

Registered Federal Report

OK
Wednesday
August 24, 1983

Selected Subjects

- Agricultural Commodities**
Environmental Protection Agency
- Air Carriers**
Civil Aeronautics Board
- Air Pollution Control**
Environmental Protection Agency
- Antibiotics**
Food and Drug Administration
- Banks, Banking**
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- Continental Shelf**
Minerals Management Service
- Fisheries**
National Oceanic and Atmospheric Administration
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Environmental Protection Agency
- Meat and Poultry Inspection**
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- Milk Marketing Orders**
Agricultural Marketing Service
- Motor Carriers**
Federal Highway Administration
- Natural Gas**
Federal Energy Regulatory Commission

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Environmental Protection Agency

Quarantine

Animal and Plant Health Inspection Service

Radio Broadcasting

Federal Communications Commission

Surface Mining

Surface Mining Reclamation and Enforcement Office

Television Broadcasting

Federal Communications Commission

Wine

Alcohol, Tobacco and Firearms Bureau

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Federal Register

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 83-327]

Gypsy Moth Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which amended the list of gypsy moth regulated areas (regulated areas are divided into high-risk areas and low-risk areas) under the "Gypsy Moth and Brownail Moth Quarantine and Regulations" (7 CFR 301.45) by (1) redesignating areas in Delaware, Maryland, New York, and Pennsylvania from gypsy moth low-risk areas to gypsy moth high-risk areas; (2) by redesignating an area in Arkansas from a gypsy moth high-risk area to a gypsy moth low-risk area; (3) by designating previously nonregulated areas in California, Illinois, Maine, Michigan, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin as gypsy moth low-risk areas; (4) by expanding previously designated gypsy moth low-risk areas in Maine, Michigan, Virginia, and Washington; and (5) by deleting areas in Illinois, Michigan, and Ohio from the list of gypsy moth regulated areas. The quarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk areas and gypsy moth low-risk areas. This action is necessary in order to prevent the artificial spread interstate of gypsy moth and to delete unnecessary restrictions on the interstate movement of certain articles.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT:

Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301 436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendments have been issued in conformance with Executive Order 12291, and have been determined not to be a "major rule". Based on information compiled by the Department, it has been determined that the amendments will have an annual effect on the economy of approximately \$90,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of California, Delaware, Illinois, Maine, Maryland, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and Wisconsin. Based on information compiled by the U.S. Department of Agriculture it has been determined that there are many hundreds of small entities that move regulated articles interstate from such States and many thousands of small entities that move regulated articles interstate from other States. However,

based on such information, it has been determined that only approximately 135 small entities move regulated articles interstate from the specified areas affected by this action. Further, the annual overall economic impact from this action is estimated to be less than \$90,000.

Background

A document published in the *Federal Register* on March 21, 1983 (48 FR 11681-11691), set forth an interim rule amending § 301.45-2a(a) of the "Gypsy Moth and Brownail Moth Quarantine and Regulations" (7 CFR 301.45-2a(a)). The document amended the quarantine and regulations by (1) redesignating areas in Delaware, Maryland, New York, and Pennsylvania from gypsy moth low-risk areas to gypsy moth high-risk areas; (2) by redesignating an area in Arkansas from a gypsy moth high-risk area to a gypsy moth low-risk area; (3) by designating previously nonregulated areas in California, Illinois, Maine, Michigan, North Carolina, Ohio, Oregon, Virginia, Washington, and Wisconsin as gypsy moth low risk areas; (4) by expanding previously designated gypsy moth low-risk areas in Maine, Michigan, Virginia, and Washington; and (5) by deleting areas in Illinois, Michigan, and Ohio from the list of gypsy moth regulated areas.

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

Comments were solicited for 60 days after publication of the amendment. One written comment was received in response to the emergency interim rule published in the *Federal Register* on March 21, 1983. The comment was received from a representative of the North Carolina Department of Agriculture. The State contended that the placing of isolated spots of gypsy moth infestation (those generally removed from areas of general infestation) under quarantine in a low-risk category serves no useful purpose. The decision to designate an area as high-risk or low-risk is based on an application of criteria spelled out in section 301.45-2 of the "Gypsy Moth and Brownail Moth Quarantine and

Regulations" (7 CFR Subpart 301.45). Generally, section 301.45-2 requires the Deputy Administrator to designate an area as a regulated area when there is a finding of a gypsy moth or browntail moth infestation, or when an area is so close that it is inseparable, for quarantine enforcement purposes, from such an infestation. More specifically, and area is designated as "low-risk" in order to provide official notice of the likelihood that inspectors may conduct inspections in such areas and that, based on their findings of life stages of gypsy moth, restrictions may apply to the movement of gypsy moth regulated articles from such area. The interim rule, published on March 21, 1983, amended § 301.45-2a(a) by designating or redesignating areas as high-risk or low-risk and by deleting areas as regulated areas based upon an application of these criteria. This amendment did not propose amending the criteria in section 301.45-2 for establishing an area as a regulated area, and the Department has determined that this criteria does not need to be amended at this time. Therefore, no changes are made based on this comment.

It appears that the factual situations which were set forth in the document of March 21, 1983, still provide a basis for the amendment.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Quarantine, Transportation, Gypsy moth.

Accordingly, it has been determined that the amendment to § 301.45-2a should remain effective as published in the *Federal Register* on March 21, 1983 (48 FR 11681-11691).

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 33; (7 U.S.C. 161, 162, 105dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C. this 19th day of August 1983.

Harvey L. Ford,

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

[FR Doc. 83-23200 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 1030

[Milk Order No. 30; Docket No. AO-361-A20]

Milk in the Chicago Regional Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action increases to fifteen percentage points the discretionary authority of the Director, Dairy Division, to temporarily increase or decrease the supply plant requirements for milk shipments to bottling plants. Thus, the Director will have greater flexibility to adjust the shipping requirements to avoid uneconomic milk shipments, or to require more shipments if needed to adequately supply the fluid milk needs of distributing plants.

The amendment to the order is based on industry proposals considered at a public hearing held May 24-26, 1983, in Madison, Wisconsin. The change is necessary to reflect current marketing conditions and to insure orderly marketing conditions in the regulated area. Cooperative associations representing more than two-thirds of the dairy farmers who supply milk for the market have approved the issuance of the amended order.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202/447-4829).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirement of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued April 25, 1983; published April 29, 1983 (48 FR 19380).

(Partial) Final Decision: Issued August 4, 1983; published August 11, 1983 (48 FR 36464).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Chicago Regional order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to

the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the *Federal Register*. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing the amendment provision of this order was issued August 4, 1983. The change effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the *Federal Register*, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the *Federal Register*.

(Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1030

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the following terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

§ 1030.7 [Amended]

In paragraph (b)(5) of § 1030.7, the number "10" is changed to read "15".

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

Effective date: August 24, 1983.

Signed at Washington, D.C., on August 17, 1983.

John Ford,

Deputy Assistant Secretary Marketing and Inspection Services.

[FR Doc. 83-23204 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

Rule To Achieve Compatibility With the Transport Regulations of the International Atomic Energy Agency (IAEA)

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: In a Federal Register document published on August 5, 1983 (48 FR 35600), the U.S. Nuclear Regulatory Commission (NRC) revised its regulations for the transportation of radioactive material to make them compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. This

notice contained a number of typographical errors which are corrected below. In addition, Table A-1 is reprinted in a larger format for reader convenience.

FOR FURTHER INFORMATION CONTACT: Donald R. Hopkins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301-443-7878.

SUPPLEMENTARY INFORMATION: Corrections are made to the following pages:

1. On page 35601, column three, in the second complete paragraph, line 15, "betaemitting" is corrected to read "beta-emitting".

2. On page 35602, column one, the fourth item in the third column of the table under the sentence which begins, "The radionuclides which are affected in Case 1 are:" "Te-127M" is corrected to read "Te-127m".

3. On page 35602, column one, the 11th item in the first column of the table under the sentence which begins, "The radionuclides which are affected in Case 2 are:" "Cu67" is corrected to read "Cu-67".

4. On page 35603 in column two, just above the center heading "Public Comments and Detailed Considerations" insert this paragraph:

On October 1, 1976, Diagnostic Isotopes Incorporated petitioned the Commission to include the radionuclide lead-201 in Appendix C of 10 CFR Part 71, as a Transport Group IV radionuclide. Lead-201 decays in a short time to thallium-201 which is useful in clinical nuclear medicine. This final revision of 10 CFR Part 71 includes lead-201 in the table of radionuclides with a Type A quantity of 20 curies, thus granting the petition.

5. On page 35604, column one, line

three, "radiocative" is corrected to read "radioactive".

6. On page 35604, column three, in line five, "§ 710" is corrected to read "§ 71.0".

7. On page 35606, column one, in the first complete paragraph, line 19, "radioactive" is corrected to read "radioactive".

8. On page 35606, column three, in the first complete paragraph, line four, delete the "=" which precedes the number 90.

PART 71—[CORRECTED]

9. On page 35608, column one, Subpart H-Quality Assurance, eighth entry which reads "71.115 Control of purchased material equipment, and services." is corrected to read "71.115 Control of purchased material, equipment, and services."

§ 71.0 [Corrected]

10. On page 35608, in § 71.0, line two, "Requirements" should be corrected to read "requirements".

§ 71.4 [Corrected]

11. On page 35609, column two, in line eight of paragraph (5), "disintegrations" is corrected to read "disintegrations".

§ 71.12 [Corrected]

12. On page 35610, in § 71.12(e), a period is added to the end of the sentence.

§ 71.16 [Corrected]

13. On page 35611, in § 71.16(c)(2), line 7, "license" is corrected to read "licensee".

§ 71.18 [Corrected]

14. On page 35611, in § 71.18(c), delete the word "the" in line five, and the formula should be corrected to read as follows:

$$\text{Minimum Transport Index} = \{0.40 + 0.67y + z\} \left(1 - \frac{15}{x + y + z}\right).$$

§ 71.20 [Corrected]

15. On page 35612, in § 71.20(b)(6), Table I should appear in paragraph (i) and Table II should appear in paragraph (ii).

§ 71.24 [Corrected]

16. On page 35612, in § 71.24(b)(6), Table III should appear in paragraph (i) and Table IV should appear in paragraph (ii).

§ 71.31 [Corrected]

17. On page 35613, in § 71.31(a)(3), the word "descriptions" is corrected to read "description".

18. On page 35613, column one, Table

III, the final item in the second column, headed "Permissible maximum grams of uranium-235 per consignment" is corrected to read "15,000".

§ 71.33 [Corrected]

19. On page 35613, in § 71.33(a)(6), the final word is to read "coolant."

§ 71.45 [Corrected]

20. On page 35614, in § 71.45(b)(2), line two, the word "tie-down" should not be hyphenated.

§ 71.75 [Corrected]

21. On page 35617, in § 71.75(b), line three, "beding" is corrected to read "bending".

22. On page 35617, in § 71.75(d), line eight, "grater" is corrected to read "greater".

23. On page 35617, in § 71.75(d), line 11, the expression " $(1.3 \times 10^{-3} \text{ atm cm}^3/\text{s})$ " is corrected to read " $(13.3 \times 10^{-4} \text{ atm cm}^3/\text{s})$ ".

24. On page 35617, in § 71.75(d), line 14, the expression " 10^{-6} " is corrected to read " 10^{-6} ".

§ 71.77 [Corrected]

25. On page 35617, in § 71.77(c), line 12, the word "force" is corrected to read "face".

§ 71.87 [Corrected]

26. On page 35618, in § 71.87(i)(1), line 11, the word "and" is corrected to read "on".

§ 71.107 [Corrected]

27. On page 35621, in § 71.107(b), line two, the word "indentification" is corrected to read "identification".

Appendix A—[Corrected]

28. On page 35623, in Appendix A.I.(1), line five, the word "radionculides" is corrected to read "radionuclides".

29. On page 35623, in Appendix A.II.(5), line five, the word "radionculides" is corrected to read "radionuclides".

30. On page 35623, in column one of TABLE A-1, lines 8, 9, and 10, the footnote indicator "1" is corrected to read "".

31. On page 35625, in column one of TABLE A-1, lines 10, 11, 12, 13, 14, and 15, the footnote indicator "1" is corrected to read "".

