GAS CO
-VICTORY ENERGY CO				RECEIVED:	12/23/83	JA: PA			
8412967	21560	3706327485		103		CLARK #1 IND-27485	BANKS	36.0	COLUMBIA GAS TRAN
-WAINOCO OIL & GAS CO				RECEIVED:	12/23/83	JA: PA			
8412952	21374	3703921990		102-2		DWIGHT KING #1 (W-216A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8412953	21375	3703921990		107-TF		DWIGHT KING #1 (W-216A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8412979	21628	3703921977		102-2		T E HUTCHINSON #1 (W-133A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
8412980	21629	3703921977		107-TF		T E HUTCHINSON #1 (W-133A)	ATHENS FIELD	16.0	COLUMBIA GAS TRAN
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WEST VIRGINIA DEPARTMENT OF MINES									
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-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	12/27/83	JA: WV			
8413060		4700101800		103		ELMER E CAMPBELL ET AL 12785	PHILIPPI	10.0	GENERAL SYSTEM PU
8413061		4701303564		103		H M BENNETT 12870	WASHINGTON	7.0	GENERAL SYSTEM PU
-ENERGY UNLIMITED INC				RECEIVED:	12/27/83	JA: WV			
8413062		4710720875		108		ELLIOTT-STEPHENS #1 UNIT	UNION DISTRICT	0.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, LOS ANGELES,CA									
**********									
-TEXACO INC				RECEIVED:	12/27/83	JA: CA 2			
8413057	OCS-P-0234	0431120499		102-5		PITAS POINT UNIT WELL #A-5 LOWER	CHANNEL ISLANDS AREA	1144.0	PACIFIC INTERSTAT
8413059	OCS-P 0346	0431120499		102-1		PITAS POINT UNIT WELL #A-5 LOWER	CHANNEL ISLANDS AREA	936.0	PACIFIC INTERSTAT
8413056	OCS-P-0234	0431120499		102-5		PITAS POINT UNIT WELL #A-5 UPPER	CHANNEL ISLANDS AREA	1315.0	PACIFIC INTERSTAT
8413058	OCS-P 0346	0431120499		102-1		PITAS POINT UNIT WELL #A-5 UPPER	CHANNEL ISLANDS AREA	1076.0	PACIFIC INTERSTAT
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE,NM									
**********									
-DEPCO INC				RECEIVED:	12/27/83	JA: NM 4			
8413040	RNM-0554-83	3000561927		102-2		ROSE FEDERAL #6	PECOS SLOPES ABO	400.0	TRANSWESTERN PIPE
8413051	RNM-0051-83	3000561936		107-TF		ROSE FEDERAL #8	PECOS SLOPES ABO	365.0	TRANSWESTERN PIPE
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/27/83	JA: NM 4			
8413033	RNM-0050-83	3002524554		108		RHODES STORAGE UNIT #7 WDRL	RHODES-YATES 7 RV GS	38.0	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	12/27/83	JA: NM 4			
8413036	RNM 0261-83	3002527603		102-4		NORTH BILBREY 7 FEDERAL WELL #1	SOUTH SALT LAKE MORRO	329.0	EL PASO NATURAL G
-MCCLELLAN OIL CORPORATION				RECEIVED:	12/27/83	JA: NM 4			
8413030	RNM 0057-83	3000570591		102-4		COYOTE FEDERAL #4-Y WELL NM 16069	UNDESIGNATED (ABO)	109.5	TRANSWESTERN PIPE
8413052	RNM 0077-83	3000562006		102-4		MCCLELLAN FEDERAL MOC #5 NM-36409	PECOS SLOPE (ABO)	109.5	TRANSWESTERN PIPE
8413053	RNM 0076-83	3000562007		102-4		MCCLELLAN FEDERAL MOC #6 NM-36409	PECOS SLOPE (ABO)	107.6	TRANSWESTERN PIPE
8413045	RNM 0022-83	3000561838		102-4		MCCLELLAN LEEMAN FED #2 NM-13978	UNDESIGNATED (ABO)	182.5	TRANSWESTERN PIPE
-MESA PETROLEUM CO				RECEIVED:	12/27/83	JA: NM 4			
8413043	RNM 0074-83	3000561721		102-3		LEILA FEDERAL #2	WILDCAT ABO	360.0	
8413041	RNM 0071-83	3000561994		102-2		MACHO FEDERAL #5	WEST PECOS SLOPE ABO	922.0	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: NM 4			
8413039	RNM 0500-83	3002526185		108		EILLIAMS #8	MALJAMAR-GRAYBURG/SAN	1.0	EL PASO NATURAL G
-WESTALL-MASK				RECEIVED:	12/27/83	JA: NM 4			
8413038	RNM 0880-83	3001522356		108		HINKLE B FEDERAL #9	SHUGART	0.0	CONTINENTAL OIL C
8413037	RNM 0079-83	3001522732		108		KEOHANE FEDERAL #24-1	SHUGART	0.0	PHILLIPS PETROLEU
-YATES PETROLEUM CORPORATION				RECEIVED:	12/27/83	JA: NM 4			
8413035	RNM-0105-83	3000561916		102-2		BINNON TT FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413054	RNM 0044-83	3000561938		102-2		BINNON TT FED #6	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413048	RNM 0059-83	3000561955		102-2		DORIS RI FED #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413042	RNM 0098-83	3000561957		107-TF		FEDERAL HY #8	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413046	RNM 0062-83	3000561917		102-2		HUCKABY TJ FED #4	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413032	RNM-0100-83	3000561952		107-TF		HUCKABY TJ FED #5	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413047	RNM-005883	3000561958		102-3		INGRAM WY FED #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413031	RNM-0099-83	3000561972		107-TF		PEEK WU FED #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413034	RNM 0101-83	3000561973		107-TF		RITA TZ FED #2	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413050	RMN-006183	3000561940		107-TF		SORENSON IB FED #2	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413055	RNM-0041-83	3000561851		102-3		TECKLA MD FED #6	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413049	RNM 0060-83	3000561948		102-2		THOMAS LN FED #7	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8413029	RNM-0063-83	3000561842		102-3		WITTER VW FED #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
-ZIA ENERGY INC				RECEIVED:	12/27/83	JA: NM 4			
8413044	RNM 0019-83	3002526304		108		FEDERAL #1	EUMONT YATES SEVEN RI	21.5	EL PASO NATURAL G
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY									
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-BURNETT OIL CO INC				RECEIVED:	12/27/83	JA: WY 5			
8413014	W 708-2	4900526393		103		BOC FEDERAL 41-12	WEST TODD	19.0	PHILLIPS PETROLEU
8413021	W 772-2	4900526393		102-2		BOC FEDERAL 41-12	WEST TODD	19.0	PHILLIPS PETROLEU
8413015	W709-2	4904521920		103		FEDERAL 21-7	WEST TODD	46.0	PHILLIPS PETROLEU
8413028	W771-2	4904521920		102-2		FEDERAL 21-7	WEST TODD	46.0	PHILLIPS PETROLEU
-CITIES SERVICE COMPANY				RECEIVED:	12/27/83	JA: WY 5			
8413023	W 746-2	4902720625		102-2		COW CREEK FEDERAL UNIT #3	COW CREEK	14.0	
8413026	W 734-2	4900526684		103		HARTZOG DRAW UNIT TRACT 13 #5198A	HARTZOG DRAW UNIT	40.1	
8413027	W 733-2	4900526458		103		HARTZOG DRAW UNIT TRACT 75 #5207	HARTZOG DRAW UNIT	18.3	PANHANDLE EASTERN
-COASTAL OIL & GAS CORP				RECEIVED:	12/27/83	JA: WY 5			
8413019	W 729-2	4902521402		107-DP		BULLFROG UNIT #2 (7-36-86)	WALTMAN (DEEP)	297.0	
8413020	W 730-2	4902521402		102-3		BULLFROG UNIT #2 (7-36-86)	WALTMAN (DEEP)	297.0	
-CZAR RESOURCES INC				RECEIVED:	12/27/83	JA: WY 5			
8413025	W 735-2	4900526728		102-4		FEDERAL 29-2	PORCUPINE (DAKOTA)	200.0	MCCULLOCH GAS PRO
-ENSERCH EXPLORATION INC				RECEIVED:	12/27/83	JA: WY 5			
8413024	W 736-2	4900922009		103		BUSTARD FEDERAL #1-5	MANNING (EXT) (FIRST	0.0	
-HPC INC				RECEIVED:	12/27/83	JA: WY 5			
8413017	W720-2	4900922069		102-2		BARNBURNER FEDERAL #20-1	SCOTT	1.0	PHILLIPS PETROLEU
-J M HUBER CORPORATION				RECEIVED:	12/27/83	JA: WY 5			
8413016	W 713-2	4900524901		108		FEDERAL #29-1	LITTLE THUNDER	18.0	MGPC INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: WY 5			
8413022	W 770-2	4900922204		102-2		W GIBSON DRAW FED J #1	WILDCAT	31.3	PANHANDLE EASTERN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	12/27/83	JA: WY 5			
8413018	W723-2	4900500005		108		UTE MUDDY SAND UNIT #1-8	UTE	0.2	MCOR OIL & GAS CO
-WOODS PETROLEUM CORPORATION				RECEIVED:	12/27/83	JA: WY 5			
8413012	W661-2	4900526577		103		PINE TREE UNIT #19-49	PINE TREE	66.0	WESTERN GAS PROCE
8413013	W 695-2	4900526590		103		PINE TREE UNIT #32-52	PINE TREE	33.0	WESTERN GAS PROCE

[FR Doc. 84-2097 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1048]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 19, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
Issued January 19, 1984

VOLUME 1048

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-BETA DEVELOPMENT CO				RECEIVED:	12/27/83	JA: NM			
8413192		3004500000		108-PB		HAMPTON D #1	BASIN	0.0	EL PASO NATURAL G
-BROWN JOE E				RECEIVED:	12/27/83	JA: NM			
8413177		3004100000		108		CHAVEROO "B" STATE #2	CHAVEROO SAN ANDRES	24.3	CITIES SERVICE OI
8413189		3004100000		108		SHACKELFORD #1	CHAVEROO SAN ANDRES	2.5	CITIES SERVICE OI
-C & E OPERATORS INC				RECEIVED:	12/27/83	JA: NM			
8413196		3004500000		108-PB		BROWN #1	AZTEC	0.0	EL PASO NATURAL G
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: NM			
8413184		3000500000		108		STATE 5-8-33 #3	CHAVEROO - SAN ANDRES	4.2	NORTHWEST CENTRAL
-CONOCO INC				RECEIVED:	12/27/83	JA: NM			
8413190		3002509387		108		LANGLIE LYNN QUEEN UNIT #4	NMFU - LANGLIE MATTIX	1.6	PETRO-LEWIS CORP
-DUGAN PRODUCTION CORP				RECEIVED:	12/27/83	JA: NM			
8413182		3004508865		108		SOUTHWEST MOUNDS COM #1	BASIN DAKOTA	12.0	EL PASO NATURAL G
8413183		3004507801		108		SULLIVAN #4 WELL	AZTEC FRUITLAND	10.0	EL PASO NATURAL G
-EL PAMCO INC				RECEIVED:	12/27/83	JA: NM			
8413197		3004507901		108-PB		SULLIVAN #6	AZTEC	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/27/83	JA: NM			
8413186		3004510366		108		ATLANTIC A #6	BLANCO - MESAVERDE	12.0	EL PASO NATURAL G
8413185		3004511457		108		HEIZER #1	BLANCO - MESA VERDE	16.0	EL PASO NATURAL G
8413198		3003907047		108-PB		RINCON UNIT #21	BLANCO	0.0	EL PASO NATURAL G
8413199		3003906966		108-PB		SAN JUAN 27-4 UNIT MV & PC	TAPACITO - PC BLANCO	0.0	EL PASO NATURAL G
8413204		3003920613		108-PB		SAN JUAN 27-5 UNIT	TAPACITO	0.0	EL PASO NATURAL G
8413207		3003906828		108-PB		SAN JUAN 27-5 UNIT #36 PC & MV	TAPACITO PC & BLANCO	0.0	EL PASO NATURAL G
8413206		3003960067		108-PB		SAN JUAN 27-5 UNIT 29 PC & MV	TAPACITO PC & BLANCO	0.0	EL PASO NATURAL G
8413203		3003920890		108-PB		SAN JUAN 28-6 UNIT	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413188		3003921637		108		SAN JUAN 28-7 UNIT #250	BASIN DAKOTA	15.0	EL PASO NATURAL G
8413200		3003907480		108-PB		SAN JUAN 29-7 UNIT	BLANCO	0.0	EL PASO NATURAL G
8413201		3003900000		108-PB		SAN JUAN 30-6 UNIT #41	BLANCO	0.0	EL PASO NATURAL G
8413202		3003907983		108-PB		SAN JUAN 32-5 UNIT #10	BLANCO	0.0	EL PASO NATURAL G
8413187		3004524196		108		SAN JUAN 32-9 UNIT #57A	BLANCO - MESA VERDE	10.0	EL PASO NATURAL G
8413208		3004508707		108-PB		SCHULTZ COM C #7	AZTEC	0.0	EL PASO NATURAL G
8413205		3004506485		108-PB		TURNER B COM B #7	FULCHER KUTZ	0.0	EL PASO NATURAL G
-HCW EXPLORATION INC				RECEIVED:	12/27/83	JA: NM			
8413172		3000500000		103		GRIFFIN #1	CHAVEROO / SAN ANDRES	6.0	CITIES SERVICE OI
8413170		3000500000		103		GRIFFIN #2	CHAVEROO / SAN ANDRES	6.0	CITIES SERVICE OI
8413171		3002500000		103		R W COWDEN "C" #9	JALMAT (GAS)	8.6	GULF OIL CORP
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: NM			
8413178		3002527113		108		EAST VAC GB/SA UNIT TR 1904 #002	VACUUM GB/SA	0.0	EL PASO NATURAL G
-SHELL OIL CO				RECEIVED:	12/27/83	JA: NM			
8413180		3002500000		108		N HOBBS (G-SA) UNIT SEC 14 #331	HOBBS (G-SA)	4.9	PHILLIPS PETROLEU
8413181		3002500000		108		N HOBBS (G-SA) UNIT SEC 23 #412	HOBBS (G-SA)	16.1	PHILLIPS PETROLEU
8413179		3002500000		108		STATE J #6	OIL CENTER BLINEBRY	4.1	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	12/27/83	JA: NM			
8413195		3004508712		108-PB		MCGRATH A #1 DK	BASIN	0.0	SOUTHERN UNION GA
8413194		3004523067		108-PB		PAGE #2A MV	BLANCO	0.0	SOUTHERN UNION GA
8413193		3004510503		108-PB		WEST SADIE #1	BLANCO	0.0	SOUTHERN UNION GA