32. On page 35626, in column one of Table A-1, lines 17, 18, 67, 68, 69, 70, 71, 72, 73, and 74, the footnote indicator "1" is corrected to read "". On line 45 the footnote indicator "2" is corrected to read "". On line 62 the footnote indicator "3" is corrected to read "".

33. On page 35625, in columns three and four, lines 71, 72, 74, and 76, the entry is corrected to read, "Unlimited".

34. On page 35626, columns three and four, lines 4, 42, 44, 58, 59, and 61 the entry is corrected to read "Unlimited".

35. On page 35626, column five, line four, " 20×10^{-8} " is corrected to read " 2.0×10^{-8} ".

36. On page 35626, column five, line 44, " 2.2×10^7 " is corrected to read " 2.2×10^{-7} ".

37. On page 35626, column five, on lines 59 and 61 the entry is corrected to read (SEE TABLE A-4).

38. On page 35626 line 60 is corrected to read:

U (enriched)	< 20%	Unlimited	Unlimited	(See table A-4)
20% or greater	100	0.1		(See table A-4)

39. On page 35627, lines one, two, and four, footnote indicators "1", "2", "3", are corrected to read, "", "", "".

40. On page 35627, lines six, seven, eight, and nine, delete footnotes "4 Unlimited"

"5 Unlimited 100"

"6 Unlimited 0.1"

"7 See Table A-4".

41 On page 35627, Table A-2, in the first column "> 2.0" is corrected to read "> 2.0".

42. On page 35627, "TABLE A-" is corrected to read "TABLE A-3".

43. On page 35627, in TABLE A-4, in the heading of first column, "wt" is deleted from first line and second line is corrected to read, "wt % ^{235}U present".

44. On page 35627, in TABLE A-4, column 2, line 13 " 2.2×10^{-7} " is corrected to read " 2.2×10^{-7} ".

Tables A-1 and A-4, as corrected, are reprinted in their entirety below.

Dated at Bethesda, MD this 17th day of August, 1983.

For the Nuclear Regulatory Commission,
Victor Stello, Jr.,

Acting Executive Director for Operations.

BILLING CODE 7590-01-M

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
²²⁷ Ac	Actinium (89)	1000	0.003	7.2×10^4
²²⁸ Ac		10	4	2.2×10^4
¹⁰⁵ Ag	Silver (47)	40	40	3.1×10^4
^{110m} Ag		7	7	4.7×10^4
¹¹¹ Ag		100	20	1.6×10^4
²⁴¹ Am	Americium (95)	8	0.008	3.2
²⁴³ Am		8	0.008	1.9×10^{-1}
³⁷ Ar (compressed or uncompressed)*	Argon (18)	1000	1000	1.0×10^3
⁴¹ Ar (uncompressed)*		20	20	4.3×10^3
⁴¹ Ar (compressed)*		1	1	4.3×10^3
⁷³ As	Arsenic (33)	1000	400	2.4×10^4
⁷⁴ As		20	20	1.0×10^3
⁷⁶ As		10	10	1.6×10^4
⁷⁷ As		300	20	1.1×10^4
²¹¹ At	Astatine (85)	200	7	2.1×10^4
¹⁹³ Au	Gold (79)	200	200	9.3×10^3
¹⁹⁶ Au		30	30	1.2×10^4
¹⁹⁸ Au		40	20	2.5×10^3
¹⁹⁹ Au		200	25	2.1×10^3
¹³¹ Ba	Barium (56)	40	40	8.7×10^4
¹³³ Ba		40	10	4.0×10^3
¹⁴⁰ Ba		20	20	7.3×10^4
⁷ Be	Beryllium (4)	300	300	3.5×10^3
²⁰⁶ Bi	Bismuth (83)	5	5	9.9×10^4
²⁰⁷ Bi		10	25	2.2×10^3
²¹⁰ Bi (half)		100	4	1.2×10^4
²¹² Bi		6	6	1.5×10^3
²⁴⁹ Bk	Berkelium (97)	1000	1	1.8×10^3
⁷⁷ Br	Bromine (35)	70	25	7.1×10^3

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES—Continued

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
82Br	Carbon (6)	6	6	1.1×10 ⁶
11C		20	20	8.4×10 ⁶
14C	Calcium (20)	1000	60	4.6
45Ca		1000	25	1.9×10 ⁴
47Ca	Cadmium (48)	20	20	5.9×10 ⁵
109Cd		1000	70	2.6×10 ³
115mCd	Cerium (58)	30	30	2.6×10 ⁴
115Cd		80	20	5.1×10 ⁵
139Ce	Cerium (58)	100	100	6.5×10 ³
141Ce		300	25	2.8×10 ⁴
143Ce	Californium (98)	60	20	8.6×10 ⁵
144Ce		10	7	3.2×10 ³
249Cf	Chlorine (17)	2	0.002	3.1
250Cf		7	0.007	1.3×10 ²
252Cf	Curium (96)	2	0.009	6.5×10 ³
36Cl		300	10	3.2×10 ³
38Cl	Curium (96)	10	10	1.3×10 ⁴
242Cm		200	0.2	3.3×10 ³
243Cm	Cobalt (27)	9	0.009	4.2×10
244Cm		10	0.01	8.2×10
245Cm	Cobalt (27)	6	0.006	1.0×10 ⁻¹
246Cm		6	0.006	3.6×10 ⁻¹
56Co	Chromium (24)	5	5	3.0×10 ⁴
57Co		90	90	8.5×10 ³
58mCo	Cesium (55)	1000	1000	5.9×10 ⁶
58Co		20	20	3.1×10 ⁴
60Co	Cesium (55)	7	7	1.1×10 ³
51Cr		600	600	9.2×10 ⁴
129Cs	Copper (29)	40	40	7.6×10 ⁵
131Cs		1000	1000	1.0×10 ³
134mCs	Dysprosium (66)	1000	10	7.4×10 ⁶
134Cs		10	10	1.2×10 ³
135Cs	Erbium (68)	1000	25	8.8×10 ⁻⁴
136Cs		7	7	7.4×10 ⁴
137Cs	Europium (63)	30	10	9.8×10
64Cu		80	25	3.8×10 ⁶
67Cu	Fluorine (9)	200	25	7.9×10 ⁵
165Dy		100	20	8.2×10 ⁶
166Dy	Gadolinium (64)	1000	200	2.3×10 ⁵
169Er		1000	25	8.2×10 ⁴
171Er	Germanium (32)	50	20	2.4×10 ⁶
152mEu		30	30	2.2×10 ⁶
152Eu	Holmium (67)	20	10	1.9×10 ³
154Eu		10	5	1.5×10 ³
155Eu	Iodine (53)	400	60	1.4×10 ³
187Y		20	20	9.3×10 ⁷
52Fe	Iron (26)	5	5	7.3×10 ⁶
55Fe		1000	1000	2.2×10 ³
59Fe	Gallium (31)	10	10	4.9×10 ⁴
67Ga		100	100	6.0×10 ⁴
68Ga	Gadolinium (64)	20	20	4.0×10 ⁷
72Ga		7	7	3.1×10 ⁶
153Gd	Germanium (32)	200	100	3.6×10 ³
159Gd		300	20	1.1×10 ⁶
68Ge	Hydrogen (1) see T-Tritium	20	10	7.0×10 ³
71Ge		1000	1000	1.6×10 ³
3H	Hafnium (72)	30	25	1.6×10 ⁴
181Hf		200	200	6.6×10 ⁵
197mHg	Mercury (80)	200	200	2.5×10 ⁵
197Hg		80	25	1.4×10 ⁴
203Hg	Holmium (67)	30	30	6.9×10 ⁵
166Ho		50	50	1.9×10 ⁴
123I	Iodine (53)	1000	70	1.7×10 ⁴
125I		40	10	7.8×10 ⁴
126I	Lanthanum (57)	1000	2	1.6×10 ⁻⁴
129I		40	10	1.2×10 ⁵
131I	Lanthanum (57)	7	7	1.1×10 ⁷
132I		7	7	1.1×10 ⁷

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES—Continued

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
133 _I		30	10	1.1 × 10 ⁶
134 _I		8	8	2.7 × 10 ⁷
135 _I		10	10	3.5 × 10 ⁶
111 _{In}	Indium (49)	30	25	4.2 × 10 ⁶
113 _{In}		60	60	1.6 × 10 ⁷
114 _{In}		30	20	2.3 × 10 ⁶
115 _{In}		100	20	6.1 × 10 ⁶
190 _{Ir}	Iridium (77)	10	10	6.2 × 10 ⁶
192 _{Ir}		20	10	9.1 × 10 ⁶
194 _{Ir}		10	10	8.5 × 10 ⁶
42 _K	Potassium (19)	10	10	6.0 × 10 ⁶
43 _K		20	10	3.3 × 10 ⁶
85 _{Kr} (uncompressed)*	Krypton (36)	100	100	8.4 × 10 ⁶
85 _{Kr} (compressed)*		3	3	8.4 × 10 ⁶
85 _{Kr} (uncompressed)*		1000	1000	4.0 × 10 ⁷
85 _{Kr} (compressed)*		5	5	4.0 × 10 ⁷
87 _{Kr} (uncompressed)*		20	20	2.8 × 10 ⁷
87 _{Kr} (compressed)*		0.6	0.6	2.8 × 10 ⁷
140 _{La}	Lanthanum (57)	30	30	5.6 × 10 ⁶
LSA	Low specific activity material—see § 71.4			
177 _{Lu}	Lutetium (71)	300	25	1.1 × 10 ⁶
MFP	Mixed fission products	10	0.4	
28 _{Mg}	Magnesium (12)	6	6	5.2 × 10 ⁶
52 _{Mn}	Manganese (25)	5	5	4.4 × 10 ⁶
54 _{Mn}		20	20	8.3 × 10 ⁶
56 _{Mn}		5	5	2.2 × 10 ⁷
99 _{Mo}	Molybdenum (42)	100	20	4.7 × 10 ⁶
13 _N	Nitrogen (7)	20	10	1.5 × 10 ⁶
22 _{Na}	Sodium (11)	8	8	6.3 × 10 ⁶
24 _{Na}		5	5	8.7 × 10 ⁶
93 _{Nb}	Niobium (41)	1000	200	1.1 × 10 ⁶
95 _{Nb}		20	20	3.9 × 10 ⁶
97 _{Nb}		20	20	2.6 × 10 ⁷
147 _{Nd}	Neodymium (60)	100	20	8.0 × 10 ⁶
149 _{Nd}		30	20	1.1 × 10 ⁷
59 _{Ni}	Nickel (28)	1000	900	8.1 × 10 ⁷
63 _{Ni}		1000	100	4.6 × 10 ⁷
65 _{Ni}		10	10	1.9 × 10 ⁷
237 _{Np}	Neptunium (93)	5	0.005	6.9 × 10 ⁴
239 _{Np}		200	25	2.3 × 10 ⁶
185 _{Os}	Osmium (76)	20	20	7.3 × 10 ⁶
191 _{Os}		600	200	4.6 × 10 ⁶
191 _{Os}		200	200	1.2 × 10 ⁶
193 _{Os}		100	20	5.3 × 10 ⁶
32 _P	Phosphorus (15)	30	30	2.9 × 10 ⁶
230 _{Pa}	Protactinium (91)	20	0.8	3.2 × 10 ⁶
231 _{Pa}		2	0.002	4.5 × 10 ⁷
233 _{Pa}		100	100	2.1 × 10 ⁶
201 _{Pb}	Lead (82)	20	20	1.7 × 10 ⁶
210 _{Pb}		100	0.2	8.8 × 10 ⁶
212 _{Pb}		6	5	1.4 × 10 ⁶
103 _{Pd}	Palladium (46)	1000	700	7.5 × 10 ⁶
109 _{Pd}		100	20	2.1 × 10 ⁶
147 _{Pm}	Promethium (61)	1000	25	9.4 × 10 ⁶
149 _{Pm}		100	20	4.2 × 10 ⁶
210 _{Po}	Polonium (84)	200	0.2	4.5 × 10 ⁶
142 _{Pr}	Praseodymium (59)	10	10	1.2 × 10 ⁶
143 _{Pr}		300	20	6.6 × 10 ⁶
191 _{Pt}	Platinum (78)	100	100	2.3 × 10 ⁶
193 _{Pt}		200	200	2.0 × 10 ⁶
197 _{Pt}		300	20	1.2 × 10 ⁷
197 _{Pt}		300	20	8.8 × 10 ⁶
238 _{Pu}	Plutonium (94)	3	0.003	1.7 × 10 ⁷
239 _{Pu}		2	0.002	6.2 × 10 ⁷
240 _{Pu}		2	0.002	2.3 × 10 ⁷
241 _{Pu}		1000	0.1	1.1 × 10 ⁶
242 _{Pu}		3	0.003	3.9 × 10 ⁷
223 _{Ra}	Radium (88)	50	0.2	5.0 × 10 ⁶