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TENNECO OIL COMPANY				RECEIVED: 12/27/83 JA: NM					
8413176		3004500000		108		JACQUES #1	BLANCO MESAVERDE	15.0	SOUTHERN UNION GA
-TEXACO INC				RECEIVED: 12/27/83 JA: NM					
8413174		3004508976		108		NEW MEXICO COM "J" WELL #1	AZTEC-PICTURED CLIFFS	19.0	EL PASO NATURAL G
-UNION TEXAS PETROLEUM				RECEIVED: 12/27/83 JA: NM					
8413175		3002528198		103		POST #2	SOUTH KING (DEVONIAN	110.0	WARREN PETROLEUM
-YATES PETROLEUM CORPORATION				RECEIVED: 12/27/83 JA: NM					
8413173		3002528137		103		PALOMA "WW" ST #1	LAZY J PENN	0.0	WARREN PETROLEUM
-ZACHARY OIL OPERATING CO				RECEIVED: 12/27/83 JA: NM					
8413191		3002500000		108-PB		MARSHALL 1 #1	EUMONT	0.0	EL PASO NATURAL G
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/27/83 JA: LA 3					
8413090	G3-3531	1771140559		102-5		OCS G-2919 SHIP SHOAL BLOCK 91 #A-2	SHIP SHOAL	146.0	TRANSCO GAS SUPPL
8413087	G3-3532	1771140568		102-5		OCS G-2919 SHIP SHOAL BLOCK 91 #A-3	SHIP SHOAL	37.0	TRANSCO GAS SUPPL
8413091	G3-3533	1771140625		102-5		OCS G-2919 SHIP SHOAL BLOCK 91 #A-4	SHIP SHOAL	749.0	TRANSCO GAS SUPPL
8413092	G3-3534	1771140582		102-5		OCS G-2919 SHIP SHOAL BLOCK 91 #A-5	SHIP SHOAL	71.0	TRANSCO GAS SUPPL
8413093	G3-3535	1771140592		102-5		OCS G-2919 SHIP SHOAL BLOCK 91 #A-6	SHIP SHOAL	411.0	TRANSCO GAS SUPPL
8413088	G3-3991	1770040524		102-1		OCS G-3965 WEST CAMERON BLK 239 #4	WEST CAMERON	175.0	MICHIGAN WISCONSI
8413095	G3-3985	1770040617		102-1		OCS G-4758 WEST CAMERON BLK 212 #C5	WEST CAMERON	2500.0	CAJUN NATURAL GAS
8413094	G2-3301	1772140244		102-5		OCS-G 1608 E-9	SOUTH PASS BLOCK	47.0	SOUTHERN NATURAL
8413089	G3-3657	1772140247		102-5		OCS-G 1611 SOUTH PASS BLOCK 66 #A-1	SOUTH PASS	200.0	SOUTHERN NATURAL
-CHEVRON U S A INC				RECEIVED: 12/27/83 JA: LA 3					
8413127	G3-3897	1770740416		107-DP		OCS-G-1160 #6	SOUTH MARSH ISLAND	183.0	NATURAL GAS PIPEL
8413097	G3-3735	1770640305		102-5		OCS-G-3137 #A-6D	VERMILION	170.0	COLUMBIA GAS TRAN
-DIAMOND CHEMICAL CO				RECEIVED: 12/27/83 JA: LA 3					
8413133	G3-4021	1770540562		102-1		VERMILION BLOCK 45 WELL #1	VERMILION	0.0	
8413110	G3-4023	1770040555		102-1		WEST CAMERON BLOCK 192 WELL #1	WEST CAMERON	0.0	
8413111	G3-4024	1770040577		102-1		WEST CAMERON BLOCK 192 WELL #5	WEST CAMERON	0.0	
-GULF OIL CORPORATION				RECEIVED: 12/27/83 JA: LA 3					
8413102	G3-3518	1772040096		102-5		OCS-G 1101 WELL G-18 W/D BLK 117	WEST DELTA	117.0	TEXAS EASTERN TRA
8413112	G3-4030	1772440252		102-1		OCS-G 4127 WELL #A-7-D	MAIN PASS AREA	438.0	SOUTHERN NATURAL
8413121	G3-3879	1772440249		102-1		OCS-G 4127 WELL A-6	MAIN PASS AREA	912.0	SOUTHERN NATURAL
8413114	G3-4031	1772440252		102-1		OCS-G 4127 WELL A-7	MAIN PASS AREA	153.0	SOUTHERN NATURAL
-KERR-MCGEE CORPORATION				RECEIVED: 12/27/83 JA: LA 3					
8413132	G3-4032	1770340402		102-1		OCS G-4415 #2	EAST CAMERON	0.0	
-MESA PETROLEUM CO				RECEIVED: 12/27/83 JA: LA 3					
8413140	G2-2966	1770640493		102-5		VERMILION BLOCK 397 WELL A-16 S/T	VERMILION	1825.0	MICHIGAN WISCONSI
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED: 12/27/83 JA: LA 3					
8413136	G2-2585	1772540204		102-5		MAIN PASS BLOCK 72/74 #C - 1B (ALT)	MAIN PASS	154.0	UNITED GAS PIPE L
8413137	G2-2623	1772540215		102-5		MAIN PASS BLOCK 72/74 #C - 4A	MAIN PASS	95.0	UNITED GAS PIPE L
8413143	G2-3373	1772540193		102-5		MAIN PASS 72/74 # B - 2A	MAIN PASS	168.0	UNITED GAS PIPE L
8413104	G2-3391	1772540193		102-5		MAIN PASS 72/74 # B - 2D	MAIN PASS	40.0	UNITED GAS PIPE L
8413135	G2-3376	1772540205		102-5		MAIN PASS 72/74 # B - 5A	MAIN PASS	3504.0	UNITED GAS PIPE L
8413151	G2-3393	1772540208		102-5		MAIN PASS 72/74 # B - 6C	MAIN PASS	142.0	UNITED GAS PIPE L
8413148	G2-3380	1772540276		102-5		MAIN PASS 72/74 #B - 16A	MAIN PASS	80.0	UNITED GAS PIPE L
8413138	G2-3371	1772540198		102-5		MAIN PASS 72/74 #B-1B	MAIN PASS	103.0	UNITED GAS PIPE L
8413109	G2-3372	1772540198		102-5		MAIN PASS 72/74 #B-1E	MAIN PASS	62.0	UNITED GAS PIPE L
8413107	G2-3389	1772540252		102-5		MAIN PASS 72/74 #B-13A	MAIN PASS	270.0	UNITED GAS PIPE L
8413124	G2-3379	1772540266		102-5		MAIN PASS 72/74 #B-15A	MAIN PASS	1460.0	UNITED GAS PIPE L
8413108	G2-3374	1772540202		102-5		MAIN PASS 72/74 #B-4A	MAIN PASS	86.0	UNITED GAS PIPE L
8413123	G2-2629	1772540229		102-5		MAIN PASS 72/74 #C-8B	MAIN PASS	154.0	UNITED GAS PIPE L
8413141	G2-2889	1772540262		102-5		MAIN PASS 73 #A-19A OCS-G-2947	MAIN PASS	200.0	UNITED GAS PIPE L
8413139	G2-3306	1772540230		102-5		MAIN PASS 73 #A-21A	MAIN PASS	1200.0	UNITED GAS PIPE L
8413163	G2-3386	1772540241		102-5		OCS-G-3417 #B - 10A MAIN PASS 72/74	MAIN PASS	90.0	UNITED GAS PIPE L
8413164	G2-3387	1772540241		102-5		OCS-G-3417 #B - 10C MAIN PASS 72/74	MAIN PASS	75.0	UNITED GAS PIPE L
8413152	G2-3390	1772540243		102-5		OCS-G-3417 #B - 11A MAIN PASS 72/74	MAIN PASS	187.0	UNITED GAS PIPE L
8413145	G3-3470	1772540246		102-5		OCS-G-3417 #C-13A MAIN PASS 72/74	MAIN PASS	130.0	UNITED GAS PIPE L
-ODECO OIL & GAS CO				RECEIVED: 12/27/83 JA: LA 3					
8413142	G3-3720	1770940554		102-5		OCS 044 #19A	EUGENE ISLAND	69.0	UNITED GAS PIPE L
-PLACID OIL COMPANY				RECEIVED: 12/27/83 JA: LA 3					
8413106	G3-3761	1770740338		102-5		E-9	SOUTH MARSH ISLAND	3285.0	TRUNKLINE GAS CO
8413161	G2-3221	1770740348		102-5		OCS-G-2600 WELL #E-10	SOUTH MARSH ISLAND	2737.5	TRUNKLINE GAS CO
8413162	G2-3222	1770740360		102-5		OCS-G-2600 WELL #E-12	SOUTH MARSH ISLAND	2737.5	TRUNKLINE GAS CO
8413165	G2-3223	1770740366		102-5		OCS-G-2600 WELL #E-13	SOUTH MARSH ISLAND	620.5	TRUNKLINE GAS CO
8413166	G2-3269	1770740331		102-5		OCS-G-2600 WELL #E-8	SOUTH MARSH ISLAND	2737.5	TRUNKLINE GAS CO
-SHELL OFFSHORE INC				RECEIVED: 12/27/83 JA: LA 3					
8413159	G3-3668	1770940515		102-5		EI 188 OCS 0443 #JA-1 ST	EUGENE ISLAND	0.0	MICHIGAN WISCONSI
8413158	G3-3660	1770940534		102-5		EI 188 OCS 0443 #JA-2 ST	EUGENE ISLAND	0.0	MICHIGAN WISCONSI
8413126	G3-3898	1770940513		102-5		EI 188 OCS 0443 #11	EUGENE ISLAND	0.0	MICHIGAN WISCONSI
8413131	G3-4014	1770940486		102-1		EI 33 OCS-G 3560 #1	EUGENE ISLAND	0.0	MID-LOUISIANA GAS
8413144	G2-3377	1781740120		102-5		MC BLK 194 FLD OCS-G 2638 #A-38	MISSISSIPPI CANYON	160.0	SOUTHERN NATURAL
8413157	G3-3639	1781740164		102-5		MC 194 FLD OCS-G 2638 #A-62	MISSISSIPPI CANYON	43.0	SOUTHERN NATURAL
8413168	G3-3551	1781740098		102-5		MISSISSIPPI BLK 194 OCS-G 2638 #A-2	MISSISSIPPI CANYON	536.0	SOUTHERN NATURAL
8413122	G3-3861	1770840265		102-5		OCS-G 2281 B-23	SOUTH MARSH ISLAND	383.3	TRANSCONTINENTAL
-SONAT EXPLORATION CO				RECEIVED: 12/27/83 JA: LA 3					
8413128	G3-3437	1777034036		102-5		EAST CAMERON 231 E-1	EAST CAMERON	1095.0	SEA ROBIN PIPELIN
8413129	G2-3411	1770334038		102-5		EAST CAMERON 231 E-2	EAST CAMERON	540.0	SEA ROBIN GAS PIP
-TENNECO OIL COMPANY				RECEIVED: 12/27/83 JA: LA 3					
8413160	G3-4043	1770540603		102-1		EAST CAMERON 128 A-8 ST	EAST CAMERON	730.0	
8413113	G3-3636	1770240554		102-5		EAST CAMERON 370 #B-2	EAST CAMERON	730.0	TENNESSEE GAS PIP
8413115	G3-4033	1773140027		102-1		SABINE PASS 13 #B-1	SABINE PASS	1400.0	TENNESSEE GAS PIP
8413130	G3-4015	1771140495		102-1		SHIP SHOAL 170 #A-4	SHIP SHOAL	900.0	TENNESSEE GAS PIP
8413119	G3-4045	1770540364		102-1		VERMILION 122 A-1	VERMILION	100.0	TENNESSEE GAS PIP
8413117	G3-4042	1770540533		102-1		VERMILION 122 A-3ST	VERMILION	530.0	TENNESSEE GAS PIP
8413146	G3-4047	1770540537		102-1		VERMILION 122 A-5	VERMILION	480.0	TENNESSEE GAS PIP
8413147	G3-4046	1770540543		102-1		VERMILION 122 A-6	VERMILION	1550.0	TENNESSEE GAS PIP
8413118	G3-4044	1770540566		102-1		VERMILION 122 A-7	VERMILION	1900.0	TENNESSEE GAS PIP
8413156	G3-3637	1770240564		102-5		WEST CAMERON 643 #B-4	WEST CAMERON	1460.0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED: 12/27/83 JA: LA 3					
8413169	G3-3571	1770940524		102-5		OCS-G-0802 EUGENE ISLAND 196 #H-3	EUGENE ISLAND	1460.0	SEA ROBIN PIPE LI
8413116	G3-4036	1770540563		102-1		OCS-G-4785 VERMILION 30 #4	VERMILION	931.0	BRIDGELINE GAS DI
8413105	G3-3487	1770720036		102-5		SOUTH MARSH ISLAND 11 #33 ST	SOUTH MARSH ISLAND	104.0	TEXAS GAS TRANSMI
-TEXACO PRODUCING INC				RECEIVED: 12/27/83 JA: LA 3					
8413167	G3-3814	1770940542		102-5		OCS-G-0802 EUGENE ISLAND 196 #H-4	EUGENE ISLAND	1400.0	CONSOLIDATED GAS
-AMOCO PRODUCTION CO				RECEIVED: 12/27/83 JA: TX 3					
8413134	G2-3299	4271140462		102-5		OCS-G-2427 WELL #A-4	HIGH ISLAND	350.0	MICHIGAN WISCONSI
-SHELL OFFSHORE INC				RECEIVED: 12/27/83 JA: TX 3					
8413103	G3-4012	4270440081		102-1		OCS-G 3938 JA-1 (FORMERLY NO 2)	BRAZOS	3520.0	COLUMBIA GAS TRAN
8413099	G3-4011	4270440107		102-1		OCS-G 3938 JA-2	BRAZOS	5400.0	COLUMBIA GAS TRAN
8413101	G3-4010	4270440108		102-1		OCS-G 3938 JA-3	BRAZOS	3600.0	COLUMBIA GAS TRAN
8413100	G3-4009	4270440115		102-1		OCS-G 3938 JA-4	BRAZOS	1365.0	COLUMBIA GAS TRAN
8413098	G3-4013	4270440104		102-1		OCS-G 3938 JB-1 (FORMERLY NO 3)	BRAZOS	5400.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TENNECO OIL COMPANY				RECEIVED:	12/27/83	JA: TX 3			
8413096	G3-3630	4270940390		102-5		HI ISL A-414 #A-1L PER LTR 10/26/83	HIGH ISLAND	1825.0	NATURAL GAS PIPEL
8413150	G3-4065	4270940457		102-1		HIGH ISLAND A-416 #A-1	HIGH ISLAND	5500.0	CREOLE GAS PIPELI
8413149	G3-4066	4270940614		102-1		HIGH ISLAND A-416 #A-2 ST	HIGH ISLAND	1000.0	CREOLE GAS PIPELI
-TRANSCO EXPLORATION COMPANY				RECEIVED:	12/27/83	JA: TX 3			
8413155	G3-4078	4270940712		102-1		#A-1	HIGH ISLAND	1597.0	TRANSCONTINENTAL
8413125	G3-4077	4270940721		102-1		#A-2	HIGH ISLAND	1597.0	TRANSCONTINENTAL
8413120	G3-4074	4270940718		102-1		#A-5	HIGH ISLAND	1597.0	TRANSCONTINENTAL
8413153	G3-4076	4270940726		102-1		#A-6	HIGH ISLAND	1597.0	TRANSCONTINENTAL
8413154	G3-4075	4270940719		102-1		NO A-3	HIGH ISLAND	1597.0	TRANSCONTINENTAL

[FR Doc. 84-2098 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1051]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 20, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservior
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1051
ISSUED JANUARY 20, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ABRAXAS PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX			
8413607	F-04-066526	4224931544		102-2		W C MORRIS #1	RESACA CREEK (FRIO 42	100.0	NUE-WELLS PIPE LI
-ADA OIL EXPLORATION CORP				RECEIVED:	12/27/83	JA: TX			
8413687	F-03-072169	4228700000		102-2		NEWMAN-GERDES #3	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-ALL AM INC				RECEIVED:	12/27/83	JA: TX			
8413727	F-03-073763	4205132501		102-2		MR BOB #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	12/27/83	JA: TX			
8413813	F-08-074990	4200333447		103		FULLERTON SAN ANDRES UNIT #7?	FULLERTON SAN ANDRES	5.0	AMOCO PRODUCTION
-ANDERSON PETROLEUM INC				RECEIVED:	12/27/83	JA: TX			
8413613	F-7C-067829	4210534407		103	107-TF	JOE FRIEND ESTATE #2-34 A	ALDWELL RANCH (CANYON	73.0	OZONA PIPELINE CO
-APPLE NATHAN L				RECEIVED:	12/27/83	JA: TX			
8413681	F-7B-071813	4213334993		102-4		D B WARREN #1	WARREN (GARDNER)	30.0	LONE STAR GAS CO
-ATAPCO				RECEIVED:	12/27/83	JA: TX			
8413621	F-7B-069192	4235331396		102-4	103	SPIRES #1-148	SPIRES (CADDO)	5.4	SUN EXPLORATION &
-BRAZOS RESOURCES INC				RECEIVED:	12/27/83	JA: TX			
8413756	F-7B-074404	4213335291		102-4		JAMESON #2 (RRC ID #N/A)	FAIR (MARBLE FALLS LO	36.0	NORTHERN GAS PROI
-BURNETT OIL CO INC				RECEIVED:	12/27/83	JA: TX			
8413837	F-01-075086	4231131875		102-4	103	H A DISCHER #1	AWP (OLMOS)	11.0	HPI TRANSMISSION
-C & K PETROLEUM INC				RECEIVED:	12/27/83	JA: TX			
8413814	F-08-074992	4243131342		103		GUNTER 25-2	CONGER (PENN)	0.0	VALERO TRANSMISSI
8413710	F-08-073327	4243131337		103		GUNTER 35 - #3	CONGER (PENN) FIELD	108.0	VALERO TRANSMISSI
-C F LAWRENCE & ASSOC INC				RECEIVED:	12/27/83	JA: TX			
8413619	F-08-068548	4237134151		103		MCCOMB B-1	WILDCAT	0.0	
8413809	F-7C-074974	4210534486		103		TODD "W" #1	TODD SW (SAN ANDRES L	0.0	APACHE GAS CORP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: TX			
8413689	F-03-072356	4204130607		102-2		B J FUCHS #1	BRYAN (BUDA)	9.5	FERGUSON CROSSING
8413713	F-03-073464	4204100000		102-2		E M DANSBY #3	KURTEN (BUDA)	0.0	
8413638	F-04-070283	4235531999		103		G P WARDNER #159	STRATTON (6430)	0.0	TENNESSEE GAS PIP
8413646	F-02-070829	4246932058		102-4	103	MCFADDIN "A" #20	MCFADDIN	0.0	CHAMPLIN PETROLEU
-CHAPTER PETROLEUM				RECEIVED:	12/27/83	JA: TX			
8413770	F-10-074534	4217900000		103		LANGHAM #3	PANHANDLE - GRAY	0.0	COLTEXO CORP
8413769	F-10-074533	4217900000		103		LANGHAM #4	PANHANDLE - GRAY	0.0	COLTEXO CORP
-CHARLES PITTS CO				RECEIVED:	12/27/83	JA: TX			
8413654	F-7B-071223	4204933575		102-4		A A MARTIN -C- #4	GROSVENOR SW (DUFFER)	0.0	EL PASO HYDROCARB
8413632	F-7B-070168	4204933500		102-4		A A MARTIN "A" #2	GROSVENOR SW (DUFFER)	0.0	EL PASO HYDROCARB
8413631	F-7B-070167	4204933499		102-4		DUDLEY WALKER #1 (19309)	GROSVENOR SW (DUFFER)	25.0	EL PASO HYDROCARB
8413630	F-7B-070166	4204933499		102-4		EADS #1	COG (MARBLE FALLS)	300.0	EL PASO HYDROCARB
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	12/27/83	JA: TX			
8413776	F-09-074627	4223735340		103		OWEN #2	DEARING (CADDO)	0.0	SOUTHWESTERN GAS
-CLAYTON W WILLIAMS JR				RECEIVED:	12/27/83	JA: TX			
8413733	F-03-074010	4205100000		102-2		BIRCH CREEK RANCH #3	GIDDINGS (AUSTIN CHAL	0.0	VALERO TRANSMISSI
-COCKRELL OIL CORP				RECEIVED:	12/27/83	JA: TX			
8413774	F-03-074616	4216730936		102-4		R A WILLIAMS #1	NORTHWEST ALGOA (PROP	410.0	
-COLEMAN & JOHNSON OIL CO				RECEIVED:	12/27/83	JA: TX			
8413796	F-7B-074765	4204932587		102-4		J R DONAHOO #3	BYRD (FRY SAND)	5.0	EL PASO HYDROCARB
8413656	F-7B-071361	4204900000		102-4		LIVINGSTON #1	PITTS (FRY)	0.0	EL PASO HYDROCARB

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-COMANCHE ENERGY AGENCY				RECEIVED:	12/27/83	JA: TX
8413624	F-7B-069710	4242933508		102-4		BARRY 1-53 #3 (105451)
-CONOCO INC				RECEIVED:	12/27/83	JA: TX
8413797	F-08-074794	4210931718		103		G E RAMSEY -10 #1 ID
8413690	F-04-07240	4247933582		102-2	107-TF	VAQUILLAS RANCH G #34
8413694	F-04-072601	4247933481		102-4	103	VAQUILLAS RANCH SEA #1
-COTTON PETROLEUM CORPORATION				RECEIVED:	12/27/83	JA: TX
8413640	F-10-070396	4229531255		103		WYNN #2
-COURSON OIL & GAS INC				RECEIVED:	12/27/83	JA: TX
8413723	F-10-073722	4235731366		103	107-TF	BILL #1-663
-D L WHITAKER OIL CO				RECEIVED:	12/27/83	JA: TX
8413806	F-7B-074943	4244733619		102-4		MASSEY B WELL #2
-DALECO RESOURCES				RECEIVED:	12/27/83	JA: TX
8413592	F-03-063881	4205131984		102-4	103	MABLE WILKINS #5
8413591	F-03-063880	4204130834		102-4	103	ROBERT MOORE #3
-DANIEL OIL COMPANY				RECEIVED:	12/27/83	JA: TX
8413625	F-03-069776	4215731374		102-4		BUCKALEW #2
8413633	F-03-070175	4215731387		102-4		MOORE #11
8413635	F-03-070179	4215731395		102-4		MOORE #12
8413636	F-03-070181	4215731299		102-4		MOORE #6
8413634	F-03-070177	4215731350		102-4		MOORE #8
8413628	F-03-070155	4215731373		102-4		MOORE #9C
8413629	F-03-070156	4215731373		102-4		MOORE NO 9T
-DIAMOND CHEMICALS INC				RECEIVED:	12/27/83	JA: TX
8413698	F-10-072675	4235731324		107-TF		DREW ELLIS #3-831
8413685	F-10-072003	4235731386		102-4		DREW ELLIS "C" #3
8413660	F-10-071480	4229531315		103		HANSHU #2
8413693	F-10-072469	4235700000		108		LIZZIE PINCKARD "A" #1
8413661	F-10-071481	4229531290		103		LYDIA BRADFORD "D" #3
-DONALD C SLAWSON				RECEIVED:	12/27/83	JA: TX
8413767	F-10-074495	4235731372		102-4		ALBERT #1-31
8413801	F-10-074888	4235731401		102-4		ALBERT #2-31
8413736	F-10-074025	4229531336		102-4		MITCHELL #4-147
-DORE CORPORATION				RECEIVED:	12/27/83	JA: TX
8413655	F-10-071226	4234130820		103		DORE FEE 2-312
-DOYLE W CLAWSON JR				RECEIVED:	12/27/83	JA: TX
8413683	F-7B-071859	4204933608		102-4		HAYNES #4
-EDWIN L & BERRY R COX				RECEIVED:	12/27/83	JA: TX
8413658	F-03-071370	4216700000		102-4		HALLS BAYOU RANCH "B" #1
-EDWIN L COX				RECEIVED:	12/27/83	JA: TX
8413674	F-04-071757	4247933592		102-4		FRANK ARMSTRONG #2
8413626	F-04-069781	4247933536		102-4	107-TF	LUNDELL RANCH #1
-EDWIN S NICHOLS EXPLORATIONS LTD				RECEIVED:	12/27/83	JA: TX
8413764	F-7B-074464	4236333150		102-4		H W RIEBE #1
-EMERALD PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX
8413804	F-09-074913	4223735092		103		FLETCHER A #1
-EMPIRE EXPLORATION CORP				RECEIVED:	12/27/83	JA: TX
8413665	F-7B-071503	4222130625		102-2		CARR GAS UNIT #1 094537
8413664	F-7B-071502	4222100000		102-2		HARRINGTON GAS UNIT #1 095588
8413662	F-7B-071499	4222130638		102-2		MAYNE "D" #4 090735
8413666	F-7B-071504	4222130639		102-2		MAYNE "E" #5 094168
8413663	F-7B-071500	4222130623		102-2		MAYNE GAS UNIT #1 095164
-ENSERCH EXPLORATION INC				RECEIVED:	12/27/83	JA: TX
8413637	F-10-070211	4221131552		103		W S & E C JONES ESTATE #3
-ENTERPRISE ENERGY CORP				RECEIVED:	12/27/83	JA: TX
8413735	F-09-074018	4233700000		103		PATTERSON #1 106028
-EXXON CORPORATION				RECEIVED:	12/27/83	JA: TX
8413777	F-06-074634	4207330497		102-4	107-TF	AFTON THRASH GAS UNIT 1 #1
8413706	F-08-073174	4200333477		103		FULLERTON CLEARFORK UNIT #2015
8413766	F-08-074485	4200333472		103		FULLERTON CLEARFORK UNIT #2066
8413754	F-08-074374	4200333517		103		MEANS/SAN ANDRES/UNIT #948
8413718	F-08-073593	4200333516		103		MEANS/SAN ANDRES/UNIT 1778
8413742	F-04-074135	4226130455		102-4		MRS S K EAST 93 (107522)
8413803	F-04-074891	4226130429		102-4		MRS S K EAST 94-D (107484)
8413765	F-8A-074483	4216532529		103		ROBERTSON CLEARFORK UNIT #1703
8413800	F-03-074860	4236130438		102-4		SABINE LAKE GAS UNIT 3 #1
8413755	F-8A-074384	4216531797		103		SAM C JENKINS #6
-FAIRCHILD PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX
8413673	F-7B-071731	4235303124		102-4		BURWICK #1
-FARGO ENERGY CORP				RECEIVED:	12/27/83	JA: TX
8413692	F-03-072467	4214931591		102-2		BOEHNKE "A" #1
8413726	F-03-073736	4214931595		102-2		BOEHNKE "E" #1
8413670	F-03-071609	4214900000		102-2		RIETZ D #1
8413703	F-03-072992	4214931606		102-2		SYD #1
-GAYLYN EXPLORATION INC				RECEIVED:	12/27/83	JA: TX
8413822	F-09-075027	4223735359		102-4		HOMEPLACE #2 (N/A)
-GENESIS PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX
8413805	F-03-074942	4224531651		102-4		GRINNELL TEXAS CO WELL #1
-GETTY OIL COMPANY				RECEIVED:	12/27/83	JA: TX
8413627	F-04-069814	4247900000		102-4	107-TF	DIX RANCH #100-A
8413768	F-7C-074530	4241300000		108		W W WEST #1
-GHR ENERGY CORP				RECEIVED:	12/27/83	JA: TX
8413704	F-04-073009	4247933574		102-4	107-TF	CARR #9
8413686	F-04-072084	4250531593		102-4	107-TF	MCMURREY #33
8413614	F-04-068217	4250531628		102-4	107-TF	MCMURREY #35
-GIBBS COX & GIBBS INC				RECEIVED:	12/27/83	JA: TX
8413590	F-7B-063382	4208332694		108		M J LINEBERRY #2-B (097024)
-GREAT WEST OPERATING CO INC				RECEIVED:	12/27/83	JA: TX
8413675	F-09-071769	4207732956		103		DALTON #2
-GULF OIL CORPORATION				RECEIVED:	12/27/83	JA: TX
8413677	F-01-071792	4201300761		108		EMMA TARTT ET AL #5
8413719	F-10-073601	4239330944		103		JOHN HAGGARD #50
8413707	F-08-078179	4237134364		103		STATE "BC" #9
8413773	F-08-074582	4210301761		108		W N WADDELL #293
8413709	F-08-073317	4210333156		103		W N WADDELL ETAL (TR A) #1194
8413762	F-08-074450	4210333148		103		W N WADDELL ETAL (TRA) #1110
8413761	F-08-074449	4210333109		103		W N WADDELL ETAL (TRA) #1241
8413763	F-08-074451	4210333149		103		W N WADDELL ETAL #1109
8413708	F-08-073315	4210333201		103		W N WADDELL ETAL #1252
-H L M OIL & GAS CO INC				RECEIVED:	12/27/83	JA: TX
8413622	F-09-069224	4249732523		103		SEWELL #2 - RRC ID N/A
-HAMILTON BROTHERS OIL CO				RECEIVED:	12/27/83	JA: TX
8413651	F-04-071147	4204700000		102-4		MCBRIDE #1
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	12/27/83	JA: TX