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES—Continued

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
224 _{Ra}		6	0.5	1.6 × 10 ⁵
226 _{Ra}		10	0.05	1.0
228 _{Ra}		10	0.05	2.3 × 10 ³
81 _{Rb}	Rubidium (37)	30	25	8.2 × 10 ⁴
86 _{Rb}		30	30	8.1 × 10 ⁴
87 _{Rb}		Unlimited.	Unlimited.	6.6 × 10 ⁻⁸
Rb (natural)		Unlimited.	Unlimited.	1.8 × 10 ⁻⁸
186 _{Re}	Rhenium (75)	100	20	1.9 × 10 ⁵
187 _{Re}		Unlimited.	Unlimited.	3.8 × 10 ⁻⁸
188 _{Re}		10	10	1.0 × 10 ⁶
Re (natural)		Unlimited.	Unlimited.	2.4 × 10 ⁻⁸
103m _{Rh}	Rhodium (45)	1000	1000	3.2 × 10 ⁷
105 _{Rh}		200	25	8.2 × 10 ⁵
222 _{Rn}	Radon (86)	10	2	1.5 × 10 ⁵
97 _{Ru}	Ruthenium (44)	80	80	5.5 × 10 ⁵
103 _{Ru}		30	25	3.2 × 10 ⁴
105 _{Ru}		20	20	6.6 × 10 ⁴
106 _{Ru}		10	7	3.4 × 10 ⁵
35 _S	Sulphur (16)	1000	60	4.3 × 10 ⁴
122 _{Sb}	Antimony (51)	30	30	3.9 × 10 ⁵
124 _{Sb}		5	5	1.8 × 10 ⁴
125 _{Sb}		40	25	1.4 × 10 ⁵
46 _{Sc}	Scandium (21)	8	8	3.4 × 10 ⁴
47 _{Sc}		200	20	8.2 × 10 ⁵
48 _{Sc}		5	5	1.5 × 10 ⁶
75 _{Se}	Selenium (34)	40	40	1.4 × 10 ⁴
31 _{Si}	Silicon (14)	100	20	3.9 × 10 ⁷
147 _{Sm}	Samarium (62)	Unlimited.	Unlimited.	2.0 × 10 ⁻⁸
151 _{Sm}		1000	90	2.6 × 10 ⁵
153 _{Sm}		300	20	4.4 × 10 ⁵
113 _{Sn}	Tin (50)	60	60	1.0 × 10 ⁴
119m _{Sn}		100	100	4.4 × 10 ⁵
125 _{Sn}		10	10	1.1 × 10 ⁵
85m _{Sr}	Strontium (38)	80	80	3.2 × 10 ⁷
85 _{Sr}		30	30	2.4 × 10 ⁴
87m _{Sr}		50	50	1.2 × 10 ⁷
89 _{Sr}		100	10	2.9 × 10 ⁴
90 _{Sr}		10	0.4	1.5 × 10 ⁵
91 _{Sr}		10	10	3.6 × 10 ⁶
92 _{Sr}		10	10	1.3 × 10 ⁷
T (uncompressed)*	Tritium (1)	1000	1000	9.7 × 10 ³
T (compressed)*		1000	1000	9.7 × 10 ³
T (activated luminous paint)		1000	1000	9.7 × 10 ³
T (adsorbed on solid carrier)		1000	1000	9.7 × 10 ³
T (tritiated water)		1000	1000	9.7 × 10 ³
T (other forms)		20	20	9.7 × 10 ³
182 _{Ta}	Tantalum (73)	20	20	6.2 × 10 ⁵
160 _{Tb}	Terbium (65)	20	10	1.1 × 10 ⁴
98m _{Tc}	Technetium (43)	1000	1000	3.8 × 10 ⁷
96 _{Tc}		6	6	3.2 × 10 ⁵
97m _{Tc}		1000	200	1.5 × 10 ⁴
97 _{Tc}		1000	400	1.4 × 10 ⁻³
99m _{Tc}		100	100	5.2 × 10 ⁶
99 _{Tc}		1000	25	1.7 × 10 ⁻²
125m _{Te}	Tellurium (52)	1000	100	1.8 × 10 ⁴
127m _{Te}		300	20	4.0 × 10 ⁴
127 _{Te}		300	20	2.6 × 10 ⁶
129m _{Te}		30	10	2.5 × 10 ⁴
129 _{Te}		100	20	2.0 × 10 ⁷
131m _{Te}		10	10	8.0 × 10 ⁵
132 _{Te}		7	7	3.1 × 10 ⁵
227 _{Th}	Thorium (90)	200	0.2	3.2 × 10 ⁴
228 _{Th}		6	0.008	8.3 × 10 ³
230 _{Th}		3	0.003	1.9 × 10 ⁻²
231 _{Th}		1000	25	5.3 × 10 ⁴
232 _{Th}		Unlimited.	Unlimited.	1.1 × 10 ⁻⁷
234 _{Th}		10	10	2.3 × 10 ⁴
Th (natural)		Unlimited.	Unlimited.	2.2 × 10 ⁻⁷

TABLE A-1.—A₁ AND A₂ VALUES FOR RADIONUCLIDES—Continued

(See footnotes at end of table)

Symbol of radionuclide	Element and atomic number	A ₁ (Ci)	A ₂ (Ci)	Specific activity (Ci/g)
Th (irradiated)**				
200Th	Thallium (81)	20	20	5.8×10 ⁴
201Th		200	200	2.2×10 ⁴
202Th		40	40	5.4×10 ⁴
204Th		300	10	4.3×10 ⁴
170Th	Thulium (69)	300	10	6.0×10 ⁴
171Th		1000	100	1.1×10 ⁴
230U	Uranium (92)	100	0.1	2.7×10 ⁴
232U		30	0.03	2.1×10 ⁴
233U		100	0.1	9.5×10 ⁻³
234U		100	0.1	6.2×10 ⁻³
235U		100	0.2	2.1×10 ⁻⁴
236U		200	0.2	6.3×10 ⁻³
238U		Unlimited.	Unlimited.	3.3×10 ⁻¹
U (natural)		Unlimited.	Unlimited.	(SEE TABLE A-4)
U (enriched) <20%		Unlimited.	Unlimited.	(SEE TABLE A-4)
20% or greater		100	0.1	(SEE TABLE A-4)
U (depleted)		Unlimited.	Unlimited.	(SEE TABLE A-4)
U (irradiated)***				
48V	Vanadium (23)	6	6	1.7×10 ⁴
181W	Tungsten (74)	200	100	5.0×10 ⁴
185W		1000	25	9.7×10 ⁻³
187W		40	20	7.0×10 ⁴
127Xe (uncompressed)*	Xenon (54)	70	70	2.8×10 ⁴
127Xe (compressed)*		5	5	2.8×10 ⁴
131mXe (compressed)*		10	10	1.0×10 ⁴
131mXe (uncompressed)*		100	100	1.0×10 ⁴
133Xe (uncompressed)*		1000	1000	1.9×10 ⁴
133Xe (compressed)*		5	5	1.9×10 ⁴
135Xe (uncompressed)*		70	70	2.5×10 ⁴
135Xe (compressed)*		2	2	2.5×10 ⁴
87Y	Yttrium (39)	20	20	4.5×10 ⁴
90Y		10	10	2.5×10 ⁴
91mY		30	30	4.1×10 ⁴
91Y		30	30	2.5×10 ⁴
92Y		10	10	9.5×10 ⁴
93Y		10	10	3.2×10 ⁴
169Yb	Ytterbium (70)	80	80	2.3×10 ⁴
175Yb		400	25	1.8×10 ⁴
65Zn	Zinc (30)	30	30	8.0×10 ⁴
69mZn		40	20	3.3×10 ⁴
69Zn		300	20	5.3×10 ⁴
93Zr	Zirconium (40)	1000	200	3.5×10 ⁻³
95Zr		20	20	2.1×10 ⁴
97Zr		20	20	2.0×10 ⁴

* For the purpose of Table A-1, compressed gas means a gas at a pressure which exceeds the ambient atmospheric pressure at the location where the containment system was closed.

** The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and of the uranium-233 in addition to that of the thorium.

*** The values of A₁ and A₂ must be calculated in accordance with the procedure specified in Appendix A, paragraph II(3), taking into account the activity of the fission products and plutonium isotopes in addition to that of the uranium.

TABLE A-4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity Ci/g	g/Ci
0.45	5.0×10 ⁻³	2.0×10 ⁴
0.72 (natural)	7.06×10 ⁻³	1.42×10 ⁴
1.0	7.6×10 ⁻³	1.3×10 ⁴
1.5	1.0×10 ⁻²	1.0×10 ⁴
5.0	2.7×10 ⁻²	3.7×10 ³
10.0	4.8×10 ⁻²	2.1×10 ³

TABLE A-4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM—Continued

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity Ci/g	g/Ci
20.0	1.0×10 ⁻¹	1.0×10 ³
35.0	2.0×10 ⁻¹	5.0×10 ²
50.0	2.5×10 ⁻¹	4.0×10 ²
90.0	5.8×10 ⁻¹	1.7×10 ²
93.0	7.0×10 ⁻¹	1.4×10 ²
95.0	9.1×10 ⁻¹	1.1×10 ²

TABLE A-4.—ACTIVITY-MASS RELATIONSHIPS FOR URANIUM/THORIUM—Continued

Thorium and uranium enrichment ¹ wt % ²³⁵ U present	Specific activity Ci/g	g/Ci
Natural Thorium	2.2×10 ⁻¹	4.6×10 ¹

¹ The figures for uranium include representative values for the activity of the uranium-234 which is concentrated during the enrichment process. The activity for Thorium includes the equilibrium concentration of Thorium-228.

[FR Doc. 83-23122 Filed 8-23-83; 8:45 am]

BILLING CODE 1505-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. 00311]

Removal of Interest Rate Ceilings on Time Deposits

AGENCY: Depository Institutions
Deregulation Committee.

ACTION: Final rule.

SUMMARY: Effective October 1, 1983, the Depository Institutions Deregulation Committee ("Committee") has:

(1) Eliminated all interest rate ceilings (a) on all time deposits with original maturities or required notice periods of more than 31 days, and (b) on time deposits of \$2,500 or more with original maturities or required notice periods of seven to 31 days;

(2) Eliminated other regulations on time deposits *except for*: (a) The minimum early withdrawal penalties; (b) a minimum denomination of \$2,500 for ceiling-free time deposits with original maturities or required notice periods of seven to 31 days; (c) the current ceiling on time deposits of less than \$2,500 with original maturities or required notice periods of seven to 31 days; and (d) the rules of the agencies requiring a one percentage point differential between a loan rate and the rate on a time deposit securing a loan; and

(3) Established the following new minimum early withdrawal penalties: (a) For time deposits with original maturities or required notice periods of 32 days to one year, loss of one month's simple interest; and (b) for time deposits with original maturities or required notice periods of more than one year, loss of three months' simple interest. (The current penalty for the seven to 31 day account set forth at 12 CFR 1204.121 remains unchanged and applies to all time deposits with original maturities or required notice periods of seven to 31 days).

The new regulations apply only to accounts opened, renewed or extended on or after October 1, 1983. These regulations do not affect any accounts that have not matured prior to that date. The Committee's actions were taken to provide depository institutions with more flexibility in managing their asset-liability structures.

EFFECTIVE DATE: October 1, 1983. Certain conforming amendments to the Committee's rules will be effective January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki, Senior Counsel, Board of

Governors of the Federal Reserve System (202/452-3281); Alan Priest, Attorney, Office of the Comptroller of the Currency (202/447-1880); Jules Bernard, Senior Attorney, F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4147); Robert H. Ledig, Attorney, Federal Home Loan Bank Board (202/377-7057); or Betty A. Whelchel, Attorney-Advisor, Treasury Department (202/566-8737).