FIELD NAME	PROD	PURCHASER
BARRY (MARBLE FALLS)	292.0	SOUTHWESTERN GAS
FORD WEST 4100	474.5	EL PASO NATURAL G
BARNSLEY (LOBO 10,900	703.0	E I DUPONT DENEMO
VAQUILLAS RANCH (WILC	160.0	HOUSTON PIPELINE
FOLLETT SOUTH (MORROW	0.0	CALICHE PIPELINE
ELLIS RANCH (CLEVELAN	100.0	TRANSWESTERN PIPE
KINGS CREEK CADDO	70.0	WOODSON GAS INC
CLAY N E (EDWARDS LIM	0.0	CLAJON GAS CO
CLAY N E (AUSTIN CHAL	0.0	CLAJON GAS CO
MOORES ORCHARD (YEGUA	0.0	
MOORES ORCHARD (YEGUA	0.0	UNITED TEXAS TRAN
MOORES ORCHARD (YEGUA	0.0	
MOORES ORCHARD (YEGUA	0.0	
MOORES ORCHARD (YEGUA	0.0	
MOORES ORCHARD (YEGUA	0.0	UNITED TEXAS TRAN
MOORES ORCHARD (YEGUA	0.0	UNITED TEXAS TRAN
ELLIS RANCH	365.0	NATURAL GAS PIPEL
ELLIS	0.0	NATURAL GAS PIPEL
BRADFORD	0.0	
PARNELL	2.5	SOUTHWESTERN PUBL
BRADFORD	0.0	SOUTHWESTERN PUBL
BOOKER NORTH	70.0	PRAIRIE STATES PI
BOOKER NORTH	285.0	PRAIRIE STATES PI
BOOKER NORTH	18.3	HIGH PLAINS NATUR
WEST PANHANDLE	0.0	NATURAL GAS PIPEL
HAYNES (CROSS CUT)	1000.0	EL PASO HYDROCARB
	44.0	GULFTIDE GAS CORP
SOUTH GLEN	540.0	HOUSTON PIPELINE
GATO CREEK	360.0	HOUSTON PIPE LINE
RIEBE (ATOKAN CONGL)	100.0	
RISCH	12.1	LONE STAR GAS CO
N E GRANBURY	0.0	EMPIRE PIPELINE C
GRANBURY N E	22.3	EMPIRE PIPELINE C
N E GRANBURY	0.0	EMPIRE PIPELINE C
N E GRANBURY	0.0	EMPIRE PIPELINE C
N E GRANBURY	0.0	EMPIRE PIPELINE C
SOUTH HIGGINS	271.0	TRANSWESTERN PIPE
BOEDECKER S E (CADDO	37.8	TEXAS UTILITIES F
OVERTON (COTTON VALLE	352.0	ARMCO STEEL CORP
FULLERTON	15.0	PHILLIPS PETROLEU
FULLERTON	15.0	PHILLIPS PETROLEU
MEANS	15.0	PHILLIPS PETROLEU
MEANS	15.0	PHILLIPS PETROLEU
RITA SE (N-02/10 C)	165.0	NATURAL GAS PIPEL
RITA (7-B II)	100.0	NATURAL GAS PIPEL
ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
SABINE LAKE N (HACK L	4000.0	ARMCO STEEL CORP
JENKINS NORTH (CLEAR	9.0	PHILLIPS PETROLEU
F P C (GARDNER)	52.0	PALO DURO PIPELIN
GIDDINGS (AUSTIN CHAL	73.0	PHILLIPS PETROLEU
GIDDINGS (BUDA)	73.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	73.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	73.0	PHILLIPS PETROLEU
GAYLYN (MISSISSIPIAN)	219.0	SOUTHWESTERN GAS
RAINBOW (HACKBERRY 93	730.0	
DIX RANCH (LOWER WILC	500.0	
CODY BELL (CANYON) FI	10.0	ARCO OIL & GAS CO
LUNDELL (LOBO)	350.0	GHR PIPELINE CORP
SOUTHWEST MCMURREY (L	800.0	GHR PIPELINE CORP
SW MCMURREY (LOBO)	750.0	GHR PIPELINE CORP
SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
BUFFALO SPRINGS	40.0	TEXAS UTILITIES F
FASHING (EDWARDS LIME	4.0	NATURAL GAS P/L C
WILDCAT (WOLFCAMP LIM	157.0	NATURAL GAS PIPEL
TROPORO NORTH (QUEEN)	0.0	NORTHERN GAS PROD
WADDELL (SAN ANDRES)	230.2	
SAND HILLS (JUDKINS)	628.5	H & T GATHERING C
SAND HILLS (JUDKINS)	1210.0	H & T GATHERING C
SAND HILLS (JUDKINS)	232.7	H & T GATHERING C
SAND HILLS (JUDKINS)	1756.0	H & T GATHERING C
SANDHILLS (JUDKINS)	791.1	H & T GATHERING C
BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
RACHAL (FRIO 6630) -	237.3	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413748	F-06-074241	4240131724		102-3	107-TF	J W HOLT ESTATE #2	HENDERSON N (COTTON V	900.0	B & A PIPE LINE C
8413749	F-06-074242	4240131728		102-3	107-TF	WILLIE THOMPSON ET AL GAS UNIT #2	HENDERSON N (COTTON V	730.0	B & A PIPE LINE C
-HILL PRODUCTION CO-WISCONSIN				RECEIVED:	12/27/83	JA: TX			
8413642	F-03-070414	4204100000		102-2		WICKSON CREEK UNIT #1	KURTEN (BUDA)	0.0	FERGUSON CROSSING
-HNG OIL COMPANY				RECEIVED:	12/27/83	JA: TX			
8413589	F-10-060983	4248300000		103	102-2	DAVIS "19" #1-A	STILES RANCH (ATOKA)	330.0	INTRATEX GAS CO
8413589	F-10-060983	4248300000		107-DP		DAVIS "19" #1-A	STILES RANCH (ATOKA)	330.0	INTRATEX GAS CO
8413593	F-04-064570	4247933425		102-4	103	ROSA V DE BENAVIDES "1107" #1	WEST COLE (WILCOX 960	180.0	HOUSTON PIPE LINE
-HOWELL DRILLING INC				RECEIVED:	12/27/83	JA: TX			
8413669	F-03-071593	4208931363		102-4		A J BARTEK GAS UNIT #2 WELL #1	N HAMEL	0.0	EXXON GAS SYSTEMS
-HRUBETZ OIL CO				RECEIVED:	12/27/83	JA: TX			
8413739	F-7B-074055	4208333531		103		R C DAVIS #6	COLEMAN COUNTY REGULA	8.0	UNION TEXAS PRODU
-J L H ENTERPRISES INC				RECEIVED:	12/27/83	JA: TX			
8413799	F-06-074847	4220331038		102-4		HAYNES #2	L C G (PAGE)	150.0	ARKANSAS LOUISIAN
-J M HUBER CORPORATION				RECEIVED:	12/27/83	JA: TX			
8413781	F-10-074656	4223330646		108		JOHNSON "J" #1A	WEST PANHANDLE	13.0	COLORADO INTERSTA
-JAMES D RICE				RECEIVED:	12/27/83	JA: TX			
84.3606	F-7B-066145	4208333303		102-4		LORENE RICE #2	TRICKHAM (CROSSCUT LO	240.0	EL PASO HYDROCARB
-JOHN L COX				RECEIVED:	12/27/83	JA: TX			
8413688	F-7C-072233	4238332582		103		ROCKEN B "P" #23 RRC #05173	SPRABERRY (TA)	10.0	EL PASO NATURAL G
-JUSTISS OIL CO INC				RECEIVED:	12/27/83	JA: TX			
8413778	F-06-074638	4220331024		102-2	107-TF	E W WASHINGTON HEIRS GAS UNIT 1	BLOCKER (COTTON VALLE	146.0	UNITED GAS PIPE L
-KAARI OIL CO				RECEIVED:	12/27/83	JA: TX			
8413671	F-10-071667	4206531426		103		W E COBB #1-19	PANHANDLE CARSON	70.0	CABOT PIPELINE CO
-KATLACO OPERATING CO INC				RECEIVED:	12/27/83	JA: TX			
8413615	F-7B-068255	4213334101		108		CITY OF CISCO AIRPORT #1 (20228)	KLEINER (LAKE SAND)	30.0	EL PASO HYDROCARB
-L & M OIL CO				RECEIVED:	12/27/83	JA: TX			
8413700	F-09-072850	4223734882		102-4		CARSON #1 107248	RUSMAG SE (CONGL 4900	0.0	LONE STAR GAS CO
-L E JONES PRODUCTION COMPANY				RECEIVED:	12/27/83	JA: TX			
8413695	F-09-072604	4209732124		102-4	103	JOHN W MAY #2	HORSESHOE BEND N (OIL	69.0	UNION TEXAS PETRO
8413711	F-09-073390	4209732276		102-4	103	JOHN W MAY #3	N HORSESHOE BEND (OIL	73.0	UNION TEXAS PETRO
-L TEXAS PETROLEUM INC				RECEIVED:	12/27/83	JA: TX			
8413641	F-04-070406	4224731478		102-4	103	MESTENA OIL & GAS CO #J-6	JARON &QUEEN CITY) FI	0.0	SUN GAS CO
-LULING OIL AND GAS CO INC				RECEIVED:	12/27/83	JA: TX			
8413818	F-01-075021	4232300000		103		BURR RANCH 1-1	LOS CUATROS	0.0	CLAJON GAS CO
-LYRIC ENERGY INC				RECEIVED:	12/27/83	JA: TX			
8413836	F-10-075080	4217930895		108		BRALLEY #3-A	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8413835	F-10-075079	4217931124		108		BRALLEY #4	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8413834	F-10-075078	4217931172		108		BRALLEY #5	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8413833	F-10-075077	4217930883		108		SCHAFFER #1	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8413832	F-10-075076	4217931093		108		SCHAFFER #2	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
8413831	F-10-075075	4217930883		108		SCHAFFER #3	PANHANDLE GRAY	0.0	PHILLIPS PETROLEU
-M & A OIL CO LTD				RECEIVED:	12/27/83	JA: TX			
8413782	F-09-074658	4223700000		102-4		VOYLES #1-A	VOYLES (ELLENBURGER)-	22.0	LONE STAR GAS CO
-M W TAYLOR INC				RECEIVED:	12/27/83	JA: TX			
8413676	F-01071791	4228330941		103		RITCHIE "A" #2	PEARSALL (AUSTIN CHAL	7.5	TIPPERARY CORP
-M-RAY PETROLEUM CO INC				RECEIVED:	12/27/83	JA: TX			
8413791	F-7B-074708	4241735254		102-4		W L ENGLISH #1 (GAS)	M-RAY (BEND CONGL)	377.0	LONE STAR GAS CO
-MACK PETROLEUM				RECEIVED:	12/27/83	JA: TX			
8413811	F-05-074985	4239530284		103		PASNIK UNIT #2	HAROLD D ORR (NAVARRO	100.0	TEXAS UTILITIES F
-MANDARIN OIL & GAS CO				RECEIVED:	12/27/83	JA: TX			
8413684	F-02-072002	4246900000		103		CALHOUN FARMS #3	PRIDHAM LAKE WEST (46	90.0	REATA INDUSTRIAL
-MARALO INC				RECEIVED:	12/27/83	JA: TX			
8413819	F-08-075022	4200333518		103		SUPERIOR UNIVERSITY "26" #1	EMBAR (FUSSELMAN N W)	16.5	PHILLIPS PETROLEU
-MARSHALL EXPLORATION INC				RECEIVED:	12/27/83	JA: TX			
8413648	F-06-070947	4241930423		102-4	103	ELLINGTON #1-C	SHELBYVILLE (PETTIT U	300.0	UNITED GAS PIPELI
8413680	F-06-071807	4200131426		102-4	103	ELROD #1	PURT W (RODESSA 10200	180.0	ESPERANZA PIPELIN
8413720	F-06-073606	4241930460		102-4	103	HOWARD #1	MEI (PETTIT)	360.0	UNITED GAS PIPELI
8413738	F-06-074037	4241930462		102-4	103	HOWARD #2	MEI (PETTIT)	350.0	UNITED GAS PIPELI
8413715	F-03-073530	4231330458		102-4	103	M Y VICK #6	MADISONVILLE NE (GEOR	200.0	LONE STAR GAS CO
8413779	F-03-074641	4231330462		102-4	103	M Y VICK #8	MADISONVILLE NE (GEOR	200.0	LONE STAR GAS CO
-MCCORD EXPLORATION				RECEIVED:	12/27/83	JA: TX			
8413682	F-04-071853	4235500000		102-4		MCCORD-CN COOKE #4	DOUGHTY	0.0	HOUSTON PIPELINE
-MCIVER INC				RECEIVED:	12/27/83	JA: TX			
8413741	F-7B-074090	4208333601		102-4		L H LOVE #1	LOVE - MCMILLAN	0.0	EL PASO HYDROCARB
-MCMORAN EXPLORATION CO				RECEIVED:	12/27/83	JA: TX			
8413623	F-02-069536	4270330294		102-4		STATE TRACT 629-L SE/4 WELL #21	BLOCK 630-L (PROPOSED	500.0	
-MCR OIL CORP OF TEXAS				RECEIVED:	12/27/83	JA: TX			
8413775	F-10-07462	4221100000		103		PYEATT #4-19	HEMPHILL GRANITE WASH	584.0	ARKANSAS LOUISIAN
-MICHAELSON PRODUCING CO				RECEIVED:	12/27/83	JA: TX			
8413830	F-7C-075064	4238332598		103		SCOTT #6	JOHN SCOTT (GRAYBURG)	14.6	NEW ENERGY CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	12/27/83	JA: TX			
8413586	F-7B-058750	4205900000		108-ER		AC ROSS-110 #1	CALLAHAN COUNTY REGUL	0.0	LONE STAR GAS CO
8413699	F-7B-072746	4236300000		108		C C MCCLURE #1 064304	LONE CAMP WEST (CONGL	0.0	SOUTHWESTERN GAS
8413728	F-09-073783	4249700000		108		C C MCCLURG #1 032312	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8413828	F-09-075045	4249700000		108		FLOYD CLAYTON #1 #028601	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8413827	F-09-075043	4223700000		108		GLADYS WILLIAMS #1 #051188	BOONSVILLE (BEND CONG	0.0	SOUTHWESTERN GAS
8413826	F-09-075040	4223700000		108		L A WORTHINGTON #9 035259	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8413584	F-7C-055935	4245130901		107-TF		MCWHORTER 218 #2-U	K W B (CANYON)	274.0	ESPERANZA PIPELIN
8413825	F-09-075037	4249700000		108		TARRANT CO WATER BOARD #19 #035537	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8413643	F-09-070523	4249732506		103		WAGGONER (MAYNARD) #25	BOONSVILLE/BEND CONGL	463.5	LONE START GAS CO
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	12/27/83	JA: TX			
8413734	F-08-074016	4230130407		102-4		F W HUCKABEE #1	MENTONE NE (UPPER BEL	19.7	
8413829	F-08-075049	4210301797		108		SHACKELFORD SPRABERRY UNIT #24-11	SPRABERRY (TREND AREA	0.4	EL PASO NATURAL G
8413816	F-08-074997	4230130430		102-4		W D JOHNSON 30-N #1	DIMMIT (CHERRY CANYON	152.0	INTRATEX GAS CO
-MONTERO OPERATING INC				RECEIVED:	12/27/83	JA: TX			
8413743	F-08-074137	4235331457		103		WALKER #1	JAMESON N (STRAWN GRE	91.3	SUN GAS CO
-MORGAS				RECEIVED:	12/27/83	JA: TX			
8413582	F-10-047780	4248300000		108		EMILY #1 - 96785	PANHANDLE EAST	54.0	EL PASO NATURAL G
8413817	F-10-075007	4248300000		108		ROSE #1 103220	PANHANDLE EAST	12.0	TRANSWESTERN PIPE
-MORROW RESOURCES INC				RECEIVED:	12/27/83	JA: TX			
8413647	F-7C-070888	4245131243		102-2		BROWN "A" #9	K W B (STRAWN)	0.0	LONE STAR GAS CO
8413716	F-7C-073537	4245131210		102-2	103	BROWN "F" #4	K W B (STRAWN)	0.0	LONE STAR GAS CO
8413668	F-7C-071525	4232730346		102-2	103	CALLAN #1	CALLAN (CISCO)	88.7	CIBOLO GAS INC
-NATURAL GAS ANADARKO INC				RECEIVED:	12/27/83	JA: TX			
8413794	F-10-074746	4239330953		102-4		R D MILL #2-3B	MCMORDIE RANCH (9700)	360.0	WESTAR TRANSMISSI
-NATURAL RESOURCES CORP				RECEIVED:	12/27/83	JA: TX			
8413644	F-03-070575	4208900000		107-TF		NRC MATTIE POOLE #1	EAST RAMSEY	0.0	AMOCO PRODUCTION
-NEWTON OIL & GAS CORP				RECEIVED:	12/27/83	JA: TX			
8413604	F-04-065964	4247933533		103	107-TF	PALAFOX EXPLORATION CO "B" #4	LAS TIENDAS (OLMOS)	182.0	LONE STAR GAS CO
-NORDIC PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX			
8413649	F-04-071048	4240900000		102-4		BEUTNAGEL #2	BUETNAGEL	100.0	SOUTHERN GAS PIPE
-NORTH CENTRAL OIL CORPORATION				RECEIVED:	12/27/83	JA: TX			
8413659	F-03-071409	4219900000		102-4	103	STERNENBERG #1	WEST FORTENBERRY	0.0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-OUTLINE OIL CORP				RECEIVED:	12/27/83	JA: TX			
8413810	F-01-074983	4228300000		108		COOKE A 3-T	COOKE (WILCOX 4100)	18.0	TRANSCONTINENTAL
-P C BURNS				RECEIVED:	12/27/83	JA: TX			
8413753	F-09-074364	4207733071		103		DELPHIA BROWN "C" #1 204460	CASS (CADDO)	0.0	SANFORD P FAGADAU
-PANGAEA RESOURCE CORP				RECEIVED:	12/27/83	JA: TX			
8413758	F-10-074424	4237500000		103		BIVINS P R #31-44	PANHANDLE (RED CAVE)	0.0	
8413759	F-10-074425	4237500000		103		BIVINS P R #34-22	PANHANDLE (RED CAVE)	0.0	
8413757	F-10-074423	4237500000		103		BIVINS P R #36-36	PANHANDLE (RED CAVE)	0.0	
8413594	F-10-065144	4237500000		103		BIVINS PR #21-35	PANHANDLE (RED CAVE)	0.0	
8413603	F-10-065867	4237500000		103		BIVINS PR #21-51	PANHANDLE (RED CAVE)	0.0	
8413602	F-10-065866	4237500000		103		BIVINS PR #21-53	PANHANDLE (RED CAVE)	0.0	
8413598	F-10-065150	4237500000		103		BIVINS PR #28-04	PANHANDLE (RED CAVE)	0.0	
8413596	F-10-065146	4237500000		103		BIVINS PR #28-06	PANHANDLE (RED CAVE)	0.0	
8413597	F-10-065148	4237500000		103		BIVINS PR #28-15	PANHANDLE (RED CAVE)	0.0	
8413595	F-10-065145	4237500000		103		BIVINS PR #33-04	PANHANDLE (RED CAVE)	0.0	
-PARTNERS OIL COMPANY				RECEIVED:	12/27/83	JA: TX			
8413653	F-03-071219	4215731396		103		HAMMERMILLER #1	MOORES ORCHARD	0.0	UNITED TEXAS TRAN
-PAUL DE CLEVA				RECEIVED:	12/27/83	JA: TX			
8413815	F-09-074993	4223735167		103		BLANTON #2	GILLEY W (ATOKA CONGL	81.0	TEXAS UTILITIES F
8413807	F-09-074956	4207732694		103		SPARKMAN "A" #1	DILLARD (SW) ELLENBUR	98.0	TEXAS UTILITIES F
-PEND OREILLE OIL & GAS CO				RECEIVED:	12/27/83	JA: TX			
8413701	F-02-072910	4229700000		102-4		STANLEY PAWLIK GU #1-L	FANT	900.0	VALLEY GAS TRANSM
-PETRO-LEWIS CORPORATION				RECEIVED:	12/27/83	JA: TX			
8413793	F-08-074733	.4249531499		103		. HENDRICKS "B" #5	HENDRICKS	4.8	PHILLIPS PETROLEU
-PETROLEUM EQUITIES CORP				RECEIVED:	12/27/83	JA: TX			
8413808	F-7C-074961	4210534478		103		SUTTON RANCH #1	INGHAM (QUEEN)	37.0	SOUTHWESTERN GAS
-PETRUS OPERATING CO INC				RECEIVED:	12/27/83	JA: TX			
8413618	F-04-068401	4240931656		102-4		EVANS #1	EVANS (5900' SAND)	0.0	HOUSTON PIPE LINE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/27/83	JA: TX			
8413587	F-06-059044	4240131424		102-2	107-TF	LAIRD C #1	NORTH HENDERSON	550.0	LONE STAR GAS CO
-PLAINS RESOURCES INC				RECEIVED:	12/27/83	JA: TX			
8413737	F-10-074036	4239330936		103		MCMORDIE #127-C-2	ST CLAIR (GRANITE WAS	0.0	
-Q E D EXPLORATION INC				RECEIVED:	12/27/83	JA: TX			
8413812	F-7C-074988	4223532144		102-2	103	FARMAR-SUGG #10	ROCK PEN (CANYON)	0.0	FARMLAND INDUSTRI
-R A W ENERGY CORP				RECEIVED:	12/27/83	JA: TX			
8413729	F-7B-073852	4236333156		102-4		MINERAL WELLS WEST PARK #1	MINERAL WELLS	250.0	SOUTHWESTERN GAS
8413601	F-7B-065833	4236332631		102-4		PILGRIM #1	MINERAL WELLS S (STRA	200.0	SOUTHWESTERN GAS
-R C SLACK				RECEIVED:	12/27/83	JA: TX			
8413600	F-08-065520	4249500000		108-ER		SUN HALLEY #5	WEINER (YATES UPPER)	0.0	WEST TEXAS GATHER
-REMUDA OPERATING CO				RECEIVED:	12/27/83	JA: TX			
8413609	F-06-066786	4240131535		103		H L CROW #1	MINDEN (TRAVIS PEAK-H	0.0	TEXAS UTILITIES F
-RIO BRAVO OIL CO INC				RECEIVED:	12/27/83	JA: TX			
8413724	F-02-073728	4212331175		102-4		C H WIED ET AL #1	KAWITT (SECOND ROEDER	50.0	INTRASTATE GATHER
-SBC ENERGY INC				RECEIVED:	12/27/83	JA: TX			
8413672	F-7B-071684	4208333169		102-4		FRED HAYNES ESTATE #2	TRICKHAM (CROSSCUT)	19.0	EL PASO HYDROCARB
-SCANDRILL INC				RECEIVED:	12/27/83	JA: TX			
8413821	F-09-075025	4223735325		102-4		KILLEN #3	MERFF (CONGL)	159.9	LONE STAR GAS CO
8413820	F-09-075023	4250337166		103		SCAN-KING "G" #1	STOVALL (MCLESTER)	45.6	J H TAYLOR GAS CO
-SHELL OIL CO				RECEIVED:	12/27/83	JA: TX			
8413712	F-01-073456	4231131858		102-4		BRACKEN ET AL #21	A W P (OLMOS)	100.0	HPI TRANSMISSION
8413610	F-04-067118	4250531092		102-4		G P MUZZA #1	FANDANGO (WILCOX UPPE	900.0	UNITED TEXAS TRAN
8413731	F-06-073940	4240131679		102-4		J H SPIVEY #21	OVERTON N E (PETTIT)	65.0	
-SNOW OIL CO				RECEIVED:	12/27/83	JA: TX			
8413657	F-7B-071369	4213334842		102-4		BERRY #1	SNOW (DUFFER)	0.0	LONE STAR GAS CO
-SOUTH TEXAS DRILLING & EXPL INC				RECEIVED:	12/27/83	JA: TX			
8413747	F-09-074220	4207700000		103		COLLIE #5	BIRD (BRYSON)	20.0	FAGADAU ENERGY CO
-SOUTH TEXAS MINERALS INC				RECEIVED:	12/27/83	JA: TX			
8413639	F-04-070375	4235532129		103		BALLARD #1	CALALLEN W (7600 FRIO	170.0	HOUSTON PIPE LINE
-SOUTHLAND ROYALTY CO				RECEIVED:	12/27/83	JA: TX			
8413588	F-08-059920	4247510436		108-ER		SOUTHLAND FEE #1	SOUTH WARD	0.0	WARREN PETROLEUM
-STALEY OPERATING CO				RECEIVED:	12/27/83	JA: TX			
8413717	F-7C-073581	4243533005		103	107-TF	HUNT POWELL 34 #2	PHYLLIS SONORA	360.0	INTRATEX GAS CO
8413752	F-7C-074318	4243533012		103	107-TF	POWELL UNIT #4	PHYLLIS SONORA	180.0	INTRATEX GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	12/27/83	JA: TX			
8413824	F-04-075034	4242731723		102-4		D LAUREL #13	SUN NORTH	57.0	FLORIDA GAS TRANS
8413612	F-04-067236	4242700000		108-ER		GEO H SPEER STATE B #5	SUN	0.0	TRANSCONTINENTAL
8413780	F-7C-074646	4238300000		108		UNIVERSITY C-110 #110	SPRABERRY TREND AREA	3.0	EL PASO NATURAL G
8413645	F-04-070804	4242700000		108-ER		V L DE PENA #1	KELSEY SOUTH	0.0	FLORIDA GAS TRANS
-SUPERIOR OIL CO				RECEIVED:	12/27/83	JA: TX			
8413616	F-8A-068332	4211531757		103		ACKERLY (DEAN) FIELD UNIT #1703	ACKERLY (DEAN SAND)	31.0	GETTY OIL CO
8413691	F-04-072433	4221531316		102-4	103	F I JOHNSON #20	MONTE CHRISTO (VICKSB	3.3	
8413696	F-08-072648	4237134304		102-4	103	UNIVERSITY "20-2" WELL #2	TUNIS CREEK (DEVONIAN	81.0	DELHI GAS PIPELIN
8413732	F-08-07397	4247531789		102-4	103	WILLIAMS PAUL J #1	COLLIE (DELAWARE)	280.0	
-SUTTON PRODUCING CORP				RECEIVED:	12/27/83	JA: TX			
8413608	F-01-066676	4231131806		103		WHEELER #2	DILWORTH SOUTHEAST (E	400.0	TRANSCONTINENTAL
-TARTAN RESOURCES CORP				RECEIVED:	12/27/83	JA: TX			
8413730	F-03-073931	4208900000		102-4	103	HEINRICH #1	NADA SW (4120) - PROP	0.0	HOUSTON PIPELINE
-TDC ENGINEERING INC				RECEIVED:	12/27/83	JA: TX			
8413751	F-04-074311	4247933618		102-4	107-TF	H P BONUGLI #1 ID #107096	AQUA AZUL (LOBO#1)	548.0	UNITED TEXAS TRAN
-TED TRUE INC				RECEIVED:	12/27/83	JA: TX			
8413585	F-10-056157	4234100000		103		BRENT 62-2	PANHANDLE MOORE COUNT	0.0	PANHANDLE EASTERN
-TEXACO INC				RECEIVED:	12/27/83	JA: TX			
8413785	F-8A-074665	4221934055		103		MONTGOMERY ESTATE DAVIES NCT-2 #105	LEVELLAND	12.4	AMOCO PRODUCTION
8413795	F-8A-074750	4221934058		103		MONTGOMERY ESTATE DAVIES NCT-2 #106	LEVELLAND	29.2	AMOCO PRODUCTION
8413784	F-08-074664	4238931411		102-4		REEVES "AD" FEE #4	JESS BURNER	28.8	
8413617	F-8A-068375	4250132282		103		ROBERTS UNIT #3338	WASSON	5.5	SHELL OIL CO
8413783	F-08-074662	4243131280		103		V E BROWNFIELD #6	CONGER (PENN)	73.0	VALERO TRANSMISSI
8413722	F-8A-073658	4221933647		103		W T COBLE "A" NCT-1 #42	LEVELLAND	8.4	AMOCO PRODUCTION
8413786	F-8A-074666	4221933646		103		W T COBLE "A" NCT-1 #43	LEVELLAND	9.1	AMOCO PRODUCTION
8413746	F-8A-074216	4221934024		103		W T COBLE "B" NCT-1 #2A	LEVELLAND	3.3	AMOCO PRODUCTION
8413745	F-8A-074215	4216532545		103		WHARTON UNIT #125	HARRIS	10.2	PHILLIPS PETROLEU
8413787	F-8A-074669	4216532556		103		WHARTON UNIT #126	HARRIS	13.9	PHILLIPS PETROLEU
8413725	F-8A-073733	4216532601		103		WHARTON UNIT #135	HARRIS	16.4	PHILLIPS PETROLEU
8413744	F-8A-074214	4216532603		103		WHARTON UNIT #137	HARRIS	9.9	PHILLIPS PETROLEU
8413721	F-8A-073657	4216532604		103		WHARTON UNIT #138	HARRIS	5.1	PHILLIPS PETROLEU
-TEXAS EASTERN EXPLORATION CO				RECEIVED:	12/27/83	JA: TX			
8413702	F-03-072991	4215731437		103		TUCKER TRUST #1	FULSHEAR (CLODINE)	600.0	
-TEXAS WESTERN ENERGY CORP				RECEIVED:	12/27/83	JA: TX			
8413697	F-04-072654	4226130805		103		STEWART #1	SANTA ROSA FIELD (10,	0.0	TEXAS EASTERN TRA
-THOMPSON J CLEO & JAMES CLEO JR				RECEIVED:	12/27/83	JA: TX			
8413823	F-7C-075030	4210534534		103	107-TF	HAGELSTEIN #4	OZONA (CANYON SAND)	0.0	SHELL OIL CO
-TRINITY EXPLORATION CO				RECEIVED:	12/27/83	JA: TX			
8413790	F-7B-07470	4213335075		102-4		JAMES A COX #4-C (GAS)	T F C (CADDO)	346.7	EL PASO HYDROCARB
8413789	F-7B-074700	4213335075		102-4		JAMES A COX #4-T (OIL)	GREEN SHOW (UPPER CAD	36.0	EL PASO HYDROCARB

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-TRINITY RESOURCES INC				RECEIVED:	12/27/83	JA: TX
8413740	F-02-074068	4239131655		102-4		OPPENHEIMER #1
-TXO PRODUCTION CORP				RECEIVED:	12/27/83	JA: TX
8413652	F-02-071206	4228531728		102-4		BARNES C-1
8413605	F-05-066100	4216130771		102-4		HILL "L" #1
8413679	F-02-071798	4212321252		102-4		KOENIG A-1
8413667	F-03-071517	4248132469		102-4		PONCIK GAS UNIT 1
8413678	F-02-071797	4217500000		102-4		TERRELL ESTATE 4
-UNITED PETROLEUM CORP				RECEIVED:	12/27/83	JA: TX
8413750	F-10-074304	4223331636		103		CROSBY-HATCHER #1
-VENUS OIL COMPANY				RECEIVED:	12/27/83	JA: TX
8413650	F-03-071141	4248132260		102-4		GOLD-ZAPP
-VERNON E FAULCONER INC				RECEIVED:	12/27/83	JA: TX
8413620	F-06-068748	4236500000		108-ER		D V MULLINS UNIT 2-T 2-C #030281
-W M LAUGHLIN				RECEIVED:	12/27/83	JA: TX
8413771	F-04-074542	4224931604		102-4		ZELLA FOSTER HEIRS #6
-WALKER OIL & GAS				RECEIVED:	12/27/83	JA: TX
8413802	F-7B-074889	4204900000		102-4		M J BYRD #2
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	12/27/83	JA: TX
8413772	F-08-074581	4210332064		108		W A ESTES #107
-WCS PETROLEUM CO				RECEIVED:	12/27/83	JA: TX
8413760	F-03-074442	4228731362		102-2		DOROTHY LEHMANN #1
-WEDCO TEXAS CORP				RECEIVED:	12/27/83	JA: TX
8413788	F-7C-074679	4239932151		102-4		DICKINSON #11 08955
-WERNER OIL INC				RECEIVED:	12/27/83	JA: TX
8413611	F-10-067174	4206500000		108		URBANCZYK H #1
-WES-MOR DRILLING INC				RECEIVED:	12/27/83	JA: TX
8413792	F-09-074717	4250336990		103		SOUTHLAND RRC ID #23429
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	12/27/83	JA: TX
8413599	F-09-065358	4223734783		103		BORDEN 80
8413705	F-7B-073125	4236732514		102-4	103	HOBSON #5
8413714	F-09-073514	4223735427		102-4	103	ROBB MARLEY UNIT #2
-WILLIAM PERLMAN				RECEIVED:	12/27/83	JA: TX
8413798	F-7C-074814	4243532403		103	107-TF	DAN CAUTHORN 13403
8413583	F-7C-052678	4210500000		108-ER		LILLIAM M HUDSPETH MEM HOSP A#2
-WOODHAM CORP				RECEIVED:	12/27/83	JA: TX
8413581	F-01-030373	4250731364		102-4		RAINE #1