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. No. 96-221, 12 U.S.C. 3501, *et seq.*) ("DIDA") was enacted to provide for the orderly phaseout, and the ultimate elimination of, ceilings on the maximum rates of interest and dividends that may be paid on deposit accounts. Under the DIDA, the Committee is authorized to phase out interest rate ceilings by one or more of the methods specified in the Act, including the complete elimination of ceilings applicable to particular categories of accounts.

The Committee had adopted a deregulation schedule (12 CFR 1204.119) that provides for the gradual removal of interest rate ceilings beginning with longer term accounts. Under this plan, there are no ceilings on time deposits with original maturities of 2½ years or more issued on or after April 1, 1983. Ceilings were scheduled to be removed on accounts with maturities or required notice periods of 1½ years or more on April 1, 1984; of 6 months or more on April 1, 1985; and of 14 days or more on March 31, 1986.

Subsequent events, however, have brought into question the need to continue the deregulation process in accordance with the Committee's deregulation schedule. In the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320), Congress provided for both (1) the elimination of the interest rate differentials for all categories of insured accounts on or before January 1, 1984, and (2) the establishment of the ceiling-free money market deposit account ("MMDA") no later than December 14, 1982. Given these statutory mandates for the accelerated elimination of the differential and the establishment of the MMDA, the Committee began to question whether ceilings on time deposits are still necessary. Also, the authorization of the MMDA, and later the ceiling-free NOW account, created an anomalous situation where ceilings had been eliminated on highly liquid short-term accounts and on longer-term certificates of deposit, but not on the

intermediate accounts. Depository institutions consequently began to find it difficult to balance properly their asset-liability structures.

The Committee, given the circumstances, decided at its December 6, 1982 meeting to seek public comment on eliminating the remaining ceilings, and on several methods for accelerating the deregulation of time deposits. It received approximately 365 comments on those proposals. Over half of the commenters expressed the view that further deregulation should be postponed because more time was needed for depository institutions to absorb the changes that were taking place as a result of the MMDA and the ceiling-free NOW account. Many of the respondents commented that the Committee should abide by the schedule that was put in place in April 1982. The most typical response was that the Committee was issuing too many new regulations too fast, and that it was hard for the industry to keep up with all the DIDA changes, especially when there was short lead time to prepare for the changes. Commenters pointed out that it took time to teach employees about the accounts so they could explain the new rules to the customers, as well as make necessary data processing changes.

Over 40 percent of the commenters, however, indicated support for some form of accelerated deregulation. These commenters pointed out that depositories did not have the opportunity to invest in competitive, insured accounts with maturities between six and 30 months. In addition, these commenters indicated that deregulation of all accounts would allow depository institutions to price their deposits in a way that would attract funds in the maturity categories that best match the maturities of their loans and investments.

At its March 1, 1983 meeting, the Committee voted to table discussion of this issue and all the other agenda items until the June meeting. In part, that decision reflected the fact that the then prevailing deregulation schedule called for the minimum maturity of the long-term, ceiling-free account to be reduced on April 1, 1983, from 3½ years to 2½ years and the minimum maturity on the indexed small savers certificate to be reduced from 30 months to 18 months. Although institutions had known of these changes for over a year and had time to plan for them, the changes were significant and the Committee believed that institutions should be given additional time to adjust to them before further changes were made. Moreover,

depository institutions were in the process of adjusting to the recently authorized MMDA and the ceiling-free NOW account.

At its June 30, 1983 meeting, the Committee determined that depository institutions had had sufficient time to adjust to past changes in account structures and to prepare for the complete elimination of all ceilings on accounts. Therefore, it decided, effective October 1, 1983, to eliminate virtually all interest rate ceilings and other regulations governing time deposits except for (1) required early withdrawal penalties; (2) the \$2,500 minimum denomination on the ceiling-free, seven to 31-day account; and (3) the rules of the agencies requiring a one percentage point differential between a loan rate and the rate on a time deposit securing a loan.

Thus, regulations such as those requiring that time deposits of 1½ years or more be made available in denominations of \$500 or more, or those restricting the negotiability of the seven to 31 day account, have been eliminated with respect to accounts established on or after October 1, 1983. The new interest rate ceiling structure will be as follows:

INTEREST RATE CEILING STRUCTURE
EFFECTIVE OCT. 1, 1983

Account	Required minimum deposit	Interest rate ceiling	
		Commercial banks	Savings and loan associations and savings banks
NOW Accounts	\$0 to \$2,499	5¼ percent	5¼ percent
Ceiling-free NOW accounts	\$2,500	None	None
Passbook savings	None	5¼ percent	5¼ percent
MMDA	\$2,500	None	None
Time deposits of 7-31 days ¹	\$0 to \$2,499	5¼ percent	5¼ percent
Time deposits of 7-31 days	\$2,500	None	None
All time deposits of more than 31 days	None	None	None

¹ The agencies advise that depository institutions may continue to issue to governmental units time deposits of less than \$2,500 with maturities or required notice periods of seven to 31 days, subject to the current ceiling of eight percent in effect for such deposits.

Since a minimum denomination of \$2,500 will still be required on ceiling-free, seven to 31-day accounts, all regulations designed to uphold that requirement will remain in effect with respect to seven to 31-day accounts. Consequently, the restrictions on loans, additional deposits, and automatic transfers to other accounts set forth in § 1204.121 (b), (d), and (e) will still apply to such accounts. In addition, since interest ceilings remain in effect for

NOW accounts and passbook accounts of less than \$2,500, restrictions concerning withdrawals from seven to 31-day time deposits in Section 1204.121(f) will remain in effect.

Similarly, since ceilings will remain in effect with respect to time deposits of less than \$2,500 with original maturities or required notice periods of seven to 31 days, all regulations designed to enforce ceilings shall remain in effect with respect to such accounts. Consequently, rules pertaining to premiums, finders' fees, prepayment of interest, and payment of interest in merchandise will still apply to those seven to 31-day accounts of less than \$2,500.

The Committee also established the following new minimum early withdrawal penalties: (1) For accounts with original maturities or required notice periods of 32 days to one year, loss of one month's simple interest; and (2) for accounts with original maturities or required notice periods of more than one year, loss of three months' simple interest. It later clarified its action with respect to the seven to 31-day account by a notation vote, retaining the existing penalty and applying it to all time deposits of seven to 31 days. This penalty provides for the forfeiture of the greater of (1) all interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or (2) all interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or the required notice period.

Depository institutions are to invade the principal of the account, if necessary, to impose the early withdrawal penalty. To calculate the interest rate to be used in assessing the penalty on floating rate or variable rate time deposits, depository institutions should continue, after October 1, 1983, to use the procedures already established for such calculations, which are described in Appendix A.

The new minimum early withdrawal penalty will apply to all time deposit contracts entered into, renewed, or extended on or after October 1, 1983. Any time deposit issued before October 1, 1983, that is not renewed or extended on or after that date, will be subject to the early withdrawal penalty in effect at the time that the account was issued, renewed, or extended, whichever is later.

Since early withdrawal penalties continue to apply to time deposits, all regulations designed to enforce the penalties remain in effect. Consequently, any amendment of a time deposit that results in a reduction in the maturity of

a deposit will continue to constitute the payment of a time deposit prior to maturity, requiring the imposition of the early withdrawal penalty. Also, certain grace periods during which an automatically renewed time deposit may be paid without the imposition of the penalty still will be permitted. Finally, all disclosure and advertising rules concerning early withdrawal penalties will remain in effect.

The new minimum early withdrawal penalty will be more severe than existing penalties under limited circumstances. For example, the current minimum early withdrawal penalty for 91-day, \$2,500 time deposits is equal only to all interest earned on the amount withdrawn. The new minimum early withdrawal penalty on those 91-day instruments that are renewed or extended on or after October 1, 1983, will be more severe during the first 31 days of the accounts, since the minimum penalty on the 91-day account is the loss of at least one month's simple interest.

All accounts that were issued with fixed maturities prior to October 1, 1983, that are renewed or extended on or after that date, will be subject to, and must be modified to reflect, the new early withdrawal penalties. With regard, however, to accounts that are subject only to required notice before withdrawal and which, because of their notice feature, may not actually be renewed or extended on or after October 1, 1983, depository institutions may elect either (1) to continue to apply the early withdrawal penalty established by the regulations applicable to the account prior to October 1, 1983; or (2) to modify the accounts to incorporate the new minimum early withdrawal penalties.

Both the early withdrawal penalties for time deposits and the \$2,500 minimum denomination on the ceiling-free, seven to 31-day account were retained to prevent an accelerated outflow from passbook savings accounts. In addition, the early withdrawal penalty was believed to be desirable to protect depository institutions that invest in long-term assets on the planning presumption that the deposits will be maintained until maturity.

The new regulations effectively will eliminate all regulatory distinctions, other than the early withdrawal penalties, among those accounts established or renewed on or after October 1, 1983, that either (1) have original maturities of more than 31 days, or (2) are of \$2,500 or more and have original maturities of 31 days or less. Thus, the Committee's action simplifies

the current account structure and is intended to give depository institutions the flexibility to manage their liabilities in such a way as to attract deposits in maturities that match their asset maturities. In this context, it should be noted that the regulations establish the minimum early withdrawal penalties and requirements applicable to accounts. Depository institutions may establish stricter early withdrawal penalties, if they so desire. Similarly, depository institutions may limit the interest they pay on both ceiling-free accounts and accounts subject to ceilings, so long as the rate of interest paid in the latter case is less than the rate established by regulation. The regulations governing time deposits issued before October 1, 1983, passbook savings accounts, money market deposit accounts, and NOW accounts are not affected by the Committee's action.

The Committee, as is required by the Regulatory Flexibility Act (5 U.S.C. 603, *et seq.*), considered the potential effect on small entities of removing interest rate ceilings and regulations on time deposits with original maturities or required notice periods of more than 31 days and time deposits of \$2,500 or more with original maturities or required notice periods of 31 days or less. The Committee's action in this regard will not impose any new reporting or record-keeping requirements. Small entities which are depositors should benefit generally from the Committee's proposal, since they will have a wider selection of instruments that will pay a market rate of return. Small entities which are depository institutions also should benefit generally from the Committee's proposal, since they will be better able to properly balance their asset-liability structures. If, however, low-yielding deposits shift into the Ceiling-free accounts as a result of the Committee's action, small entities which are depository institutions may experience increased costs. The staff study, however, concluded that any shift of low-yielding deposits into the ceiling-free accounts due to the Committee's action is likely to be minimal, most such transfers having taken place upon the authorization of the money market deposit account and the ceiling-free NOW account. The Committee further imposed a \$2,500 minimum on ceiling-free accounts with original maturities or required notice periods of less than 31 days to discourage sudden shifts from low-yielding short-term deposits to ceiling-free accounts.

List of Subjects in 12 CFR Part 1204

Banks, banking.

PART 1204—[AMENDED]

Pursuant to its authority under Title II of Pub. L. 96-221 (94 Stat. 142; 12 U.S.C. Sec. 3501, *et seq.*) to prescribe rules governing the payment of interest and dividends on deposits and accounts of federally insured commercial banks, savings and loan associations, and savings banks, the Committee amends Part 1204—Interest on Deposits, as follows:

1. Effective October 1, 1983, by adding a new § 1204.123 to read as follows:

§ 1204.123 Payment of interest on time deposits issued on or after October 1, 1983.

(a) Notwithstanding any other provision of Part 1204, a commercial bank, savings bank or savings and loan association may pay interest at any rate agreed to by the depositor any time deposit issued, renewed, or extended on or after October 1, 1983, that either (1) is in an amount of \$2,500 or more, or (2) has an original maturity or required notice period prior to withdrawal of more than 31 days.

(b) An institution may permit additional deposits to be made to any time deposit issued pursuant to this section at any time prior to its maturity without extending the maturity of all or a portion of the entire balance in the account.

2. Effective October 1, 1983, by designating § 1204.103 as paragraph (a), by adding a new sentence at the beginning thereof, and by adding new paragraphs (b), (c), and (d) to read as follows:

§ 1204.103 Penalty for early withdrawals.

(a) The following minimum early withdrawal penalties apply only to time deposit contracts entered into, renewed, or extended between June 2, 1980, and September 30, 1983, and that have not been renewed or extended on or after October 1, 1983. * * *

(b) The following minimum early withdrawal penalties shall apply to time deposit contracts entered into, renewed or extended on or after October 1, 1983:

(i) Where a time deposit with an original maturity or required notice period of seven to 31 days, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount equal to the greater of (i) all interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or (ii) all interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or the required notice period.