FIELD NAME	PROD	PURCHASER
BONNEVIEW N (L-1 FRIO	365.0	LONE STAR GAS CO
RUSSEK	0.0	REATA INDUSTRIAL
NAN-SU-GAIL PETTIT	0.0	DELHI GAS PIPELIN
KOENIG (11000')	0.0	DELHI GAS PIPELIN
HUNGERFORD N (5780')	0.0	DELHI GAS PIPELIN
TERRELL POINT (4035')	0.0	DELHI GAS PIPELIN
PANHANDLE-HUTCHINSON	54.0	DIAMOND CHEMICALS
HUTCHINS SOUTHWEST (3	0.0	DOW CHEMICAL CO
CARTHAGE (PETTIT LOWE	0.0	ARKANSAS LOUISIAN
BRAMAN	520.0	EXXON GAS SYSTEM
BYRD (FRY SAND)	5.0	EL PASO HYDROCARB
SAND HILLS (WEST)	10.2	EL PASO NATURAL G
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
BALLINGER WEST (GARDN	35.0	LONE STAR GAS CO
PANHANDLE	16.0	NORTHERN NATURAL
JAMES SOUTH (CADDO)	14.6	SUN GAS TRANSMISS
GILLEY W ATOKA CONGLO	0.0	TEXAS UTILITIES F
BRA STRAWN	0.0	SOUTHWESTERN GAS
PEARL MOSLEY (CONGL U	0.0	SOUTHWESTERN GAS
SHURLEY RANCH (CANYON	0.0	EL PASO NATURAL G
WHITEHEAD	0.0	EL PASO NATURAL G
INDEPENDENCE WEST	183.0	VALERO TRANSMISSI

[FR Doc. 84-2094 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1049]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 20, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are availble for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previos notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease.
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devolian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JANUARY 20, 1984
VOLUME 1049

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-ASHLAND EXPLORATION INC				RECEIVED:	12/30/83	JA: KY			
8413341	506200	1619548846		107-DV		COLONY COAL & COKE #72-094552	EASTERN KY	75.0	COLUMBIA GAS TRAN
8413344	506425	1619547956		103		J W & VICTORIA CASSADY #5 - 094221	EASTERN KENTUCKY GAS	28.0	COLUMBIA GAS TRAN
8413345	506426	1619547956		107-DV		J W & VICTORIA CASSADY #5 - 094221	EASTERN KENTUCKY GAS	28.0	COLUMBIA GAS TRAN
8413342	506201	1619547626		103		JAMES HATCHER LAND CO #12-094001	EASTERN KENTUCKY	44.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY				RECEIVED:	12/30/83	JA: KY			
8413351	506432	1619503268		108		CHAPMAN "A" #1	BLACKBERRY	16.5	COLUMBIA GAS TRAN
8413350	506431	1619500230		108		LAW HEIRS #26	TOLER CREEK	11.5	COLUMBIA GAS TRAN
8413349	506430	1619503726		108		RATLIFF "A" #3	TRAP FORK	17.8	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	12/30/83	JA: KY			
8413343	506423	1619500000		103		KENTLAND CO 820169	KENTUCKY FIELD AREA C	34.0	COLUMBIA GAS TRAN
-EQUITABLE LIFE ASSURANCE SOCIETY				RECEIVED:	12/30/83	JA: KY			
8413346	506427	1608537839		108		EQUITABLE - #1 JOE CLAGETT	SHREWSBERRY GAS FIELD	17.0	MIDWESTERN GAS TR
8413347	506428	1608549047		107-DV		EQUITABLE - #3 IDA LIKENS	READY	9.0	
8413364	506515	1608500000		108		EQUITABLE - DUEL SEATON #5	SHREWSBERRY GAS FIELD	0.0	MIDWESTERN GAS TR
8413367	506704	1608504015		108		EQUITABLE - HUBERT MOON #1	SHREWSBERRY GAS FIELD	20.0	MIDWESTERN GAS TR
8413368	506705	1606540442		108		EQUITABLE - LARUE COY #2	SHREWSBERRY GAS FIELD	9.0	MIDWESTERN GAS TR
8413365	506516	1608549809		107-DV		EQUITABLE - WINSTON DAVIS #2	SHREWSBERRY GAS FIELD	9.0	
8413366	506645	1608540198		108		EQUITABLE/NOVAL SEATON #2	SHREWSBERRY GAS FIELD	16.3	MIDWESTERN GAS TR
-KENMAR LTD				RECEIVED:	12/30/83	JA: KY			
8413369	506882	1615923943		108		E FIELDS HEIRS #1		0.0	COLUMBIA GAS TRAN
-KENTUCKY WEST VIRGINIA GAS CO				RECEIVED:	12/30/83	JA: KY			
8413348	506429	1619300000		107-DV		F S STACY #7201	KENTUCKY EAST	1.5	
-KEPCO INC				RECEIVED:	12/30/83	JA: KY			
8413361	506442	1613100000		103		A H YATES - #K344-7300	KENTUCKY EAST	2.0	KENTUCKY WEST VIR
8413352	506433	1613100000		103		COOK HEIRS - #KL29-1764	KENTUCKY EAST	131.4	KENTUCKY WEST VIR
8413360	506441	1613100000		103		COOK HEIRS - #K81-1761	KENTUCKY EAST	1069.6	KENTUCKY WEST VIR
8413353	506434	1613100000		103		COOK HEIRS #KL30-1765	KENTUCKY EAST	27.6	KENTUCKY WEST VIR
8413355	506436	1613100000		103		ISAAC M DAY - #KF52	KENTUCKY EAST	4.4	KENTUCKY WEST VIR
8413358	506439	1613100000		103		ISAAC M DAY - #K65-7312	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8413354	506435	1613100000		103		LEVI BOGGS - #KF49 (7308)	KENTUCKY EAST	20.4	KENTUCKY WEST VIR
8413362	506443	1613100000		103		LEVI BOGGS - #K345-7306	KENTUCKY EAST	2.0	KENTUCKY WEST VIR
8413356	506437	1613100000		103		WILLIAM CRESS - #KF58 (7345)	KENTUCKY EAST	55.0	KENTUCKY WEST VIR
8413363	506444	1613100000		103		WILLIAM CRESS - #K347-7321	KENTUCKY EAST	8.8	KENTUCKY WEST VIR
8413357	506438	1613100000		103		WILLIAM CRESS - #K62-7302	KENTUCKY EAST	160.6	KENTUCKY WEST VIR
8413359	506440	1613100000		103		WILLIAM CRESS - #K69-7323	KENTUCKY EAST	17.4	KENTUCKY WEST VIR
-WEST VIRGINIA KENTUCKY LTD				RECEIVED:	12/30/83	JA: KY			
8413370	506883	1615925012		108		POCAHONTAS LAND #1		0.0	COLUMBIA GAS TRAN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-TRICENTROL UNITED STATES INC				RECEIVED:	12/30/83	JA: MT			
8413340	11-83-168	2504121175		108		BERGER 24-11	BULLHOOK UNIT (TIGER	3.6	NORTHERN NATURAL
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ABARTA OIL & GAS INC				RECEIVED:	12/30/83	JA: NY			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413387	5938	3102915687		107-TF		CARRIERO	LAKE SHORE	0.0	NATIONAL FUEL GAS
8413385	5936	3102915684		107-TF		PINGITORE #1	LAKE SHORE	36.0	NATIONAL FUEL GAS
8413386	5937	3102915685		107-TF		PINGITORE #2	LAKE SHORE	32.0	NATIONAL FUEL GAS
8413388	5939	3102915688		107-TF		TURNBULL	LAKE SHORE	26.0	NATIONAL FUEL GAS
-ENVIROGAS INC				RECEIVED:	12/30/83	JA: NY			
8413374	5112	3101316216		102-2		H SORENSON #1	GLYMER - MEDINA	18.0	COLUMBIA GAS TRAN
8413371	5153	3101317711		107-TF		J REDLECKI #1	GLYMER	18.0	TENNESSEE GAS PIP
8413376	5141	3101318128		107-TF		JOHENNING #1	ELLINGTON - MEDINA	18.0	
8413377	5142	3101318150		107-TF		L STEARNS #1	POLAND - MEDINA	18.0	
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	12/30/83	JA: NY			
8413381	5948	3100918473		103	107-TF	DUNKLEMAN #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8413382	5946	3100918472		103	107-TF	H DUNKLEMAN #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8413383	5944	3100918468		103	107-TF	M SALISBURY #3	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	12/30/83	JA: NY			
8413384	5942	3105117465		103	107-TF	J D SINCLAIR UNIT #1 LRC #223	CALEDONIA	20.0	JERSEY CENTRAL PD
-NRM PETROLEUM CORPORATION				RECEIVED:	12/30/83	JA: NY			
8413375	5167	3100916807		102-2	107-TF	SMITH "D" #1	RANDOLPH	0.0	COLUMBIA GAS TRAN
-TRAHAN PETROLEUM INC				RECEIVED:	12/30/83	JA: NY			
8413372	5199	3101318053		102-2	107-TF	CARPENTER #3 31-013-18053	ELLINGTON	36.0	COLUMBIA GAS TRAN
8413373	5201	3101318010		107-TF		GILBERT #3 31-013-18010	ELLINGTON	36.0	COLUMBIA GAS TRAN
8413378	5112	3101318213		102-2	107-TF	P ANDERSON #2 31-013-18213	ELLINGTON	36.0	COLUMBIA GAS TRAN
8413380	5157	3101318006		102-2		P JOHNSON #1 31-013-18006	ELLINGTON	36.0	COLUMBIA GAS TRAN
8413379	5159	3101312496		102-2		SMALLBACK NY 37 31013-12496	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
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OHIO DEPARTMENT OF NATURAL RESOURCES									
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-AKRON/OIL CORP				RECEIVED:	12/28/83	JA: OH			
8413209		3411523244		107-TF		CLEMENS #2	DEERFIELD	2.0	
-ATLAS ENERGY GROUP INC				RECEIVED:	12/28/83	JA: OH			
8413210		3415522275		103	107-TF	MCCRACKEN SCHURING UNIT #1	BAZETTA	0.0	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED:	12/28/83	JA: OH			
8413211		3415723942		103	107-TF	ROSEMARY YODER #1	RAGERSVILLE	15.0	
-B & B ENTERPRISES				RECEIVED:	12/28/83	JA: OH			
8413212		3411926760		107-TF		WILLIAM D SIMS #1	STONEY POINT	90.0	
-BATH OIL & GAS EXPLORATION CO				RECEIVED:	12/28/83	JA: OH			
8413213		3415321513		107-TF		BATH CENTER ESTATES #2	BATH	18.0	
-BILL BLAIR INCORPORATED				RECEIVED:	12/28/83	JA: OH			
8413214		3402920976		103	107-TF	DYE #1	HANOVERTON	12.0	EAST OHIO GAS CO
8413215		3402920977		103	107-TF	DYE #2	HANOVERTON	0.0	EAST OHIO GAS CO
-BLAUSER WELL SERVICE INC				RECEIVED:	12/28/83	JA: OH			
8413216		3410522166		108		B D GRIFFIN #1		16.5	COLUMBIA GAS TRAN
8413217		3400922000		108		ROBERT R HARPER #1		14.3	COLUMBIA GAS TRAN
-BOBBY ANDERSON				RECEIVED:	12/28/83	JA: OH			
8413218		3416727552		103		KRIS - MAR #3	MILE RUN	5.4	RIVER GAS CO
-BOSSOW OIL MANAGEMENT INC				RECEIVED:	12/28/83	JA: OH			
8413219		3413323111		103	107-TF	SCHNEEBERGER #3	FREEDOM	0.0	
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED:	12/28/83	JA: OH			
8413220		3416724420		103		DUNHAM #1	BARLOW	10.0	OHIO OIL GATHERIN
-CAMERON BROS				RECEIVED:	12/28/83	JA: OH			
8413224		3411923766		108		ALVIN MCVICKER #1		3.0	COLUMBIA GAS TRAN
8413223		3411923598		108		ALVIN MCVICKER #2		3.0	COLUMBIA GAS TRAN
8413225		3411923796		108		ALVIN MCVICKER #3		3.0	COLUMBIA GAS TRAN
8413221		3411922663		108		CARLOS HOGUE #1		4.5	COLUMBIA GAS TRAS
8413226		3411924229		108		MARY MCCORT #1		3.0	COLUMBIA GAS TRAN
8413222		3411923585		108		ROBERT & JEAN FORAKER #3		3.0	COLUMBIA GAS TRAN
8413227		3411924286		108		WILLIAM KLEIN #4		4.0	COLUMBIA GAS TRAN
-CARL E SMITH PETROLEUM INC				RECEIVED:	12/28/83	JA: OH			
8413230		3410522461		103		CRAFT #249	OLIVE	5.4	COLUMBIA GAS TRAN
8413228		3410522419		103		GORRELL #239	OLIVE	16.2	COLUMBIA GAS TRAN
8413229		3410522448		103		MOLLOHAN UNIT #248	ORANGE	18.0	COLUMBIA GAS TRAN
-CARLTON OIL CORP				RECEIVED:	12/28/83	JA: OH			
8413231		3421223074		103		BROWN #4	JACKSON	15.0	EAST OHIO GAS CO
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED:	12/28/83	JA: OH			
8413232		3411926723		103	107-TF	OHIO POWER 35-A	MEIGS	50.2	TEXAS EASTERN TRA
-CLARENCE K TUSSEL JR				RECEIVED:	12/28/83	JA: OH			
8413234		3400722361		103	107-TF	J WHITE #1	MONROE	30.0	
8413233		3400722309		103	107-TF	W DEJONG #1	CHERRY VALLEY	30.0	
-CLINTON OIL CO				RECEIVED:	12/28/83	JA: OH			
8413333		3415723888		107-TF		BESSIE V GUTHRIE	MILL	10.0	
8413332		3405520586		107-TF		EQUESTRIAN ESTATES #2-821	BURTON	10.0	
-CNG DEVELOPMENT CO				RECEIVED:	12/28/83	JA: OH			
8413235		3412123055		103	107-TF	JAMES W & EDNA A TIDD #1 CNGD #298	JACKSON	5.0	
-DOME ENERGY 83				RECEIVED:	12/28/83	JA: OH			
8413236		3409321198		107-TF		HUGHES #2	COLUMBIA	15.0	COLUMBIA GAS TRAN
-DUTY OIL CO				RECEIVED:	12/28/83	JA: OH			
8413237		3413323080		107-TF		DUBETZ #2	ROOTSTOWN	72.0	
-EASTERN PETROLEUM SERVICES INC				RECEIVED:	12/28/83	JA: OH			
8413239		3415522383		107-TF		BOLD #1	WEATHERFIELD	20.0	EAST OHIO GAS CO
8413240		3415522384		107-TF		BOLD #2	WEATHERFIELD	20.0	EAST OHIO GAS CO
8413238		3400722369		107-TF		CUSANO #1	SHEFFIELD	20.0	EAST OHIO GAS CO
-ELKHEAD GAS & OIL COMPANY				RECEIVED:	12/28/83	JA: OH			
8413242		3408924827		103		DANIELSON #1	LICKING	18.0	NATIONAL GAS & OI
-ENERGY DEVELOPMENT CORP				RECEIVED:	12/28/83	JA: OH			
8413257		3413321537		108		CARLISLE-POLLOCK #1		7.0	ANCHOR HOCKING CO
8413251		3413321159		108		CHULAINN INC #2		9.0	EAST OHIO GAS CO
8413249		3413321072		108		DENK #1		7.0	ANCHOR HOCKING CO
8413243		3413320688		108		FROST #4		8.0	EAST OHIO GAS CO
8413253		3413321253		108		JONES #1		8.0	ANCHOR HOCKING CO
8413260		3413321632		108		KNIPPER #1		9.0	ULERY GREENHOUSE
8413259		3413321630		108		KNIPPER #2		9.0	EAST OHIO GAS CO
8413247		3413321023		108		KOLODY-EVANS #1		10.0	ANCHOR HOCKING CO
8413246		3413321022		108		KOLODY-EVANS #2		6.0	ANCHOR HOCKING CO
8413244		3413320782		108		M POCHEDLY #1-A		10.0	EAST OHIO GAS CO
8413245		3413320995		108		MINER #2		9.0	ANCHOR HOCKING CO
8413250		3413321124		108		MINER #3		10.0	ANCHOR HOCKING CO
8413258		3413321599		108		NEWCOMB #1		7.0	EAST OHIO GAS CO
8413252		3413321179		108		PRICE #2		8.0	EAST OHIO GAS CO
8413248		3413321026		108		RAND #1		9.0	EAST OHIO GAS CO
8413255		3413321434		108		ROBINSON #1		6.0	EAST OHIO GAS CO
8413256		3413321446		108		ROBINSON #2		6.0	EAST OHIO GAS CO
8413254		3413321433		108		SCHUSTER-ALGER #1		9.0	EAST OHIO GAS CO
-ENTERPRISE ENERGY CORP				RECEIVED:	12/28/83	JA: OH			
8413261		3411926635		103	107-TF	OHIO POWER #20	NEWTON	18.2	TEXAS EASTERN TRA
8413263		3411926747		103	107-TF	OHIO POWER #21	NEWTON	18.2	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413264		3411926753		103	107-TF	OHIO POWER #25	NEWTON	18.2	TEXAS EASTERN TRA
8413262		3411926725		103	107-TF	OHIO POWER #3	NEWTON	18.2	TEXAS EASTERN TRA
				RECEIVED: 12/28/83 JA: OH					
-ENVIROGAS INC									
8413266		3400922867		103	107-TF	PEABODY COAL #28D	DOVER	18.2	
8413265		3400922857		103	107-TF	PEABODY COAL #3D	DOVER	18.2	
				RECEIVED: 12/28/83 JA: OH					
-FARRELL OIL CO									
8413267		3416724629		108		MATHENY #2		2.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-FREDERICK PETROLEUM CORP									
8413268		3411122692		103		CAPPADONA #3	FRANKLIN	4.0	
				RECEIVED: 12/28/83 JA: OH					
-GENERAL ELECTRIC CO									
8413269		3415522353		103	107-TF	PRESBYTERY OF CLEVELAND #2	MESOPOTAMIA	20.0	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-GREENLAND PARTNERSHIP 34									
8413275		3412726018		107-TF		JONES COAL CO #7	COAL	15.0	
				RECEIVED: 12/28/83 JA: OH					
-GREENLAND PETROLEUM CO									
8413271		3412725940		107-TF		CAMERON #12	MONDAY CREEK	20.0	PARAMOUNT TRANSMI
8413273		3412725954		107-TF		CAMERON #14	MONDAY CREEK	20.0	PARAMOUNT TRANSMI
8413272		3412725941		107-TF		CAMERON #6	MONDAY CREEK	20.0	PARAMOUNT TRANSMI
8413270		3412725619		107-TF		REAM #4	MONDAY CREEK	15.0	
8413274		3412725967		107-TF		SCHORR #1	MONDAY CREEK	20.0	PARAMOUNT TRANSMI
				RECEIVED: 12/28/83 JA: OH					
-GREGG PRICE CORP									
8413276		3412123027		103		LARRY WOODFORD #2	OLIVE	36.0	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-HOOVER PRODUCING & OPERATING									
8413277		3411926762		103		D MCCARTY #1	MUSKINGUM	18.3	NATIONAL GAS & OI
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED: 12/28/83 JA: OH					
8413278A		3408924802		103		RICHARD LINN #3	HANOVER	0.0	NATIONAL GAS AND
8413278B		3408924802	D	107-TF		RICHARD LINN #3	HANOVER	0.0	NATIONAL GAS AND
				RECEIVED: 12/28/83 JA: OH					
-HURON EXPLORATION CO									
8413280		3413320207		108		BUCKMAN UNIT #1		10.0	EAST OHIO GAS CO
8413279		3413320204		108		MERRIMAN UNIT #1		3.0	EAST OHIO GAS CO
8413281		3413320220		108		SAYRE UNIT #1		4.0	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-J & J OPERATING INC									
8413282		3416120193		103		RONALD ENGEL #2	WASHINGTON	12.0	WEST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-J. V. ALTIER GAS & OIL CO INC.									
8413283		3411522511		103		RAYMOND HIVNOR #20-1	MCCONNELSVILLE	3.5	NATIONAL GAS & OI
				RECEIVED: 12/28/83 JA: OH					
-JACK MORAN DRILLING CO									
8413284		3408322493		108		MCKEE #1A	ARTANA	18.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-JERRY MOORE INC									
8413287		3403123112		108		ANDREW J D YODER #1-A	NEW BEDFORD	1.0	COLUMBIA GAS TRAN
8413288		3403123265		108		BEN V BEACHY UNIT #4	KEENE	0.0	COLUMBIA GAS TRAN
8413289		3403123266		108		BEN V BEACHY UNIT #5	NEW BEDFORD	1.0	COLUMBIA GAS TRAN
8413286		3403122997		108		DAVID SHAWVER #1	CLARK	2.0	COLUMBIA GAS TRAN
8413285		3403122996		108		DAVID SHAWVER #2	CLARK	2.0	COLUMBIA GAS TRAN
8413290		3406720103		108		ROY BIRNEY #1	CADIZ	2.0	COLUMBIA GAS TRAN
8413291		3406720360		108		ROY BIRNEY #2	CADIZ	1.0	COLUMBIA GAS TRAN
8413292		3406720361		108		ROY BIRNEY #3	CADIZ	1.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-JOHN TANSKY									
8413293		3412725676		103	107-TF	ROBERT&FORREST SCHORR #1	MONDAY CREEK	3.0	
				RECEIVED: 12/28/83 JA: OH					
-K S T OIL & GAS CO INC									
8413294		3415321272		103	107-TF	WOOD #2	TWINSBURG	35.0	
				RECEIVED: 12/28/83 JA: OH					
-KENOIL									
8413295		3416923536	D	107-TF		RAY MAIRS #1	PLAIN	5.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-KINGSLY ENTERPRISES INC									
8413296		3415521567		103	107-TF	HORVAT #7	BLOOMFIELD	50.0	
				RECEIVED: 12/28/83 JA: OH					
-L & M PETROLEUM INC									
8413299		3412725799		107-TF		BLAIRE/SHARSHALL #7	SALT LICK	10.0	COLUMBIA GAS TRAN
8413297		3412725606		107-TF		FOWLE/COMPSTON #2	SALT LICK	10.0	OHIO OIL GATHERIN
8413298		3415122120		103		R D MAURER #2	SANDY	10.0	BONANZA GAS LINE
				RECEIVED: 12/28/83 JA: OH					
-LAKE REGION OIL INC									
8413300		3407524152		103	107-TF	ATLEE HERSHBERGER #1	BERLIN	10.0	COLUMBIA GAS TRAN
8413302		3407524168		103	107-TF	DAN N D YODER #1	BERLIN	10.0	COLUMBIA GAS TRAN
8413301		3407524153		103	107-TF	HENRY HERSHBERGER #1	BERLIN	10.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-LOMAK PETROLEUM INC									
8413304		3405520528		103		A FIRST #2	CLARIDON	30.0	
8413303		3405520524		103		B ARMSTRONG #2	CLARIDON	35.0	
8413305		3405520543		103		BENSON-HESS UNIT #1	CLARIDON	30.0	
8413309		3415520553		103		C BATES #2	MESOPOTAMIA	30.0	
8413310		3415522312		103		C BATES #3	MESOPOTAMIA	30.0	
8413308		3413323065		103	107-TF	KOTKOWSKI #1-L	SHALERSVILLE	12.0	
8413306		3411523154		103	107-TF	OHIO POWER #4-MD	BRISTOL	24.0	
8413307		3411523157		103		OHIO POWER #8-MD	BRISTOL	35.0	
				RECEIVED: 12/28/83 JA: OH					
-LUDCO INC									
8413311		3407322866		103		CARTER #1 34-073 2 2866	STARR	73.0	OHIO OIL GATHERIN
8413312		3407322871		103		MARTIN #1 34-073-2-2871 14	WASHINGTON	44.0	OHIO OIL GATHERIN
				RECEIVED: 12/28/83 JA: OH					
-M B OPERATING CO INC									
8413315		3415122977		103	107-RT	R & T SENFTEN UNIT #1	LAKE	127.8	REPUBLIC STEEL CO
				RECEIVED: 12/28/83 JA: OH					
-MARK RESOURCES CORP									
8413313		3400722348		103	107-TF	BLANK-PAGE-THOMASSON UNIT #1	KINGSVILLE	30.0	EAST OHIO GAS CO
8413314		3400722351		103	107-TF	PARKER-DRAULIS UNIT #1	KINGSVILLE	30.0	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-MORGAN-PENNINGTON INC									
8413318		3415321506		107-TF		CARPENTER #1	NORTON	18.3	EAST OHIO GAS CO
8413317		3415321505		107-TF		GEHO UNIT #1	NORTON	18.3	EAST OHIO GAS CO
8413316		3415321504		107-TF		SQUIRES #1	NORTON	18.3	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-NOBLE OIL CORP									
8413319		3413323003		107-TF		HILLEGAS #3	PALMYRA	20.0	GENERAL ELECTRIC
				RECEIVED: 12/28/83 JA: OH					
-NORTHEASTERN ENERGY									
8413320		3410323470		103	107-TF	KOONTZ WELL #2	WADSWORTH	20.0	EAST OHIO GAS CO
				RECEIVED: 12/28/83 JA: OH					
-OHIO OIL & GAS CO									
8413321		3415522348		107-TF		PRENTICE 3	FOWLER	20.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-OHIO PRODUCERS SERVICES INC									
8413322		3412726046		103		MARY E GABEL #1	HOPEWELL	4.0	NATIONAL GAS & OI
				RECEIVED: 12/28/83 JA: OH					
-OXFORD OIL CO									
8413334		3404520852		103		LANCASTER POULTRY #1	RICHLAND	10.0	
8413335		3411523177		107-TF		MCNEAL UNIT #1	YORK	10.0	
				RECEIVED: 12/28/83 JA: OH					
-PETRO EVALUATION SERVICES INC									
8413323		3408522890		103	107-TF	CAMP ROOSEVELT #1	PERRY	37.0	
				RECEIVED: 12/28/83 JA: OH					
-POI ENERGY INC									
8413325		3405520560		103	107-TF	C TAYLOR UNIT #GM-1	BAINBRIDGE	36.0	
8413324		3400722364		103	107-TF	MC CREADY #1	ANDOVER	30.0	
				RECEIVED: 12/28/83 JA: OH					
-RELIANCE ENERGY									
8413241		3408323379		103		LOUIS CLUTTER #1-B	HARRISON	3.0	COLUMBIA GAS TRAN
				RECEIVED: 12/28/83 JA: OH					
-SHONGUM OIL & GAS INC									
8413327		3416923625		103		FRED BUTCHER #2	DOYLESTOWN	0.0	
8413326		3410323206		107-TF		GEIG #1	DOYLESTOWN	0.0	
				RECEIVED: 12/28/83 JA: OH					
-SPARTA ENERGY CORP									

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413328		3400721878		103	107-TF	R WILKENS #1	NEW LYME	20.0	OHIO GAS CO
-STOCKER & SITLER INC				RECEIVED: 12/28/83 JA: OH					
8413329		3415723867		103	107-TF	DICKINSON UNIT #2	PERRY	12.0	PANHANDLE EASTERN
8413330		3415723868		103	107-TF	DICKINSON UNIT #3	PERRY	13.0	PANHANDLE EASTERN
-THE BENATTY CORPORATION				RECEIVED: 12/28/83 JA: OH					
8413331		3411925224		103		W ANDERSON 21	MUSKINGUM	0.0	NATIONAL GAS & OI
-TIGER OIL INC				RECEIVED: 12/28/83 JA: OH					
8413336		3412123067		103	107-TF	HAYES UNIT #1	NOBLE	5.0	EAST OHIO GAS CO
-W E SHRIDER CO				RECEIVED: 12/28/83 JA: OH					
8413337		3408948120		103		JAMES GREEN #1	FALLSBURY	3.0	NATIONAL GAS & OI
-WILLIAMSFIELD SYNDICATE INC				RECEIVED: 12/28/83 JA: OH					
8413338		3400721875		103	107-TF	KUHN #W-1	WILLIAMSFIELD	25.0	
-ZINK PETROLEUM CORP				RECEIVED: 12/28/83 JA: OH					
8413339		3415723764		103	107-TF	CONOTTON #3	UNION	10.0	M B OPERATING CO
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMBASSADOR OIL CO				RECEIVED: 12/27/83 JA: OK					
8413402	25392	3513322287		103		REED #2-A		7.3	WELLHEAD ENTERPRI
-AMERICAN STAR ENERGY & MINERALS COR				RECEIVED: 12/27/83 JA: OK					
8413436	25206	3504321514		103		ROBINSON STAR #1	CANTON	32.4	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED: 12/27/83 JA: OK					
8413425	23298	3500722331		102-4		MATKIN B-1	EAST LORENA	73.0	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED: 12/27/83 JA: OK					
8413395	24011	3504938789		108		HALE MARRIS #1	GOLDEN TREND	7.3	WARREN PETROLEUM
-ARMSTRONG & MCLEOD CO				RECEIVED: 12/27/83 JA: OK					
8413445	22634	3510121669		102-2		SOLOMON #7		414.6	
-BENSON-MCCOWN & CO				RECEIVED: 12/27/83 JA: OK					
8413401	25344	3510322003		103		HAGGARD #2	ORLANDO	75.0	AMINOIL USA INC
-BRACKEN EXPLORATION CO				RECEIVED: 12/27/83 JA: OK					
8413439	24788	3502520549		103		MILLER #2-20	GRIGGS	11.0	PHILLIPS PETROLEU
-D & J OIL COMPANY				RECEIVED: 12/27/83 JA: OK					
8413437	25261	3507323838		103		UNDERWOOD 1-14	WEST CASHION	127.8	CONOCO INC
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 12/27/83 JA: OK					
8413432	23325	3504213870		102-2		RAYMOND TULLIS 1-33	UNDESIGNATED	0.0	NONE (CONTRACT BE
8413433	23326	3512920723		102-2		W L VANHOOK #1-34	RED FORK	0.0	
-EAGLE PETROLEUM CORP				RECEIVED: 12/27/83 JA: OK					
8413420	22933	3507323566		103		NELSON #2-18		1.2	EXXON CO USA
-EARTH ENERGY RESOURCES INC				RECEIVED: 12/27/83 JA: OK					
8413419	22932	3511921618		102-4		HEADQUARTERS #1	WILDCAT	7.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED: 12/27/83 JA: OK					
8413414	25439	3515320377		108		MCFEETERS #4	QUINLAN NW (CHESTER)	11.0	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED: 12/27/83 JA: OK					
8413440	24866	3504321734		103		IRENE GAMBREL #1-16	N E PUTNAM	292.0	MOBIL OIL CORP
-FRENCH PETROLEUM				RECEIVED: 12/27/83 JA: OK					
8413413	25450	3509322738		103		EDWARD #1		145.0	PHILLIPS PETROLEU
-GARNER-DIARAJ INC				RECEIVED: 12/27/83 JA: OK					
8413421	22939	3513723256		103		GARNER #1-21	NW HARRISBURG	0.0	GETTY CRUDE GATHE
-GEMARA OIL CO				RECEIVED: 12/27/83 JA: OK					
8413444	22608	3512322017		102-2		BROWN #1	WEST OAKMAN	395.0	ARKANSAS LOUISIAN
-GETTY OIL COMPANY				RECEIVED: 12/27/83 JA: OK					
8413399	25097	3513900000		108		J E WISE #1	GUYMON-HUGOTON	9.1	NORTHWEST CENTRAL
-GUIDON OIL & GAS CO INC				RECEIVED: 12/27/83 JA: OK					
8413453	25316	3514700000		108		ROBINSON #1	ROBINSON (S33 T29N R1	0.0	NORTHWEST CENTRAL
-H G & G INC				RECEIVED: 12/27/83 JA: OK					
8413441	25010	3507323750		103		JOSLIN #1-30		0.0	PHILLIPS PETROLEU
-HARPER OIL COMPANY				RECEIVED: 12/27/83 JA: OK					
8413394	25348	3508321267		103		JOHN #1	S LUCIEN	0.0	EASON OIL CO
8413407	25409	3508322318		103		MARCELLA #1		91.0	EXXON CORP
-HAZEN WILLIAM F				RECEIVED: 12/27/83 JA: OK					
8413447	22716	3514700000		102-2	103	HAZEN #1	HAZEN	0.0	
-HOLSHOUSER L W				RECEIVED: 12/27/83 JA: OK					
8413415	25420	3510920719		103		OLSON #1	NORTHEAST EDMOND	63.9	CHAMPLIN PETROLEU
-J WALTER DUNCAN JR				RECEIVED: 12/27/83 JA: OK					
8413431	21672	3510521429		102-4		BOLES #1-14	BINGER	3.7	PIONEER GAS PRODU
8413430	21671	3501521392		102-4		WILLARD #1-3	BINGER	190.0	PIONEER GAS PRODU
-JET OIL COMPANY				RECEIVED: 12/27/83 JA: OK					
8413396	25425	3504723364		103		ANTHONY #2	NORTH ELKHORN	0.0	EASON OIL CO
-JIM ASHLEY CO				RECEIVED: 12/27/83 JA: OK					
8413448	22803	3503724554		102-2		MARZ #1	KELLEYVILLE	73.0	COLORADO GAS COMP
-JONES & PELLOW OIL CO				RECEIVED: 12/27/83 JA: OK					
8413423	23284	3515321326		102-4		BAKER #29-1		455.0	NATURAL GAS PIPEL
8413424	23285	3508520620		102-3		WILSON #30-1		2.3	AMINOIL USA INC
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 12/27/83 JA: OK					
8413442	26639	3504521156		102-2		BERRYMAN #1-19	ARNETT	386.9	
8413452	25311	3505120717		108-PB		HURST #1	MORROW-SPRINGER	0.0	ARKANSAS LOUISIAN
-KELLOIL INC				RECEIVED: 12/27/83 JA: OK					
8413451	25187	3513921597		103		TREECE #1		28.0	PHILLIPS PETROLEU
-L E JONES PRODUCTION COMPANY				RECEIVED: 12/27/83 JA: OK					
8413449	22938	3501922596		102-3		QUINTON #1		55.0	LONE STAR GAS CO
-LADD PETROLEUM CORPORATION				RECEIVED: 12/27/83 JA: OK					
8413406	25407	3504320614		108		SCHAFER #A-2		4.4	TRANSOK PIPELINE
-LONG ROYALTY CO				RECEIVED: 12/27/83 JA: OK					
8413392	25436	3503100000		103		PAUL TALIAFERRO #1-7	WILDCAT	0.0	
-MOBIL OIL CORP				RECEIVED: 12/27/83 JA: OK					
8413450	24833	3501900000		108		COUNTYLINE UT #2-1 AGATHA CREWS #1	SHO VEL TUM	0.1	OKLAHOMA NATURAL
-NATIONAL PETROLEUM CORP				RECEIVED: 12/27/83 JA: OK					
8413428	25112	3510523550		108		GREENFIELD #1	GREENFIELD (S34 T29N	12.0	NORTHWEST CENTRAL
8413418	25318	3510526183		108		GREENFIELD #3	GREENFIELD (S34 T29N	6.0	NORTHWEST CENTRAL
8413429	25317	3510526184		108		GREENFIELD #4		0.0	NORTHWEST CENTRAL
-O I L ENERGY INC				RECEIVED: 12/27/83 JA: OK					
8413446	22704	3501722420		102-2		PARKER #1-28	UNION CITY	1.0	PHILLIPS PETROLEU
-P A MCGINLEY & J R MCGINLEY JR				RECEIVED: 12/27/83 JA: OK					
8413434	23355	3514322250		102-2	103	GILBERT #1		70.0	
8413435	23356	3503724298		102-2	103	HINDS #1		70.0	
-PETRO-ENERGY EXPLORATION INC				RECEIVED: 12/27/83 JA: OK					
8413390	25432	3509322728		103		BROWN #1-18	SOUTHWEST FAIRVIEW	100.0	UNION TEXAS PETRO
-RED EAGLE OIL CO				RECEIVED: 12/27/83 JA: OK					
8413391	25435	3501121839		103		L C #1	N W OKEENE	182.0	PIONEER GAS PRODU
-REDGATE PETROLEUM INC				RECEIVED: 12/27/83 JA: OK					
8413393	25625	3515100000		108		W C OLSON #1-7	S W AVARD	14.0	PANHANDLE EASTERN
-ROBERT GORDON OIL CO				RECEIVED: 12/27/83 JA: OK					
8413422	23260	3510721559		102-4		SCHARDEIN #25-1	S WELEETKA	35.0	LINGAS CO
-SANTA FE-ANDOVER OIL CO				RECEIVED: 12/27/83 JA: OK					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413411	25458	3510321990		103		AIGNER #1-1		50.0	AMINOIL USA INC
8413410	25459	3510321975		103		BAKER #29-1		50.0	AMINOIL USA INC
8413412	25456	3507323828		103		MEIER #9-1		130.0	PHILLIPS PETROLEU
8413409	25460	3501321980		103		NELSON #28-1		30.0	AMINOIL USA INC
8413389	25430	3507323801		103		SIMUNEK #33-3		150.0	PHILLIPS PETROLEU
8413408	25457	3507323804		103		SIMUNEK #33-4		140.0	PHILLIPS PETROLEU
-SILVER LAKE EXPLORATION				RECEIVED:	12/27/83	JA: OK			
8413417	25411	3510920711		103		WHITE FIELD #2		225.0	CHAMPLIN PETROLEU
-SRRAM OIL & GAS				RECEIVED:	12/27/83	JA: OK			
8413397	25427	3503700000		108		DORTHA RUSCO #1	NORTH SILVER CITY	7.3	ARCO OIL & GAS CO
8413398	25428	3503722416		108		DORTHA RUSCO 2A	NORTH SILVER CITY	5.8	ARCO OIL & GAS CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	12/27/83	JA: OK			
8413403	25395	3500722370		103		S BOYD EXT UNIT TR 14 #3	BOYD S	6.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	12/27/83	JA: OK			
8413438	25295	3510321979		103		L SEIDS #A-3	SOUTH LONE ELM	2.0	
-TEXACO INC				RECEIVED:	12/27/83	JA: OK			
8413404	25396	3500722559		103		R G STICKLER #1	DOMBEY	137.0	K N ENERGY INC
-TEXCO PETROLEUM INC				RECEIVED:	12/27/83	JA: OK			
8413400	25320	3511124314		103		CUNNINGHAM #2	HECTOR	967.3	PHILLIPS PETROLEU
8413427	23349	3511124144		103		GOLDIE CROWELL #1	HECTORVILLE	54.8	PHILLIPS PETROLEU
8413426	23348	3511123894		103		JIM CROWELL #1	HECTORVILLE	120.7	PHILLIPS PETROLEU
-IXO PRODUCTION CORP				RECEIVED:	12/27/83	JA: OK			
8413416	25413	3504321763		103		DARLA #1	NW CANTON	0.0	
8413405	25401	3509322722		103		EDWARDS "B" #2	CHEYENNE VALLEY	0.8	DELHI GAS PIPELIN
-WORLDWIDE ENERGY CORPORATION				RECEIVED:	12/27/83	JA: OK			
8413443	21709	3500700000		108		BROWN 1-32	DOMBEY FIELD	22.0	KN ENERGY INC