(2) Where a time deposit with an original maturity or required notice period of 32 days to one year, or any portion thereof, is paid before maturity, a depositor shall forfeit an amount at least equal to one month's interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple) interest rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(3) Where a time deposit with an original maturity or required notice period of more than one year, or any portion thereof, is paid before maturity, the depositor shall forfeit an amount at least equal to three months' interest earned, or that could have been earned, on the amount withdrawn at the nominal (simple) interest rate being paid on the deposit, regardless of the length of time the funds withdrawn have remained on deposit.

(c) Notwithstanding paragraph (a) of this section, where a time deposit of \$2,500 to less than \$100,000, with an original maturity of 91 days, that has been issued, renewed or extended before October 1, 1983, but not renewed or extended on or after that date, is paid before maturity, a depositor shall forfeit an amount equal to at least all interest earned on the amount withdrawn.

(d) Notwithstanding paragraph (a) of this section, where a nonnegotiable time deposit of \$2,500 or more, with an original maturity or required notice period of seven to 31 days, that has been issued renewed or extended before October 1, 1983, but not renewed or extended on or after that date, is paid before maturity, the depositor shall forfeit an amount equal to at least the greater of—

(i) All interest earned on the amount withdrawn from the most recent of the date of deposit, date of maturity, or date on which notice was given, or

(ii) All interest that could have been earned on the amount withdrawn during a period equal to one-half the maturity period or required notice period.

§ 1204.121 [Amended]

3. Effective October 1, 1983, § 1204.121 is amended as follows:

a. By designating the name of the section to be "seven to 31-day time deposits";

b. By removing the word "nonnegotiable" from paragraph (a) thereof;

c. By revising paragraph (c) to read as follows:

* * * * *

(c) Section 102 of this part shall not apply to time deposits issued under this section. Where all or any part of a time deposit issued under this section is withdrawn within one business day after the maturity date of the deposit or the date of expiration of notice of withdrawal, no early withdrawal penalty is required to be applied on the amount withdrawn.

§§ 1204.104-1204.106, 1204.112, 1204.114, 1204.116, 1204.118-1204.120 (Removed)

4. Effective October 1, 1983, the following sections of Part 1204 are removed: §§ 1204.104, 1204.105, 1204.106, 1204.112, 1204.114, 1204.116, 1204.118, 1204.119, and 1204.120.

§ 1204.103 [Amended]

5. Effective January 1, 1984, paragraphs (c) and (d) of § 1204.103 are removed.

By order of the committee, August 18, 1983.
Mark G. Bender,
Executive Secretary.

Appendix A—Calculating the Early Withdrawal Penalty for Floating Rate Time Deposits

Note.—The following Appendix will not appear in the Code of Federal Regulations.

If an interest rate on a time deposit is tied to an index that is beyond the depository institution's control (e.g., Treasury security rate, commercial paper rate, Federal funds rate, Federal Reserve discount rate) for the entire term of the deposit, the institution may base the simple interest rate, for purposes of calculating the minimum early withdrawal penalty, on the rate in effect on the date the account was opened, or on the date of withdrawal, or on an average of the rates in effect during the term of the deposit. The institution must specify, however, whether it will use the initial interest rate, the rate on the date of withdrawal, or the average rate. If the interest rate on a time deposit is not tied to an index, but instead varies in a precise way over the term of the deposit, or the relationship of the rate changes in regard to the index (e.g., the commercial paper rate minus 50 basis points for the first six months of the instrument and the commercial paper rate minus 100 basis points thereafter), then the depository institution must compute the minimum early withdrawal penalty using the average of the simple interest rates on the deposit during the time period that the deposit was outstanding.

If the interest rate is established at regular intervals and remains in effect for regular periods (e.g., the rate is

established once a month and remains in effect for one month), the depository institution must calculate the average simple interest rate by taking the sum of the rates established at each interval while the funds were on deposit, divided by the number of periods the funds were on deposit. Each partial period will be considered a full period for the purpose of this calculation.

If the length of the periods for which rates are effective varies, the depository institution must calculate the average simple interest rate by dividing the amount of time a deposit was outstanding into equal periods and then adding the rates that were in effect during those periods and dividing by the number of periods. The period used should be the shortest period for which a rate was in effect. For example, a time deposit might have the following rates in effect for the following periods at the time a depositor wished to withdraw the funds:

6 months (percent)	15
1 1/2 years (percent)	16
1 year (percent)	14

The total amount of time the deposit was outstanding was 3 years (6 months + 1 1/2 years + 1 year). This 3-year period would then be divided into 6 periods of 6 months each. Then the rates in effect for each period would be:

1st six month period (percent)	15
2nd six month period (percent)	16
3rd six month period (percent)	16
4th six month period (percent)	16
5th six month period (percent)	14
6th six month period (percent)	14

To calculate the average simple interest rate, the rate in effect during each period would be added together—
15 + 16 + 16 + 16 + 14 + 14 = 91

The resulting sum would then be divided by the number of periods—91 divided by 6—to yield an average simple interest rate of 15.17 percent.

Lump sum payments of cash that would be regarded as interest (see 12 CFR 1204.109 and 12 CFR 1204.111), must be taken into account in computing the penalty rate. Any lump-sum payment must be prorated over the life of the deposit. The portion that is attributed to the time period during which the deposit was outstanding must be regarded as interest for purposes of computing the penalty rate. The portion attributable to the remaining life of the deposit is regarded as unearned interest and must be deducted from the principal amount of the deposit and returned to the institution.

[FR Doc. 83-23117 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-25-M

CIVIL AERONAUTICS BOARD

14 CFR Part 291

[Reg. ER-1358, Economic Regulation Amdt. No. 13, Docket 41148]

Domestic Cargo Transportation; Exemption for All-Cargo Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB exempts domestic all-cargo carriers and the Department of Defense from a statutory prohibition against their entering into contracts with each other for cargo transportation. This rulemaking is intended to increase competition and cargo capability for defense cargo transportation.

DATES:

Effective: September 23, 1983.

Adopted: August 10, 1983.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: By a notice of proposed rulemaking (EDR-451, 48 FR 30, January 3, 1983), the Board proposed to exempt carriers certificated under section 418 of the Federal Aviation Act and the Department of Defense (DOD) from a restriction in section 401(o) of that Act. The exemption would allow DOD to contract with section 418 carriers for cargo transportation. No comments were filed in response to EDR-451. The Board has decided to adopt the rule as proposed.

Section 401(o) of the Act provides that only carriers certificated under section 401 can contract with DOD for long-term service (more than 30 days). DOD can contract with other carriers if it finds no section 401 carriers are available. Carriers certificated under section 419 (domestic all-cargo service) are thus prevented from providing long-term service to DOD except by *ad hoc* exemption by the Board. The Board has recently granted several exemptions for that purpose (e.g., Order 82-9-5, dated September 2, 1982; Order 82-1-16, dated October 7, 1982). This rule makes further *ad hoc* exemptions unnecessary.

Section 401(o) was added to the Act in 1976 when section 401 was the only provision under which carriers could be certificated. Section 418 was added in 1977 to provide expanded, unrestricted domestic all-cargo service. There is no indication that Congress wanted to prohibit newly certificated carriers from providing contract service to DOD, since it directed that the Board act quickly on

section 401 applications to provide service to DOD. Nor is there any indication that Congress intended to prevent carriers certificated under section 418 from providing DOD service. Further, the fitness criteria for awarding certificates under both sections 401 and 418 are the same. There is thus no reason to prevent section 418 carriers from providing service to DOD or to require them to seek exemptions for each contract.

This rule grants an exemption under 14 CFR Part 291 for those carriers and for DOD to enable them to enter into contracts for long-term cargo service. The exemption will increase competition for DOD contracts, consistent with the policy of the Act, and will relieve a burden on these carriers by eliminating the need to apply for individual exemptions. The Board finds that it is consistent with the public interest to grant that exemption to the extent consistent with the carriers' operating authority.

Final Regulatory Flexibility Analysis

The discussion above is the Board's final regulatory flexibility analysis of the rule under the Regulatory Flexibility Act (5 U.S.C. 604). Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, 202-673-5432, by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 291

Air carriers, Antitrust, Freight, Insurance, Reporting and recordkeeping requirements.

PART 291—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation*, as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 401, 407, 408, 416, and 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1371, 1377, 1378, 1386, and 1388.

2. A new paragraph (c) is added to § 291.31 to read:

§ 291.31 Exemptions from the Act for direct air carriers.

(c) Each direct air carrier providing domestic cargo transportation under section 418 of the Act is exempted from the provisions of section 401(o)(1) of the Act to the extent necessary to permit it to compete for and operate domestic cargo charters for the Department of

Defense under contracts of more than 30 days' duration.

3. A new paragraph (c) is added to § 291.32 to read:

§ 291.32 Exemptions from the Act for persons other than direct air carriers.

(c) The Department of Defense is exempted from section 401(o) of the Act to the extent necessary to permit it to negotiate and enter into contracts of more than 30 days' duration with any section 418 carrier for operation of domestic cargo charters.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-23257 Filed 8-23-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430, 436, and 442

[Docket No. 83N-0251]

Antibiotic Drugs; Sterile Cefuroxime Sodium

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile cefuroxime sodium. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective August 24, 1983; comments, notice of participation, and request for hearing by September 23, 1983; data, information, and analyses to justify a hearing by October 24, 1983.

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

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, sterile cefuroxime sodium. The agency has

concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Parts 430, 436, and 442, (21 Parts 430, 436, and 442) to provide for the inclusion of accepted standards for the product.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 430

Administrative practice and procedure, Antibiotics.

21 CFR Part 426

Antibiotics.

21 CFR Part 442

Antibiotics, Cepha.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 430, 436, and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding new paragraphs (a)(78) and (b)(78) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(78) *Cefuroxime*. The term "cefuroxime master standard" means a specific lot of cefuroxime that is designated by the Commissioner as the standard of comparison in determining the potency of the cefuroxime working standard.

(b) * * *

(78) *Cefuroxime*. The term "cefuroxime working standard" means a specific lot of a homogeneous preparation of cefuroxime.

b. In § 430.6 by adding new paragraph (b)(80) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

(b) * * *

(80) *Cefuroxime*. The term "microgram" applied to cefuroxime means the cefuroxime activity (potency) contained in 1.0893 micrograms of the cefuroxime master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. By adding new § 436.343 to read as follows:

§ 436.343 High-pressure liquid chromatographic assay for cefuroxime.

(a) *Equipment*. A suitable high-pressure liquid chromatograph equipped with:

- (1) A low dead volume cell 8 to 20 microliters;
- (2) A light path length of 1 centimeter;
- (3) A suitable ultraviolet detection system operating at a wavelength of 254 nanometers;
- (4) A suitable recorder of at least 25.4 centimeter deflection;
- (5) A suitable integrator; and
- (6) A 15-centimeter column having an inside diameter of 4.8 millimeters and packed with hexyl silane chemically bonded to porous silica or ceramic microparticles, 5 micrometers in diameter.

(b) *Reagents*.—(1) *Acetate buffer, pH 3.4*. Place 50 milliliters of 0.1M sodium acetate into a 1,000-milliliter volumetric flask and dilute to volume with 0.1M acetic acid. Mix.

(2) *Mobile phase*. Mix 0.1M acetate buffer, pH 3.04:acetonitrile (10:1). Filter the mobile phase through a suitable glass fiber filter or equivalent that is capable of removing particulate contamination to 1 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph pumping system.

(3) *Internal standard solution*. Prepare a 1.5 milligram per milliliter solution of orcinol monohydrate in water.

(c) *Operating conditions*. Perform the assay at ambient temperature with a typical flow rate of 2.0 milliliters per minute. Use a detector sensitivity setting that gives a peak height for the working standard that is at least 50 percent of scale.

(d) *Preparation of working standard and sample solutions*.—(1) *Preparation of working standard solution*. Dissolve

an accurately weighed portion of the cefuroxime working standard with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours.

(2) *Preparation of sample solutions*.—

(i) *Product not packaged for dispensing (micrograms of cefuroxime per milligram)*. Dissolve an accurately weighed portion of the sample with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample solution, proceed as directed in paragraph (e) of this section.