[FR Doc. 84-2092 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. No. 1050]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 20, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 Mile rule)
- 102–3: New well (1000 Ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal Seams
- 107–DV: Devonian Shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1050

ISSUED JANUARY 20, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-KAN-EX INC				RECEIVED: 12/27/83		JA: KS			
8413456	K-83-0610	1515121284		102-4		ONSTOT #3	KAN-OPENER	18.0	KANSAS GAS SUPPLY
-LEBEN OIL CORP				RECEIVED: 12/27/83		JA: KS		0.0	KN ENERGY INC
8413455	K-80-0572	1514520222		108-PB		ROW #1			
UTAH DIVISION OF OIL,GAS, & MINING									
-COASTAL OIL & GAS CORP				RECEIVED: 12/30/83		JA: UT			
8413480	K-136-13	4304731268		103		NBU 213-36	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
-THE ANSCHUTZ CORPORATION				RECEIVED: 12/30/83		JA: UT			
8413479	K-126-9	4304330225		102-2		CAVE CRREK #12-30	WILDCAT	900.0	NATURAL GAS PIPEL
WEST VIRGINIA DEPARTMENT OF MINES									
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED: 12/27/83		JA: WV			
8413457		4703300517		108-PB		J SLAW #11159	KENNEDY DIST	0.0	GENERAL SYSTEM PU
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 12/16/83		JA: WV			
8413454		4706100311		108-PB		HARWORTH A #1	SOUTH BURNS CHAPEL	0.0	CONSOLIDATED GAS
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, LOS ANGELES,CA									
-UNION OIL COMPANY OF CALIF				RECEIVED: 12/29/83		JA: CA 2			
8413459	OCS-P31-83	0431120557		102-5		SANTA CLARA UNIT WELL #S-27	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE,NM									
-AMOCO PRODUCTION CO				RECEIVED: 12/29/83		JA: NM 4			
8413510	NM-1635-83PB	3004520966		108-PB		A L ELLIOTT B#7	BLANCO	0.0	EL PASO NATURAL G
8413505	NM-1640-83PB	3004521014		108-PB		A L ELLIOTT C#3	BLANCO	0.0	EL PASO NATURAL G
8413511	NM-1634-83PB	3004509188		108-PB		E E ELLIOTT B#6	BLANCO	0.0	EL PASO NATURAL G
8413509	NM-1636-83PB	3004509193		108-PB		E E ELLIOTT B#7	BASIN	0.0	EL PASO NATURAL G
8413504	NM-1639-83PB	3004522303		108-PB		GUTIERREZ GAS COM #1A	BLANCO	0.0	EL PASO NATURAL G
8413508	NM-1637-83PB	3004522303		108-PB		GUTIERREZ GAS COM #1A	BLANCO	0.0	EL PASO NATURAL G
8413506	NM-1641-83PB	3004513237		108-PB		J C GORDON C#1	FULCHER KUTZ	0.0	EL PASO NATURAL G
8413501	NM-1632-83PB	3003906309		108-PB		JICARILLA APACHE A 118 #5	GAVILAN	0.0	EL PASO NATURAL G
8413500	NM-1631-83PB	3003906153		108-PB		JICARILLA CONTRACT 146 #12	OTERO	0.0	EL PASO NATURAL G
8413499	NM-1630-83PB	3003932337		108-PB		JICARILLA CONTRACT 148 #14	OTERO	0.0	EL PASO NATURAL G
8413498	NM-1629-83PB	3003905975		108-PB		JICARILLA CONTRACT 148 #16	OTERO	0.0	EL PASO NATURAL G
8413497	NM-1628-83PB	3003921999		108-PB		JICARILLA CONTRACT 148 #17	OTERO	0.0	EL PASO NATURAL G
8413503	NM-1638-83PB	3004524339		108-PB		SHANG GAS COM A #1	BLANCO	0.0	EL PASO NATURAL G
8413507	NM-1643-83PB	3004510387		108-PB		STANOLIND A#1	BLANCO	0.0	EL PASO NATURAL G
8413502	NM-1633-83PB	3004520970		108-PB		W D HEATH B #5	BLANCO	0.0	EL PASO NATURAL G
-DEPCO INC				RECEIVED: 12/29/83		JA: NM 4			
8413494	NM-1625-83PB	3003906632		108-PB		MKL #10	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413493	NM-1624-83PB	3003906554		108-PB		MKL #11	BLANCO	0.0	EL PASO NATURAL G
8413495	NM-1623-83PB	3003906615		108-PB		MKL #13	SOUTH BLANCO	0.0	EL PASO NATURAL G

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413496	NM-1622-83PB	3003906712		108-PB		MKL #14	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413492	NM-1626-83PB	3003900000		108-PB		MKL #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/29/83	JA: NM 4			
8413569	NM-1606-83PB	3004523285		108-PB		ATLANTIC #13	BLANCO	0.0	EL PASO NATURAL G
8413542	NM-1612-83PB	3004521162		108-PB		ATLANTIC C #7	BLANCO	0.0	EL PASO NATURAL G
8413580	NM-1614-83PB	3004509866		108-PB		BRUINGTON #3	AZTEC & BLANCO	0.0	EL PASO NATURAL G
8413536	NM19-83-ER	3004520789		108-ER		DAY A #13	BLANCO	0.0	EL PASO NATURAL G
8413552	NM-1646-83PB	3004521086		108-PB		HARDIE #11	BLANCO	0.0	EL PASO NATURAL G
8413553	NM-1647-83PB	3004521086		108-PB		HARDIE #11	BLANCO	0.0	EL PASO NATURAL G
8413535	NM-1643-83PB	3004521150		108-PB		HARDIE #12	BLANCO	0.0	EL PASO NATURAL G
8413567	NM-1608-83PB	3004520988		108-PB		HEATON #28	BLANCO	0.0	EL PASO NATURAL G
8413534	NM-1644-83PB	3004521036		108-PB		HUGHES #18	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413541	NM-1611-83PB	3003906379		108-PB		JICARILLA F #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413577	NM-1666-83PB	3003906397		108-PB		JICARILLA G #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413537	NM-1664-83PB	3003906528		108-PB		JICARILLA J #16	AZTEC	0.0	EL PASO NATURAL G
8413540	NM-1610-83PB	3004507451		108-PB		JOHNSTON #4	BLANCO	0.0	EL PASO NATURAL G
8413543	NM-1617-83PB	3004521191		108-PB		JONES #4	OTERO	0.0	EL PASO NATURAL G
8413559	NM-1603-83PB	3004521562		108-PB		LACKEY #9	AZTEC	0.0	EL PASO NATURAL G
8413544	NM-1618-83PB	3004507258		108-PB		LACKEY B #9	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413545	NM-1619-83PB	3003922381		108-PB		LINDRITH UNIT #100	BLANCO	0.0	EL PASO NATURAL G
8413568	NM-1607-83PB	3004509828		108-PB		LUDWICK #8	BLANCO	0.0	EL PASO NATURAL G
8413546	NM-1616-83PB	3004520848		108-PB		RIDDLE B #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413560	NM-1602-83PB	3004521156		108-PB		RIDDLE G #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413551	NM-1645-83PB	3003906970		108-PB		RINCON UNIT #115 PC & MV	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413572	NM-1658-83PB	3003906976		108-PB		RINCON UNIT #117	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413571	NM-1660-83PB	3003906960		108-PB		RINCON UNIT #119	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413555	NM-1650-83PB	3003906877		108-PB		RINCON UNIT #154	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413538	NM-1620-83PB	3003920728		108-PB		RINCON UNIT #199	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413570	NM-1605-83PB	3003907061		108-PB		RINCON UNIT #87	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413554	NM-1648-83PB	3003960094		108-PB		RINCON UNIT #97 MV & PC	BLANCO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8413575	NM-1657-83PB	3004500000		108-PB		SAN JUAN #21	AZTEC	0.0	EL PASO NATURAL G
8413550	NM-1654-83PB	3003921045		108-PB		SAN JUAN 27-4 UNIT #115	TAPACITO	0.0	EL PASO NATURAL G
8413562	NM-1676-83PB	3003920733		108-PB		SAN JUAN 27-4 UNIT #61	TAPACITO	0.0	EL PASO NATURAL G
8413563	NM-1675-83PB	3003920731		108-PB		SAN JUAN 27-4 UNIT #63	TAPACITO	0.0	EL PASO NATURAL G
8413565	NM-1673-83PB	3003920901		108-PB		SAN JUAN 27-4 UNIT #85	TAPACITO	0.0	EL PASO NATURAL G
8413561	NM-1677-83PB	3003920902		108-PB		SAN JUAN 27-4 UNIT #86	TAPACITO	0.0	EL PASO NATURAL G
8413548	NM-1652-83PB	3003920828		108-PB		SAN JUAN 27-4 UNIT #89	TAPACITO	0.0	EL PASO NATURAL G
8413558	NM-1661-83PB	3003907012		108-PB		SAN JUAN 27-5 UNIT #10	BLANCO	0.0	EL PASO NATURAL G
8413539	NM-1621-83PB	3003920646		108-PB		SAN JUAN 27-5 UNIT #160	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413549	NM-1653-83PB	3003907191		108-PB		SAN JUAN 27-5 UNIT #61	BLANCO	0.0	EL PASO NATURAL G
8413556	NM-1663-83PB	3003907432		108-PB		SAN JUAN 28-5 UNIT #31	BLANCO	0.0	EL PASO NATURAL G
8413576	NM-1672-83PB	3003920603		108-PB		SAN JUAN 28-6 UNIT #174	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413564	NM-1674-83PB	3003920872		108-PB		SAN JUAN 28-6 UNIT #192	BLANCO	0.0	EL PASO NATURAL G
8413566	NM-1609-83PB	3003907125		108-PB		SAN JUAN 28-6 UNIT #24	BLANCO	0.0	EL PASO NATURAL G
8413573	NM-1656-83PB	3003907167		108-PB		SAN JUAN 28-6 UNIT #26	BLANCO	0.0	EL PASO NATURAL G
8413578	NM-1668-83PB	3003907308		108-PB		SAN JUAN 28-6 UNIT #8	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413579	NM-1613-83PB	3003906906		108-PB		SAN JUAN 28-7 UNIT #123	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413547	NM-1615-83PB	3003920502		108-PB		SAN JUAN 28-7 UNIT NP #161	LARGO & SOUTH BLANCO	0.0	EL PASO NATURAL G
8413533	NM-1604-83PB	3003920961		108-PB		SAN JUAN 28-7 UNIT P201	EAST BLANCO	0.0	EL PASO NATURAL G
8413557	NM-1662-83PB	3003907808		108-PB		SAN JUAN 30-4 UNIT #14	BLANCO	0.0	EL PASO NATURAL G
8413574	NM-1655-83PB	3003907992		108-PB		SAN JUAN 32-5 UNIT #7			
-GETTY OIL COMPANY				RECEIVED:	12/29/83	JA: NM 4			
8413528	NM-1036-83PB	3004506679		108-PB		CHARLEY PAH #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413532	NM-1241-83PB	3004506679		108-PB		CHARLEY PAH #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413529	NM-1056-83PB	3004506636		108-PB		CHARLEY PAH #4	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413514	NM-1202-83PB	3004506459		108-PB		G R GENTLE #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413521	NM-0827-83PB	3004506459		108-PB		G R GENTLE #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413527	NM-1026-83PB	3004506459		108-PB		G R GENTLE #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413515	NM-1236-83PB	3004506772		108-PB		J Q MARSHALL #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413520	NM-0815-83PB	3003900000		108-PB		JICARILLA B #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413523	NM-10-83-ER	3003905723		108-ER		JICARILLA B #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413525	NM-0696-83PB	3003905723		108-PB		JICARILLA B #5	OTERO	0.0	EL PASO NATURAL G
8413518	NM-0775-83PB	3003905826		108-PB		JICARILLA C #24	OTERO	0.0	EL PASO NATURAL G
8413524	NM-0695-83PB	3003905826		108-PB		JICARILLA C #24	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413522	NM-0825-83PB	3003905897		108-PB		JICARILLA C #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413519	NM-0814-83PB	3003906480		108-PB		JOHN CHARLES #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413526	NM-0697-83PB	3004506480		108-PB		JOHN CHARLES #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413512	NM-1382-83PB	3004506452		108-PB		JOHN CHARLES #4	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
8413487	NM-0813-83PB	3003905688		108-PB		L L MCCONNELL #3	SOUTH BLANCO	0.0	NORTHWEST PIPELIN
8413488	NM-1025-83PB	3003905688		108-PB		L L MCCONNELL #3	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413513	NM-1383-83PB	3004506554		108-PB		MARSHALL A#2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413517	NM-1239-83PB	3004513247		108-PB		NEAH VICTORIA #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413530	NM-1670-83PB	3004513247		108-PB		NEAH VICTORIA #1	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413516	NM-1237-83PB	3004506876		108-PB		NEAH VICTORIA #2	SOUTH BLANCO	0.0	EL PASO NATURAL G
8413531	NM-1671-83PB	3004506876		108-PB		NEAH VICTORIA #2			
-HUSKY OIL COMPANY				RECEIVED:	12/29/83	JA: NM 4			
8413490	NM-1189-83PB	3004500000		108-PB		BOLACK #2-D	BASIN	0.0	EL PASO NATURAL G
8413491	NM-1188-83PB	3004500000		108-PB		BOLACK #4D	BASIN	0.0	EL PASO NATURAL G
8413489	NM-1190-83PB	3004500000		108-PB		SCHWERDTFEGER #2-D	WEST KUTZ CANYON DAKO	0.0	EL PASO NATURAL G
-LADD PETROLEUM CORPORATION				RECEIVED:	12/29/83	JA: NM 4			
8413483	NM-1296-83PB	3004509333		108-PB		BUTTE #1	BASIN	0.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP				RECEIVED:	12/29/83	JA: NM 4			
8413485	NM-1651-83PB	3003922429		108-PB		EAST LINDRITH #7	SOUTH BLANCO	0.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	12/29/83	JA: NM 4			
8413486	NM-1195-83PB	3004511184		108-PB		SAN JUAN 32-8 UT 25	BLANCO	0.0	EL PASO NATURAL G
-R & G DRILLING CO				RECEIVED:	12/29/83	JA: NM 4			
8413482	NM-1627-83PB	3004506745		108-PB		GRAHAM #35	SOUTH BLANCO PICTURED	14.6	EL PASO NATURAL G
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	12/29/83	JA: NM 4			
8413481	NM-15-83-SA	3003906371		108-SA		JICARILLA "A" #6	TAPACITO PICTURE CLIF	5.0	GAS CO OF NEW MEX
-TENNECO OIL EXPLORATION AND PRODUCT				RECEIVED:	12/29/83	JA: NM 4			
8413484	NM-1284-83PB	3004506713		108-PB		RIDDLE 2 #1	BLANCO	0.0	EL PASO NATURAL G

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** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY

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-SOUTHLAND ROYALTY CO				RECEIVED:	12/28/83	JA: MT 5			
8413458	M-137-3	2507121744		108		FEDERAL 2862 #1	EAST LORING	2.8	KN ENERGY INC
-AMOCO PRODUCTION CO				RECEIVED:	12/29/83	JA: WY 5			
8413477	W646-2	4902320440		107-TF		SHUTE CREEK UNIT #10	SHUTE CREEK-FRONTIER	0.0	
8413478	W645-2	4902320440		103		SHUTE CREEK UNIT #10	SHUTE CREEK - FRONTIE	145.6	
-C & K PETROLEUM INC				RECEIVED:	12/29/83	JA: WY 5			
8413462	W706-2	4903722100		102-2		LINCOLN RD UNIT 12	LINCOLN RD	216.0	
-CELSIUS ENERGY CO				RECEIVED:	12/29/83	JA: WY 5			
8413461	W725-2	4903721511		103		107-TF GRANGER WELL #1	BRUFF	165.0	MOUNTAIN FUEL SUP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	12/29/83	JA: WY 5			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8413472	W710-2	4903722105		103		BRADY UNIT #34W	BRADY	2.1	MOUNTAIN FUEL SUP
8413471	W692-2	4903722134		103		DESERT SPRINGS #9A-R	DESERT SPRINGS	265.0	COLORADO INTERSTA
8413470	W760-2	4903721962		103		FEDERAL 23-26 CPC #1	TABLE ROCK FIELD	31.0	COLORADO INTERSTA
-CHEVRON U S A INC				RECEIVED:	12/29/83	JA: WY 5			
8413473	W670-2	4904120290		102-2		CHEVRON FEDERAL #1-8E	WHITNEY CANYON	1095.0	COLUMBIA GAS TRAN
-ENERGETICS INC				RECEIVED:	12/29/83	JA: WY 5			
8413474	W726-2	4903722142		102-2		FEDERAL 42-17	MONUMENT BUTTE IV UNI	175.0	COLORADO INTERSTA
8413475	W712-2	4903721660		102-2		LINCOLN ROAD UNIT #8	LINCOLN ROAD UNIT	120.0	COLORADO INTERSTA
8413476	W667-2	4903721660		103	107-TF	LINCOLN ROAD UNIT #8	LINCOLN ROAD UNIT	120.0	COLORADO INTERSTA
-FIRST ENERGY CORPORATION				RECEIVED:	12/29/83	JA: WY 5			
8413463	W812-2	4904120505		103		MARATHON FEDERAL 16-1	WILDCAT	150.0	MOUNTAIN FUEL SUP
8413464	W813-2	4904120505		102-2		MARATHON FEDERAL 16-1	WILDCAT	150.0	MOUNTAIN FUEL SUP
-HUSKY OIL COMPANY				RECEIVED:	12/29/83	JA: WY 5			
8413465	W801-2	4903722093		103		FEDERAL 11-11	SALT WELLS	225.0	MOUNTAIN FUEL SUP
-MOBIL OIL CORP				RECEIVED:	12/29/83	JA: WY 5			
8413460	W663-2	4903520522		103		FEDERAL GREENBERG T22-28G	TIP TOP	180.0	NORTHWEST PIPELIN
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	12/29/83	JA: WY 5			
8413467	W737-2	4902320510		107-TF		FONTENELLE 34-21E	FONTENELLE	270.0	PACIFIC GAS & ELE
8413466	W697-2	4902320512		103	107-TF	NGC #23-7-F	FONTENELLE	200.0	PACIFIC GAS TRANS
-TENNECO OIL COMPANY				RECEIVED:	12/29/83	JA: WY 5			
8413469	W769-2	4901920514		103	107-TF	GOVERNMENT UNIT 1-12	VERNE	100.0	NORTHWEST PIPELIN
8413468	W682-2	4903721907		107-TF		READING & BATES FEDERAL 1-18	BRUFF	30.0	NORTHWEST PIPELIN

[FR Doc. 84-2093 Filed 1-25-84; 8:45 am]

BILLING CODE 6717-01-C

Federal Register

Thursday
January 26, 1984

Part VII

Environmental Protection Agency

40 CFR Part 52

New York State; Removal of Conditions on the Approval of the Implementation Plan; Final Rule

New York State; Approval and Promulgation of Implementation Plans; Revision; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 15; A-2-FRL 2513-5]

Removal of Conditions on the Approval of the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document revokes two conditions on the Environmental Protection Agency's approval of the New York State Implementation Plan (SIP) for attainment of the sulfur dioxide national ambient air quality standard in the Niagara Frontier Air Quality Control Region (AQCR). With respect to the sulfur dioxide standard, this action fully approves the SIP as meeting the requirements of Part D of the Clean Air Act. It consequently lifts the moratorium on the construction or modification of major sources of sulfur dioxide which had been in effect in the Niagara Frontier AQCR until this time.

EFFECTIVE DATE: This action is effective on January 26, 1984.

ADDRESSES: A copy of the submittals from the New York State Department of Environmental Conservation are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

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

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

On November 10, 1980 (45 FR 74472), the Environmental Protection Agency (EPA) conditionally approved revisions to the New York State Implementation Plan (SIP) for attainment of the national ambient air quality standards for sulfur dioxide in the Niagara Frontier Air Quality Control Region (AQCR). The conditions on EPA's approval were promulgated at 40 CFR 52.1674, "Part D—Conditions on Approval." These conditions, paragraphs 52.1674(g)(1) and 52.1674(g)(2), related to test procedures for determining compliance of coke making equipment and to the definition of coke oven batteries.

On June 24, 1983 (48 FR 29012), EPA published in the **Federal Register** the results of its review of two submittals from the State, dated March 23, 1981 and August 19, 1982. It was determined that these submittals adequately addressed the applicable conditions. The March 23, 1981 submittal consisted of an interim policy memorandum containing a procedure to be used to determine compliance with the State's coke oven gas standard. This submittal is being incorporated into the SIP by today's rulemaking action. The August 19, 1982 submittal consisted of a proposed revision to a New York regulation, 6 NYCRR 200, "General Provisions." This regulation was adopted by New York on April 7, 1983 and is being incorporated into the SIP in another rulemaking action which appears in today's issue of the **Federal Register.**

In its June 24, 1983 notice, EPA found that the two conditions were being met and proposed to revoke them. EPA received no comments on this proposed action and in today's notice is revoking the conditions.

The revoking of these conditions now provides full approval of the SIP for attainment of the sulfur dioxide standards in the Niagara Frontier AQCR as meeting the requirements of Part D of the Clean Air Act. Consequently, today's action also removes the limitation on the construction or modification of major sources of sulfur dioxide in the AQCR. This limitation had been in effect as a result of the provisions of Section 110(a)(2)(I) of the Clean Air Act, which imposes such limitations for areas which do not have in effect a SIP which meets the requirements of Part D, and as a result of a June 16, 1982 decision by the U.S. Court of Appeals for the Second Circuit. The Court indicated in *Council of Commuter Organizations vs. Gorsuch*, 672 F. 2d 998 (2d. Cir. 1982) that the construction moratorium required under Section 110(a)(2)(I) must remain in effect until a state satisfies all conditions imposed by EPA on approval of a SIP.

This action is being made immediately effective because it imposes no hardship on any affected sources, and no purpose would be served by delaying its effective date.

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

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

List of Subjects in 40 CFR Part 52

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

Dated: January 19, 1984.

William D. Ruckelshaus,

Administrator, Environmental Protection Agency.

(Secs. 110, 172, and 301, Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Note.—Incorporation by reference of the Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

Subpart HH—New York

1. Section 52.1670 is amended by adding new paragraph (c)(67) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(67) A March 23, 1981, letter from the New York State Department of Environmental Conservation including an interim policy memorandum detailing procedures to be used by the State to determine compliance with the State's emission standard for coke oven gas.

§ 52.1674 [Amended]

2. Section 52.1674 is amended by removing and reserving paragraph (g) in its entirety.

[FR Doc. 84-2163 Filed 1-25-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[Region II Docket No. 17; A-2-FRL 2513-6]

Approval and Promulgation of Implementation Plans; Revision to the State of New York Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document announces that the Environmental Protection Agency (EPA) is approving a request from New York to revise its State Implementation Plan (SIP) to include several State regulations for the control of volatile organic compounds from stationary sources of air pollution. As a result of the approval of one of these regulations, this notice also announces the fulfillment of a condition pertaining to the control of cutback asphalt which EPA had placed on its earlier approval of the New York SIP. The fulfillment of this condition has the effect of lifting an existing moratorium on the construction or modification of major sources of volatile organic compounds which has been in effect in the Central New York, Genesse-Finger Lakes, Hudson Valley, and Niagara Frontier Air Quality Control Regions.

EFFECTIVE DATE: This action is effective on January 26, 1984.

ADDRESSES: A copy of the State regulations is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278.

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

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20408.

No comments were received during the comment period established by EPA's notice of proposed rulemaking on this action.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

For areas designated under Section 107(d) of the Clean Air Act as not attaining the national ambient air quality standard for ozone, Environmental Protection Agency (EPA) regulations (e.g., 44 FR 20372, April 4, 1979) require that State Implementation Plans (SIPs) contain regulations providing for the application of reasonably available control technology (RACT) to certain sources of volatile organic compound (VOC) emissions. Such sources are those which fall into categories for which EPA has published a Control Technique Guideline (CTG) document. Today's action deals with regulations adopted by New York State to provide control of a majority of the source categories addressed by the "Group II" CTG documents. It also deals with a regulation which provides for the control of a "Group I" source category, cutback asphalt.

EPA proposed approval of these regulations, which were in draft form, on February 3, 1983 (48 FR 5137). At that time it was indicated that final approval would be based on the draft regulations being adopted in final form without substantive change. The reader is referred to EPA's February 3, 1983 proposal for a detailed description of the draft regulations; changes made to the draft regulations are discussed in today's notice. The adequacy of the State's program to control "Group II" source categories not addressed by today's notice and to provide for attainment of the ozone air quality standard in the New York City metropolitan area will be discussed in a future notice.

State Submission

On July 25, 1983, the State submitted to EPA adopted additions to and revisions of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) affecting the following Parts:

- Part 200, "General Provisions,"
- Part 211, "General Prohibitions," which addresses cutback asphalt,
- Part 212, "Processes and Exhaust and/or Ventilation Systems," which addresses general emission source requirements,
- Part 223, "Petroleum Refineries," which addresses fugitive emissions (leaks) from refineries,
- Part 228, "Surface Coating Processes," which addresses factory surface coating of flatwood paneling and surface coating of miscellaneous metal parts and products,
- Part 232, "Dry Cleaning," which addresses perchloroethylene dry cleaning, and
- Part 234, "Graphic Arts," which addresses graphic arts, rotogravure and flexography printing.

In addition, the following two regulations were submitted by the State on July 2, 1981:

- Part 201, "Permits and Certificates," which addresses requirements for State permits to construct and certificates to operate, and
- Part 233, "Pharmaceutical Manufacturing Processes," which addresses the manufacture of synthesized pharmaceutical products.

New York also submitted a Consent Order dated August 19, 1981 for the only rubber tire manufacturing facility in the State which is covered by a CTG. This Order was revised on January 29, 1982 and March 3, 1982 and these revisions were also submitted by the State.

In addition, EPA also received from the State two letters explaining its position on redesignation and its definition of "maximum operating heat input." These were dated November 13, 1981 and April 27, 1983, respectively.

Public Comments

No comments were received by EPA during the comment period established by its February 3, 1983 proposal.

Findings

With the exception of Parts 200 and 211, the regulations submitted by the State were adopted in the same form as those proposed for approval in EPA's February 3, 1983 **Federal Register** notice and, consequently, are being finally approved today. Parts 200 and 211 can also be finally approved. However, as compared to their draft forms, these regulations were changed as follows:

Part 200—General Provisions

In the adopted regulation, the State inadvertently deleted the last sentence from the definition of "maximum operating heat input." While this does not bear on the control of VOCs, the deletion could affect the clarity of the Code's operating limits for stationary combustion units. In a letter dated April 27, 1983, the State committed to reinsert the deleted sentence when Part 200 is again revised. EPA is satisfied with this commitment and is approving Part 200.

In addition, by approving Part 200 and specifically the definition for "by-product coke oven battery" [Part 200.1(j)], EPA can revoke a condition it promulgated at 40 CFR 52.1674(g)(2). The condition is being revoked in another rulemaking action which appears in today's issue of the **Federal Register.**

Part 211—General Prohibitions

As a result of comments received during the State's hearing on Part 211, the State changed the form of the exemption contained in § 211.4(d). This proposed exemption allowed asphalt emulsions to have a VOC content of up to 7 percent. The revised exemption now designates the maximum VOC content for only those asphalt emulsions, as specified by their American Society for Testing and Materials (ASTM) grade, which might need to contain VOCs in order to obtain properties required for their use. The exempted grades of emulsified asphalt and their maximum VOC content are contained in Table 1. The provisions of Part 211 prohibit all the remaining nonexempt asphalt paving

mixtures from containing any VOCs. EPA has reviewed this change and is satisfied that it conforms to EPA guidance.

TABLE 1. EXEMPTED GRADES OF EMULSIFIED ASPHALT AND THEIR MAXIMUM VOC CONTENT

ASTM grade	Maximum VOC content (percent)
RS-1, SS-1, SS-1h, CSS-1, CSS-1h	2
RS-2, CRS-1, CRS-2, HFRS-2, HFMS-2h	3
MS-2, HFMS-2	10
CMS-2, CMS-2h	12

No comments were received on EPA's proposed approval of the previous exemption. Since this change resulted from public comment and is consistent with EPA guidance, Part 211 is being approved.

It should be noted that the adopted regulation also fulfills a condition (40 CFR 52.1674(a)(1)) that EPA had placed on its approval of the New York SIP. This fact is discussed in detail later in today's notice under the heading, "Construction Moratorium."

Perchloroethylene (Part 232—Dry Cleaning)

The State had adopted and submitted to EPA Part 232, "Dry Cleaning," which controls the emissions of perchloroethylene from dry cleaning operations. However, in its February 3, 1983 proposal EPA indicated that is was not taking action to propose approval of this regulation pending the completion of certain technical studies. Therefore, at this time, EPA is not approving Part 232.

Consent Order—Rubber Tire Manufacturing

The State chose to regulate its only rubber tire manufacturing source, Dunlop Tire and Rubber Corporation located in Buffalo, New York, through the use of an individually determined control program based on Part 212 requirements. EPA is approving this control program as formalized in the Consent Order dated August 19, 1981 and subsequently modified on January 29, 1982 and March 3, 1982 for this source. It should be noted, however, that if a new rubber tire manufacturing source locates in the State or if the existing source installs new manufacturing lines, the source will need to meet requirements associated with New Source Performance Standards or RACT, as appropriate. RACT will need to be determined for any new source at that time and might be different from the controls required by the Consent Order being approved today.

Applicability of Regulations

The regulations adopted by the State have applicability in all ozone nonattainment areas in the State with regard to sources with potential VOC emissions exceeding 100 tons per year. However, for the New York City metropolitan area (New York City, and Nassau, Suffolk, Rockland and Westchester Counties), where the State has not demonstrated attainment of the ozone standard by December 31, 1982, the regulations also apply to smaller sources. This approach is consistent with EPA policy and guidance.

EPA has on occasion expressed concern that the State's use of the term "nonattainment areas" in determining the applicability of its VOC regulations was ambiguous. If an area were to be redesignated from "nonattainment" to "attainment," it was not clear whether the redesignation relieved sources from the need to comply with the regulations. EPA interprets the term "nonattainment areas" as referring to those areas that were not in attainment when the regulations were adopted by the State. Subsequent redesignation of a nonattainment area would not relieve a source of the need to comply with the otherwise applicable regulations.

In a letter dated November 13, 1981, the State concurred with this interpretation that continued control of emissions is necessary to maintain acceptable air quality. It further states that the dismantling of controls would be an illegal action in direct violation of the State's existing regulations and of the SIP. EPA is satisfied that any future redesignation will not relieve sources from the need to comply with applicable VOC regulations required to attain and maintain the ozone air quality standard.

Compliance Dates

• Final Compliance Date for "Group I" CTG Sources.

In its process of revising Part 228, "Surface Coating Processes," the State deleted reference to the dates when sources in the following "Group I" CTG source categories were required to comply with the provisions of the regulation:

• Large Appliance Coating Lines,
• Magnet Wire Insulation Coating Lines,
• Metal Furniture Coating Lines,
• Metal Can Coating Lines,
• Fabric Coating Lines,
• Vinyl Coating Lines,
• Paper Coating Lines,
• Automobile Assembly Coating Lines, and
• Coil Coating Lines.

This was done because the dates had already passed or would soon do so. The State also believed that most sources were in compliance, or on an approved compliance schedule, and that compliance schedules were not necessary.

However, in its oversight capacity of enforcing state regulations when necessary, EPA requires the specification of an enforceable final compliance date. Therefore, in order to clarify this situation, EPA intends to use the final compliance dates which were originally contained in § 228.1, "Applicability and Compliance," effective August 23, 1979, if federal enforcement action is necessary. Therefore, the SIP, as identified in 40 CFR 52.1670 and 52.1679, will still retain § 228.1, "Applicability and Compliance," effective August 23, 1979 for the "Group I" CTG source categories identified earlier. The new § 228.1, "Applicability and Compliance," effective August 11, 1983 will apply to all "Group II" CTG source categories.

• Compliance Extensions.

The State has included a provision in Part 228 to allow the Commissioner to extend final compliance dates under certain circumstances. These circumstances involve technological or economic considerations. However, it should be noted that EPA will not honor any compliance date extensions which are not submitted and approved as SIP revisions. Approval will be based on the effect of the proposed compliance schedule on air quality and on the ability of the facility to comply with the regulation.

Alternative Requirements

The State has included provisions in various regulations (such as § 212.7(b) and § 223.10(g)) which allow for the Commissioner to specify alternative requirements when a facility is unable to comply with the specific requirements contained in the regulation. The source must demonstrate that technological and/or economic reasons justify an alternative requirement and that the new requirement provides for RACT for the specific facility. EPA, however, will not recognize any variance or alternate requirement until it is submitted and approved as a SIP revision. Approval will be based on the effect of the proposed requirements on air quality and on the ability of a facility to comply with the existing regulation.

Construction Moratorium

Today's approval of Part 211 enables EPA to revoke a condition which it

placed on its earlier approval of the SIP for attainment of the ozone standard in the following Air Quality Control Regions (AQCRs):

- Niagara Frontier,
- Genesee-Finger Lakes,
- Central New York,
- Hudson Valley, and
- New Jersey-New York-Connecticut.

This condition, which was promulgated at 40 CFR 52.1674(a)(1), related to the requirement that the SIP contain a regulation to provide for RACT on cutback asphalt emissions. With the exception of the New Jersey-New York-Connecticut AQCR, the revoking of this condition now makes the New York SIP for attainment of the ozone standard fully approved as meeting the requirements of Part D of the Clean Air Act.

The revoking of this condition also removes the limitation on the construction or modification of major sources of VOCs in the Genesee-Finger Lakes, Central New York, Niagara Frontier and Hudson Valley AQCRs. This limitation resulted from the provisions of Section 110(a)(2)(I) of the Clean Air Act, which imposes such limitations for areas which do not have in effect a SIP which meets the requirements of Part D and as a result of a June 16, 1982 decision by the U.S. Court of Appeals for the Second Circuit. The Court indicated in *Connecticut Fund for the Environment, Inc.* v. *EPA*, 672 F.2d 998 (2d. Cir. 1982), that the construction moratorium must remain in effect until a state satisfies all conditions imposed by EPA on approval of its SIP.

Conclusion

Based on EPA's review of the material submittted, EPA is approving the SIP revision submittals discussed in today's notice and is deleting the condition on approval of the New York SIP found at 40 CFR 52.1674(a)(1).

Today's action is being made effective immediately since the regulations being approved are already in effect under New York State law and EPA approval imposes no additional regulatory burden. EPA is also responsible under the Clean Air Act to take final action as expeditiously as practicable on SIP revision requests and no purpose would be served by delay.

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

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

List of Subjects in 40 CFR Part 52

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

(Secs. 110, 172, and 301, Clean Air Act, as amended [42 U.S.C. 7410, 7502, and 7601]).

Note.—Incorporation by reference of the Implementation Plant for the State of New York was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 19, 1984.

William D. Ruckelshaus,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart HH—New York

1. Section 52.1670 paragraph (c) is amended by adding new paragraph (c)(68) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(68) Regulatory information submitted by New York State Department of Environmental Conservation for controlling volatile organic compounds, dated:

(i) July 2, 1981, providing a comprehensive set of adopted regulations.

(ii) August 19, 1981, Consent Order, 81–36, 9–04.20, with Dunlop Tire and Rubber Corporation for control of volatile organic compounds.

(A) Amendment of Consent Order dated January 29, 1982.

(B) Amendment of Consent Order dated March 3, 1982.

(iii) July 25, 1983, providing final regulations to be incorporated into Title 6 of the New York Code of Rules and Regulations.

(iv) November 13, 1981 letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning applicability of regulations in redesignated AQCR's.

(v) April 27, 1983 letter from Harry Hovey, Director of Air Division, New York State Department of Environmental Conservation concerning maximum operating heat input.

§ 52.1674 [Amended]

2. Section 52.1674 is amended by removing and reserving paragraph (a) in its entirety.

3. Section 52.1679 is amended by revising the entries for Parts 200, 201, 211, 212, 223, and 228 and adding new entries for Parts 233 and 234 to the Table in numerical order as follows:

§ 52.1679 EPA-approved New York State Regulations.

New York State regulation	State effective date	Latest EPA approval date	Comments
Part 200, General Provisions	Apr. 7, 1983	[Date and Citation of this notice].	The maximum operating heat input (200.1 (gg)) will be as specified on a permit to construct or certificate to operate as per letter of Apr. 27, 1983 from H. Hovey, NYSDEC. Redesignation of nonattainment areas to attainment areas (200.1 (kk)) does not relieve a source from compliance with previously applicable requirements as per letter of Nov. 13, 1981 from H. Hovey, NYS-DEC.
Part 201, Permits and Certificates	May 10, 1981	do	
*	*	*	* * *
Part 211, General Prohibitions	Aug. 11, 1983	[Date and Citation of this notice].	
Part 212, Processes and Exhaust and/or Ventilation Systems.	do	do	
*	*	*	* * *
Part 223, Petroleum Refineries	Apr. 7, 1983	[Date and Citation of this notice].	

New York State regulation	State effective date	Latest EPA approval date	Comments
*	* *	*	* * *
Part 228, Surface Coating Processes:			
228.1 Applicability and Compliance	Aug 23, 1979	Nov. 10, 1980, 45 FR 74472	Group I CTG sources are subject to final compliance dates as they appear in Section 228.1, effective Aug. 23, 1979.
228.1–228.8	Aug 11, 1983	[Date and Citation of this notice].	
*	* *	*	* * *
Part 233, Pharmaceutical Manufacturing Processes	May 10, 1981	[Date and Citation of this notice].	
Part 234, Graphic Arts	Apr. 7, 1983	do	

[FR Doc. 84–2162 Filed 1–25–84; 8:45 am]
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