(ii) *Product packaged for dispensing*. Determine both micrograms of cefuroxime per milligram of the sample and milligrams of cefuroxime per container. Use separate containers for preparation of each sample solution as described in paragraph (d)(2)(ii) (a) and (b) of this section.

(a) *Micrograms of cefuroxime per milligram*. Dissolve an accurately weighed portion of the sample with sufficient distilled water to obtain a stock solution containing 1.0 milligram of cefuroxime per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample

solution, proceed as directed in paragraph (e) of this section.

(b) *Milligrams of cefuroxime per container*. Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with distilled water to obtain a stock solution of 1.0 milligram per milliliter. Immediately transfer 5.0 milliliters of the stock solution to a 100-milliliter volumetric flask, add 20.0 milliliters of internal standard solution and dilute to 100 milliliters with distilled water and mix. Store the solution in a refrigerator and use within 6 hours. Using this sample solution, proceed as directed in paragraph (e) of this section.

(e) *Procedure*. Using the equipment, reagents, and operating conditions as listed in paragraphs (a), (b), and (c) of this section, inject 10 microliters of the working standard solution into the chromatograph. Allow an elution time sufficient to obtain satisfactory separation of the expected components. After separation of the working standard solution has been completed, inject 10 microliters of the sample solution prepared as described in paragraph (d)(2)(i) of this section into the chromatograph and repeat the procedure described for the working standard solution. If the sample is packaged for dispensing, repeat the procedure for each sample solution prepared as described in paragraph (d)(2)(ii)(a) and (d)(2)(ii)(b) of this section.

(f) *Calculations*.—(1) Calculate the micrograms of cefuroxime per milligram of sample as follows:

$$\text{Micrograms of cefuroxime per milligram} = \frac{R_s \times P_s \times 100}{R_s \times C_s \times (100 - m)}$$

where:

R_s = Area of the cefuroxime peak in the chromatogram of the sample (at a retention time equal to that observed for the standard)/Area of internal standard peak;

R_s = Area of the cefuroxime peak in the chromatogram of the cefuroxime working standard/Area of internal standard peak;

P_s = Cefuroxime activity in the cefuroxime working standard solution in micrograms per milliliter;

C_s = Milligrams of sample per milliliter of sample solution; and

m = Percent moisture content of the sample.

(2) Calculate the cefuroxime content of the vial as follows:

$$\text{Milligrams of cefuroxime per vial} = \frac{R_u \times P_s \times d}{R_s \times 1,000}$$

where:

R_u = Area of the cefuroxime peak in the chromatogram of the sample (at a retention time equal to that observed for the standard)/Area of internal standard peak;

R_s = Area of the cefuroxime peak in the chromatogram of the cefuroxime working standard/Area of internal standard peak;

P_s = Cefuroxime activity in the cefuroxime working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

b. By adding new § 436.344 to read as follows:

§ 436.344 Thin layer chromatographic identity test for cefuroxime.

(a) *Equipment*—(1) *Chromatography tank*. Use a rectangular tank approximately 23 × 23 × 9 centimeters, with a glass solvent trough on the bottom and a tight-fitting cover. Line the inside walls of the tank with Whatman #3MM chromatographic paper or equivalent.

(2) *Plates*. Use 20 × 20 centimeter thin layer chromatography plates coated with Silica Gel F or equivalent to a thickness of 250 microns.

(b) *Developing solvent*. Mix chloroform, methanol, and formic acid in volumetric proportions of 90:10:4, respectively.

(c) *Preparation of the spotting solutions*. Dissolve approximately 200 milligrams each of the working standard and sample in 5 milliliters of a 50 percent aqueous acetone solution.

(d) *Procedure*. Pour the developing solvent into the glass trough at the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the plate, and at intervals of 2 centimeters, spot 5 microliters each of the sample and working standard solutions. After all spots are thoroughly dry, place the plate directly into the glass trough of the chromatography tank. Cover and seal the tank tightly. Allow the solvent front to travel a minimum of 15 centimeters from the starting line. Remove the plate from the tank and allow it to air dry. Observe under ultraviolet light (254 nanometers).

(e) *Evaluation*. Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. The sample and standard should have spots of corresponding R_f values.

PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. By adding new § 442.18a to read as follows:

§ 442.18a Sterile cefuroxime sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Cefuroxime sodium is the sodium salt of (6R, 7R)-3-carbamoyloxy-methyl-7-[(2Z)-2-(2-furyl)-2-methoxyiminoacetamido] cepha-3-em-4-carboxylic acid. It is so purified and dried that:

(i) If the cefuroxime is not packaged for dispensing, its cefuroxime content is not less than 855 micrograms and not more than 1,000 micrograms of cefuroxime per milligram on an anhydrous basis. If the cefuroxime is packaged for dispensing, its cefuroxime content is not less than 855 micrograms and not more than 1,000 micrograms of cefuroxime per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefuroxime that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) Its moisture content is not more than 3.5 percent.

(v) Its pH in an aqueous solution is not less than 6.0 and not more than 8.5.

(vi) It gives a positive identity test.

(2) *Labeling*. It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples*. In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cefuroxime content, sterility, pyrogens, moisture, pH, and identity.

(ii) Samples, if required by the Director, National Center for Drugs and Biologics:

(a) If the batch is packaged for repackaging or for use as an ingredient in the manufacture of another drug:

(1) For all tests except sterility: 10 packages, each containing approximately 1 gram.

(2) For sterility testing: 20 packages, each containing approximately 1 gram.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cefuroxime content*. Proceed as directed in § 436.343 of this chapter.

(2) *Sterility*. Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens*. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefuroxime per milliliter.

(4) *Moisture*. Proceed as directed in § 436.201 of this chapter, using the titration procedure described in paragraph (e)(1) of that section.

(5) *pH*. Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(6) *Identity*. From the high-pressure liquid chromatograms of the sample and the cefuroxime working standard determined as directed in paragraph (b)(1) of this section, calculate the adjusted retention times of the cefuroxime in the sample and standard solutions as follows:

Adjusted retention time of cefuroxime = $t - t_0$

where:

t = Retention time measured from point of injection into the chromatograph until the maximum of the cefuroxime sample or working standard peak appears on the chromatogram; and

t_0 = Retention time measured from point of injection into the chromatograph until the maximum of nonretarded solute appears in the chromatogram.

The sample and the cefuroxime working standard should have corresponding adjusted cefuroxime retention times.

b. By adding new § 442.218 to read as follows:

§ 442.218 Sterile cefuroxime sodium.

The requirements for certification and the tests and methods of assay for sterile cefuroxime sodium packaged for dispensing are described in § 442.18a.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this regulation is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective August 24, 1983. Interested persons may, however, on or before September 23, 1983, submit written

comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before September 23, 1983, a written notice of participation and request for hearing, and (2) on or before October 24, 1983, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date, August 24, 1983.

(Secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g)))

Dated: August 17, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-2206 Filed 8-23-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. TF-143; Ref: Notice No. 451]

Establishment of York Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms; Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in San Luis Obispo County, California, to be known as "York Mountain." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "York Mountain" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they may purchase.

EFFECTIVE DATE: September 23, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, (202) 566-7626.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4 allowing the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

York Mountain Winery in San Luis Obispo County, California, petitioned ATF to establish a viticultural area to be known as "York Mountain." In response to the petition, ATF published a notice of proposed rulemaking, Notice No. 451, in the *Federal Register* on February 9, 1983 (48 FR 5956), proposing the

establishment of York Mountain as a viticultural area. The petitioner's comment in favor of the viticultural area and their request to make a minor change in the boundary line was the only comment received.

Historical Evidence of the Name

The petitioner stated that the name "York Mountain" is well known in the area because of the mountain named York. The winery is located at the base of York Mountain. The winery and vineyards were established in 1882 by the York family who owned the property until 1970. The U.S.G.S. map submitted by the petitioner is entitled "York Mountain Quadrangle."

Geographical Features

York Mountain viticultural area is distinguished from surrounding areas suitable for growing grapes by:

(1) Being closer to the Pacific Ocean (7 miles) therefore receiving more of a cooling fog influence;

(2) The elevation being higher (up to 1500 feet on the slopes of the Santa Lucia Mountain Range);

(3) The rainfall averages 45 inches per year which is about double the amount of surrounding areas; and

(4) A classification of Region I as compared to Regions III and IV for nearby areas.

Change in the Boundary

The petitioner requested the viticultural area be reduced by about 640 acres on the eastern boundary. It was found that this 640 acres more closely approximates the Region III classification of the proposed Paso Robles viticultural area. The York Mountain viticultural area is considered a cool climate Region I grape-growing area. By putting the 640 acres in the proposed Paso Robles viticultural area, the boundary between the two viticultural areas is more geographically distinguishable than before. This final rule accepts the request to reduce the York Mountain viticultural area size and the description of the boundaries in 27 CFR 9.80 reflect the change.

Miscellaneous

ATF does not wish to give the impression by approving York Mountain as a viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct and not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements

as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of York Mountain wines.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Enforcement Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule is not a "major rule" since it will not result in—

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and the comments received are available for inspection during normal business hours at the following location: ATF Reading Room, Rm. 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue NW., Washington, DC.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Viticultural areas, Consumer protection, Wine.

Drafting Information

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority contained in Section 5 of the Federal Alcohol Administration Act (45 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to include the title of § 9.80 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

9.80 York Mountain.

Par. 2. Subpart C is amended by adding § 9.80 to read as follows:

§ 9.80 York Mountain.

(a) *Name.* The name of the viticultural area described in this section is "York Mountain."

(b) *Approved map.* The approved map for the York Mountain viticultural area is the U.S.G.S. map entitled "York Mountain Quadrangle," 7.5 minute series (topographic), 1979.

(c) *Boundaries.* The York Mountain viticultural area is located in San Luis Obispo County, California. The boundaries are as follows:

(1) From the beginning point at the northwest corner of the York Mountain Quadrangle map where the Dover Canyon Jeep Trail and Dover Canyon Road intersect, proceed east along Dover Canyon Road 1.5 miles to the western boundary line of Rancho Paso de Robles;

(2) Follow the western boundary line of Rancho Paso de Robles southwest 6.0 miles to where the boundary joins Santa Rita Creek;

(3) Turn right at Santa Rita Creek and follow the creek 5 miles to where the waters of Dover Canyon and Santa Rita Creek meet; and

(4) Then proceed north along Dover Canyon Creek across State Highway 46 back to the point of beginning.

Signed: August 3, 1983.

Stephen E. Higgins,

Director.

Approved: August 8, 1983.

David Q. Bates,

Deputy Assistant Secretary, Operations.

[FR Doc. 83-23255 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Abandoned Mine Land Reclamation Program Amendment

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

ACTION: Final rule.

SUMMARY: On December 8, 1982, the State of Kentucky submitted to OSM a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan. After opportunity for public comment and review of the amendment, the Assistant Secretary for Energy and Minerals of the Department of the Interior has determined that the Kentucky amendment meets the requirements of the Surface Mining Control and Reclamation Act (SMCRA) and the Secretary's regulations (30 CFR Chapter VII, Subchapter R, 47 FR 28574-28604, June 30, 1982). Accordingly, the Assistant Secretary has approved the Kentucky amendment.

EFFECTIVE DATE: The rule is effective September 23, 1983.

ADDRESSES: Copies of the full text of the proposed amendment are available for review during regular business hours at the following locations:

Kentucky Department of Natural Resources and Environmental Protection, Frankfort, Kentucky 40601
Office of Surface Mining, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504
Office of Surface Mining Reclamation and Enforcement, Administrative Record Rm. 5315, 1100 L Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles V. Smith, Program Manager, Division of Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone (202) 343-7921.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that

were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal Law. Title IV provides that a State with an approved AMLR program has the responsibility and primary authority to implement an abandoned mine land reclamation program.

The Kentucky AMLR Plan was approved on May 18, 1982. On December 8, 1982, Kentucky submitted a proposed amendment to the Plan. An approved State AMLR Plan can be amended under the provisions of 30 CFR 884.15. Under these provisions, if the amendment or revision changes the objectives, scope, or major policies followed by the State in the conduct of its reclamation program, the Director of the Office of Surface Mining should follow the procedures set out in 30 CFR 884.14 in approving an amendment or revision of a State reclamation plan. The Director has followed these procedures and recommended to the Assistant Secretary on July 22, 1983, that the Kentucky amendment be approved.

OSM published a notice of proposed rulemaking on the Kentucky amendment and requested public comment on March 31, 1983 (48 FR 13441). No public comments were received. The State of Kentucky determined that a public hearing on the proposed amendment was not required.

To codify information which applies to individual States under SMCRA, including decisions on State reclamation plans and amendments, OSM has established a new Subchapter T of 30 CFR Chapter VII. Subchapter T consists of Parts 900 through 953. Provisions relating to Kentucky are found in 30 CFR Part 917.

The Kentucky AMLR plan amendment clarifies 30 CFR 884.13(c)(5) that deals with reclamation on private lands and 30 CFR 884.13(c)(6) that deals with rights of entry to private lands for reclamation purposes.

The principal topics covered under 30 CFR 884.13(c)(5) amendment include liens, waiver of liens, levy of liens, satisfaction of liens and appraisals on private lands. Under 30 CFR 884.13(c)(6) the principal topics covered include Kentucky policy on right of entry on private land, determining land ownership, obtaining consent for entry on private land and appropriate action when entry is refused.

The subjects, reclamation on private

lands and rights of entry to private lands, are covered in Chapters 7 and 8 of the approved plan, respectively.

Assistant Secretary's Findings

In accordance with Section 405 of SMCRA, the Assistant Secretary finds that Kentucky has submitted an amendment to its Abandoned Mine Land Reclamation Plan and has determined, pursuant to 30 CFR 884.15, that:

1. The public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.
2. Views of other Federal agencies have been solicited and considered.
3. The State has the legal authority, policies and administrative structure to carry out the amendment.
4. The amendment meets all requirements of the OSM, AMLR Program provisions.
5. The State has an approved Surface Mining Regulatory Program.
6. The amendment is in compliance with all applicable State and Federal laws and regulations.

Additional Findings

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and
2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reason for this determination is that approval will not have demographic effects, direct costs, information collection and record keeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Kentucky

amendment does not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Kentucky amendment is categorically excluded from the National Environmental Policy Act requirements.

As a result, no environmental assessment (EA) nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an EA or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

List of Subjects in 30 CFR Part 917

Coal mining, Intergovernmental regulations, Surface mining, Underground mining.

(Pub. L. 95-87, 304 U.S.C. 1201, *et seq.*)

Dated: July 22, 1983.

J. R. Harris,

Director, Office of Surface Mining.

Dated August 16, 1983.

William P. Pendley,

Deputy Assistant Secretary for Energy and Minerals.

PART 917—KENTUCKY

Therefore, Part 917 is amended by adding § 917.21 to read as follows:

§ 917.21 Amendment to approved Kentucky abandoned mine land reclamation plan.

The Kentucky Amendment, as submitted on December 8, 1982, is approved. Copies of the approved amendment are available at:

Kentucky Department of Natural Resources and Environmental Protection, Frankfort, Ky. 40601
Office of Surface Mining, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Ky. 40504
Office of Surface Mining Reclamation and Enforcement, Administrative Record, Rm. 5315, 1100 L Street NW., Washington, D.C. 20240.

[FR Doc. 83-23264 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

(A-3-FRL 2420-1)

Approval and Promulgation of
Implementation Plans; Approval of
Revisions of the Maryland State
Implementation PlanAGENCY: Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: EPA announces approval of a revision to the Maryland State Implementation Plan (SIP). This action is based on the State's request to approve the revision which meets the requirements of the Clean Air Act. The revision is a modification of a previously issued Secretarial Order defining the terms under which a municipal incinerator may be constructed in a nonattainment area.

EFFECTIVE DATE: This action will be effective October 24, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision and accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency,
Region III, Air Management Branch,
Curtis Building, Sixth & Walnut
Streets, Philadelphia, PA 19106, Attn:
James B. Topsale, P.E.

Maryland Department of Health &
Mental Hygiene, Air Management
Administration, 201 W. Preston Street,
Baltimore, Maryland 21201, Attn:
George P. Ferreri

Public Information Reference Unit,
Room 2922, EPA Library, U.S.
Environmental Protection Agency, 401
M Street, S.W., Washington, D.C.
20460

The Office of the Federal Register, 1100
I Street, N.W., Room 8401,
Washington, D.C. 20408

All comments should be directed to:
James E. Sydnor, Chief, MD/VA/DC/DE
Section (3AW13), Air Management
Branch, U.S. Environmental Protection
Agency, Curtis Building, Sixth & Walnut
Streets, Philadelphia, PA 19106, Attn:
AW045MD.

FOR FURTHER INFORMATION CONTACT:
Mr. James B. Topsale, P.E. (3AW13), U.S.
Environmental Protection Agency,
Region III, Sixth & Walnut Streets,
Philadelphia, Pennsylvania 19106,
telephone 215/597-9377.

SUPPLEMENTARY INFORMATION: On
December 22, 1981, the State of

Maryland submitted to EPA a
Secretarial Order regarding the
proposed construction of the Southwest
municipal incinerator in Baltimore City.
The construction permit was approved
as a State Implementation Plan (SIP)
revision by EPA in the July 7, 1982
Federal Register (40 FR 29531) and
codified at 40 CFR 52.1070(c)(65).

On March 29, 1983, EPA received a
proposed revision to the Maryland SIP
in the form of a modification to the
November 20, 1981 Secretarial Order for
the Northeast Maryland Waste Disposal
Authority (the "Authority") resource
recovery facility (the "Southwest
municipal incinerator").

The Authority has selected
Wheelabrator-Frye Inc. (the
"Company") to construct, own, and
operate the incinerator. According to the
terms and conditions of the 1981
Secretarial Order, an emission offset
would be acquired and maintained
which would be equal to at least 110
percent of the emissions from the
proposed incinerator. The Authority
negotiated with the City of Baltimore for
an emission offset to be obtained from
the closing of the Baltimore City
Pyrolysis Plant and the Pennington
Avenue Landfill (the "Landfill"). The
City owns a portion of the land on
which the Landfill is located. BEDCO
Development Corporation ("BDC") owns
the remaining portion of the land and
leases that portion to the City.

The November 20, 1981 Secretarial
Order indicates that the State will take
action to curtail or to terminate
operations at the incinerator, should the
Landfill be reopened as a landfill or
otherwise operated as a source of
particulate emissions. The revised
February 25, 1983 Secretarial Order
includes legally binding assurances from
the City and BDC that the landfill will
be permanently closed on or before
September 1, 1983.

Also, no later than September 1, 1983,
the City will relinquish all permits
relating to the operation of the Landfill
as a landfill or as a source of particulate
emissions. The City further agrees not to
undertake efforts to obtain new or
additional permits relating to the
Landfill unless the State, the Authority,
and the Company agree that a reduction
in emissions from the Landfill is no
longer required to offset emissions from
the incinerator.

The City and BDC acknowledge that
each intends to be legally bound by the
agreements of the Secretarial Order and
consents to the State taking any and all
legal action necessary to enforce the
Order.

The result of these additions is to
change the primary enforcement

mechanism to insure that the
incinerator's emissions do not exceed
the available offset. If the Landfill
recommences operation, the State can
now proceed directly against the City
and BDC to require closure of the
Landfill and maintenance of the offset.
No direct action will be taken against
the Facility. All other terms and
conditions of the November 20, 1981
Secretarial Order remain unchanged.

Notice of Public Hearing

The State informed EPA that a public
hearing was held in Baltimore on
February 25, 1983, as required by 40 CFR
51.4.

EPA Evaluation/Action

EPA has reviewed the State's
submittal and concludes that the terms
and conditions of the November 20, 1981
and February 25, 1983 Secretarial
Orders, regarding the Southwest
municipal incinerator, meet all of the
applicable SIP requirements as
discussed at 40 FR 29531.

Therefore, EPA approves the February
25, 1983 Secretarial Order from the State
of Maryland as a revision of the
Maryland SIP. Accordingly, this notice
amends 40 CFR 52.1070 (Identification of
Plan), Subpart V (Maryland), to
incorporate the submitted material into
the approved Maryland SIP.

The public is advised that this action
will become effective 60 days from the
publication date of this notice. However,
if notice is received within 30 days that
someone wishes to submit adverse or
critical comments, this action will be
withdrawn and another notice will be
published before the effective date. One
notice will withdraw the final action
and another will 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), I have certified
that SIP approvals 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 Act,
petitions for judicial review of this
action must be filed in the United States
Court of Appeals for the appropriate
circuit by October 24, 1983. This action
may not be challenged late in
proceedings to enforce its requirements.
(See 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: August 17, 1983.

William D. Ruckelshaus,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

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

Subpart V—Maryland

Section 52.1070 is amended by adding paragraph (c)(70) to read as follows:

§ 52.1070 Identification of plan.

(c) * * *

(70) A modified Secretarial Order stating the terms under which a construction permit for a new source in a nonattainment area will be issued to Wheelabrator-Frye, Inc. who will construct, own, and operate a municipal incinerator; submitted on March 17, 1983 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(42 U.S.C. 7401)

[FR Doc. 83-23070 Filed 8-23-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-6-FRL 2420-7]

Approval and Promulgation of Revisions to the New Mexico State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This action approves a revision to the New Mexico State Implementation Plan (SIP) which was submitted by the New Mexico Environmental Improvement Division on December 20, 1979. This revision, entitled "Public Information and Participation Program" was submitted to fulfill the requirements of Section 127 of the Clean Air Act Amendments of 1977 (CAA) concerning public notification.

EFFECTIVE DATE: This rulemaking will be effective on October 24, 1983 unless

notice is received within 30 days that someone wishes to submit adverse or critical comments or request a public hearing on the subject revision.

ADDRESSES: Written comments on this action should be addressed to Randy Brown of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

U.S. Environmental Protection Agency,
Region 6, Air Branch, 1201 Elm Street,
Dallas, Texas 75270

U.S. Environmental Protection Agency,
Public Information Reference Unit, 401
M Street SW., Room 2922,
Washington, D.C. 20460

The Office of the Federal Register, 1100
L Street NW., Room 8401,
Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Randy Brown, State Implementation
Plan Section, Air and Waste
Management Division, U.S. EPA, Region
6, 1201 Elm Street, Dallas, Texas 75270,
(214) 767-1518.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the New Mexico Environmental Improvement Division submitted a minor revision to the New Mexico SIP in fulfillment of Section 127 of the Clean Air Act Amendments of 1977 (CAA). Section 127 requires each State to incorporate in its SIP provisions for notifying the public during any calendar year of instances or areas in which any national primary ambient air quality standard is exceeded or was exceeded during any portion of the preceding calendar year. Notification is to also advise the public of health hazards associated with such pollution; enhance public awareness of measures which can be taken to prevent such standards from being exceeded; and to advise the public of ways in which they can participate in regulatory and other efforts to improve air quality.

EPA has reviewed the State's submittal and developed an Evaluation Report¹ which describes the 1977 requirements and evaluates the State's efforts to satisfy the requirements. This report is available for review during normal business hours at the addresses listed above.

The State of New Mexico has agreed to perform the public notification requirements of Section 127 of the CAA and has developed formal information procedures in an effort to insure public awareness of the air quality in the State.

¹ Evaluation Report for Revision to New Mexico "Public Information and Participation Program" November 1982.

The program delineates the manner in which the public will be: (1) Informed when national ambient air quality standards are exceeded; (2) provided with information related to control measures that may help to curb air pollution; (3) provided with information about health hazards associated with air pollutants; and (4) afford the opportunity to participate in air quality related activities, such as public meetings and hearings.

The revision included in this approval notice is considered minor in nature and noncontroversial. EPA is approving the revision without prior proposal.

The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 24, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

Pursuant to the provisions to 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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

Incorporation by reference of the State Implementation Plan for the State of New Mexico was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

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

This notice of final rulemaking is issued under the authority of Section 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7520.

Dated: August 10, 1983.
William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart GG—New Mexico

In § 52.1620, paragraph (c)(33) is added to read as follows:

§ 52.1620 [Amended]

(C) ***
(33) Addition of Public Information and Participation Program, submitted by the Environmental Improvement Division on December 20, 1979.

[FR Doc. 83-23197 Filed 8-23-83; 9:45 am]
BILLING CODE 8560-50-M

40 CFR Parts 52 and 81

[A-9-FRL 2309-8]

Designation of Areas for Air Quality Planning Purposes; Air Programs; Attainment Status Designations; Kern County, Calif.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the sulfur dioxide (SO₂) attainment status designation for Kern County, California. The designation is changed from nonattainment to attainment based on recent monitoring and modeling data. As a result, the requirements of Part D of the Clean Air Act no longer apply to Kern County for SO₂. Therefore, EPA is also revoking the conditions of approval established by EPA in the August 21, 1981 final rulemaking notice for Kern County's SO₂ Control Strategy.

DATE: This action is effective September 23, 1983.

FOR FURTHER INFORMATION CONTACT:

Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under Paragraph 107(d)(2) of the Clean Air Act (CAA), as amended, EPA promulgated attainment status designations for all states (43 FR 8962). In California, the San Joaquin Valley Air Basin (SJVAB) portion of Kern County was designated nonattainment and the Southeast Desert

Air Basin portion was designated attainment for SO₂.

Under Paragraph 107(d)(5) of the Clean Air Act, a state may revise its designations of attainment status and submit them to EPA for consideration and promulgation. On September 24, 1979, the California Air Resources Board (ARB) requested that all of the SJVAB portion of Kern County, with the exception of the "Oildale Area" northeast of Bakersfield, be redesignated to attainment for SO₂. Following discussion of several issues with ARB, EPA published a notice of proposed rulemaking on August 19, 1980 (45 FR 55231) which proposed to revise to attainment for SO₂ all of the SJVAB portion of Kern County, except the "Midway-Sunset Area" in western Kern County and the "Oildale Area."

Public Comments

Because of the strong public interest, EPA extended the public comment period to December 1, 1980. Comments were received from the ARB, Kern County, Western Oil and Gas Association (WOGA), and TOSCO Corporation. These comments are addressed below. For further detail on the comments and EPA's evaluations please refer to EPA's technical support document, which is available at the EPA Region 9 office.

All commenters argued that the Midway-Sunset Area should be considered in attainment due to available monitoring data and since the SRI (1979) model predicted attainment. EPA agrees that the SRI study should be used rather than the SAI (1978) model (used in the proposal), since the more recent study uses more accurate assumptions. Therefore, the Midway-Sunset Area is being designated attainment based on the available monitoring and modeling data.

In addition, the commenters argued that the Oildale Area could be redesignated to attainment based on the 1979 shutdown/offset of SO₂ emissions from 62 steam generators and nearly eight quarters of violation-free monitoring data. The ARB and Kern County requested an additional 90 day extension to allow a determination of whether the eight quarters would demonstrate attainment in the Oildale Area. Subsequently, by letter of April 16, 1981 to the ARB, Kern County requested redesignation to attainment for the entire County. On September 11, 1981, ARB formally requested EPA to designate the entire County attainment for SO₂. EPA agrees that the monitoring data provide eight quarters with no violations.

However, in an October 16, 1981 letter to ARB, EPA reiterated the issue described in the August 19, 1980 proposal notice that the SRI (1979) model showed violations in the Oildale Area in places where monitors were not located. Kern County forwarded to EPA and ARB on December 8, 1981 and April 8, 1982 copies of new Getty Oil Company studies which modeled the Oildale Area to show the effect of the shutdown/offset of SO₂ emissions from the 62 steam generators. The Getty Oil Company studies used the urban and rural versions of EPA's Climatological Dispersion Model and predicted no violations of the SO₂ standard. ARB reviewed the studies and, on November 24, 1982, forwarded the rural version to EPA along with additional validation data. EPA has also reviewed the data and determined that they remove the modeling issue raised by EPA in the proposal notice. Therefore, both the monitoring and modeling data demonstrate that the Oildale Area is in attainment of the SO₂ standards.

Final Actions

As a result of the August 19, 1980 proposal notice, the comments received, and the recent monitoring and modeling data which resolve issues raised in the proposal, EPA today redesignates Kern County to attainment for SO₂. With this redesignation, the requirements of Part D of the Clean Air Act no longer apply to Kern County for SO₂. Also, the major SO₂ stationary source construction moratorium is lifted due to the change to attainment.

EPA set conditions on approval of the Kern County nonattainment area plan (NAP) for SO₂ on August 21, 1981 (46 FR 42450). Since Kern County is being redesignated to attainment for SO₂, the NAP requirements are no longer applicable. Therefore, EPA is revoking the conditions in this notice.

Administration

EPA finds that good cause (see Administrative Procedure Act, 5 U.S.C. Section 553(b)) exists for making this action effective immediately. EPA has a responsibility to take final action on this redesignation as soon as possible in order to lift the major SO₂ stationary source construction moratorium in Kern County.

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

Under 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.

List of Subjects

40 CFR Part 52

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

(Secs. 107(d), 110, 172, and 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7410, 7502 and 7601(a)))

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: August 10, 1983.

William D. Ruckelshaus,
Administrator.

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

PART 81—[AMENDED]

Section 81.305, California; the attainment status in the San Joaquin Valley Air Basin for SO₂ is amended to read as follows:

§ 81.305 California.

CALIFORNIA—SO₂

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
San Joaquin Valley Air Basin:				
Kern County				X

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

PART 52—[AMENDED]

Section 52.232 is amended by revising paragraph (a)(5)(i) and by removing and reserving paragraphs (a)(5)(ii)(A) and (v)(A)-(E) as follows:

§ 52.232 Part D conditional approval.

- (a) * * *
- (5) * * *
- (i) For ozone, CO, and PM:
- (ii) [Reserved]
- (A) [Reserved]
- (v) [Reserved]
- (A)-(E) [Reserved]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6455

[W-60668]

Wyoming; Partial Revocation of Executive Order of July 13, 1910, and Secretarial Order of July 26, 1906

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes one Secretarial order and one Executive order insofar as they affect 136,359 acres of land withdrawn for coal classification purposes. The effects of this order are summarized as follows:

- 70,366 acres in private ownership (minerals and surface) would not be affected other than by record-clearing.
- 7,868 acres in an existing oil shale withdrawal would not be affected other than by record-clearing.
- 27,433 acres of unreserved public domain would be open to surface entry and nonmetalliferous mining.
- 3,840 acres in reconveyed lands

(surface with private minerals) would be opened to surface entry.

- 20,027 acres in stock driveway withdrawal would be opened to nonmetalliferous mining.

- 6,825 acres in private ownership (surface with Federal minerals) would be opened to nonmetalliferous mining.

A total of 62,153 acres have been and will remain open to mineral leasing. 54,285 acres have been and will remain open to mining location.

EFFECTIVE DATE: September 22, 1983.

FOR FURTHER INFORMATION CONTACT:

W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

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

1. The Executive Order of July 13, 1910, creating coal classification withdrawal Wyoming No. 1, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

- T. 18 N., R. 97 W.,
Sec. 4, lots 7, 8, S½NW¼, and W½SW¼;
Secs. 5 and 6;
Sec. 7, lots 1, 2, NE¼, and E½NW¼;
Sec. 8, NW¼NE¼, N½NW¼, and SW¼NW¼.
- T. 19 N., R. 94 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 7, lots 2 to 4, inclusive, E½SW¼, and W½SE¼;
Sec. 18;
Sec. 19, lots 1 to 4, inclusive, NE¼, E½W½, and W½SE¼;
Sec. 30, lot 1.
- T. 19 N., R. 95 W.,
Secs. 1 to 18 inclusive;
Sec. 19, NE¼NE¼;
Sec. 20, N½, NE¼SW¼, and SE¼;
Sec. 21;
Sec. 22, N½, and NW¼SW¼;
Secs. 23 and 24;
Sec. 25, N½NE¼, SW¼NE¼, N½NW¼, and SE¼NW¼;
Sec. 26, N½NE¼.
- T. 19 N., R. 96 W.,
Secs. 1 to 20, inclusive;
Sec. 21, W½E½, and W½;
Sec. 28, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Secs. 29 and 30;
Sec. 31, N½NE¼;

Sec. 32, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 19 N., R. 97 W.,

Secs. 1 to 24, inclusive;

Sec. 25, N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28, W $\frac{1}{2}$;

Secs. 29 to 32, inclusive;

Sec. 33, W $\frac{1}{2}$.

T. 20 N., R. 92 W.,

Secs. 4 to 9, inclusive;

Secs. 16 to 21, inclusive;

Sec. 30.

T. 20 N., R. 93 W.,

Secs. 1 to 20, inclusive;

Sec. 21, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 22;

Sec. 23, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 30, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 20 N., R. 94 W.,

Secs. 1 to 24, inclusive;

Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 26, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 27, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 28, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Secs. 29 to 31, inclusive;

Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 20 N., R. 95 W.,

T. 20 N., R. 96 W.,

The areas described aggregate 136,279.48 acres in Sweetwater County and are included in Coal Classification Order No. 153.

2. The Secretarial Order of July 26, 1906, which withdrew certain lands for coal classification purposes, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian, Wyoming

T. 46 N., R. 99 W.,

Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 36, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 80 acres in Hot Springs County, and is included in Coal Classification Order No. 154.

3. At 7:45 a.m. on September 22, 1983, the following public lands, as also described in paragraph 1, shall be opened to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on September 22, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

T. 20 N., R. 92 W.,

Secs. 6, 16, 20, and 30.

T. 20 N., R. 93 W.,

Secs. 2, 4, 6, 20, and 22;

Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 30, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 20 N., R. 94 W.,

Secs. 6, 16, 18, 22, 24, and 30.

T. 19 N., R. 95 W.,

Secs. 2, and 16.

T. 20 N., R. 95 W.,

Secs. 2, 4, 10, 12, 14, 16, 22, 24, 26, 28, and 30.

T. 19 N., R. 96 W.,

Secs. 10, 12, 16, and 18.

T. 20 N., R. 96 W.,

Secs. 4, 6, 8, 10, 18, 20, 22, 28, and 30.

T. 18 N., R. 97 W.,

Sec. 4, lots 7, 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 19 N., R. 97 W.,

Secs. 2, 4, 6, 8, 10, 18, 20, and 24;

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 31,273.38 acres in Sweetwater County, Wyoming.

4. At 7:45 a.m. on September 22, 1983, the following public lands, as also described in paragraph 1, shall be opened to nonmetalliferous mineral location. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts. The lands have been and will remain open to metalliferous mineral location.

T. 20 N., R. 92 W.,

Secs. 4, 6, 8, 18, 20, and 30.

T. 20 N., R. 93 W.,

Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, and 22;

Sec. 24, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 30, lot 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 19 N., R. 94 W.,

Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 20 N., R. 94 W.,

Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, and 24;

Sec. 26, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 28, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 30;

Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 19 N., R. 95 W.,

Secs. 2, 4, and 6.

T. 20 N., R. 95 W.,

Secs. 2, 4, 10, 12, 14, 20, 22, 24, 26, and 28;

Sec. 32, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 34.

T. 19 N., R. 96 W.,

Secs. 4, 6, 8, 10, 12, and 18.

T. 20 N., R. 96 W.,

Secs. 4, 6, 8, 10, 18, 20, 22, 24, 28, 30, 32, and 34.

T. 18 N., R. 97 W.,

Sec. 4, lots 7, 8, S $\frac{1}{2}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 6;

Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 19 N., R. 97 W.,

Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, and 24;

Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 28, W $\frac{1}{2}$;

Secs. 30 and 32.

The area described aggregates 47,460.88 acres in Sweetwater County, Wyoming.

5. At 7:45 a.m. on September 22, 1983, the following patented lands, as also described in paragraphs 1 and 2, which have all minerals reserved to the United States, shall be opened to nonmetalliferous mineral location. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts. The lands have been and will remain open to metalliferous mineral location.

Sixth Principal Meridian, Wyoming

T. 20 N., R. 95 W.,

Secs. 6, 8, 18, 20, and 30.

T. 19 N., R. 96 W.,

Sec. 2.

T. 20 N., R. 96 W.,

Secs. 2, 12, 14, 24, and 26.

T. 46 N., R. 99 W.,

Sec. 23, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 6,824.98 acres in Hot Springs and Sweetwater Counties, Wyoming.

6. The following public lands, as also described in paragraph 1, remain withdrawn under Secretarial Order of June 20, 1918, for stock driveway purposes, and are not subject to disposition under the public land laws:

T. 20 N., R. 92 W.,

Secs. 4, 8, and 18.

T. 20 N., R. 93 W.,

Secs. 8, 10, 12, 14, and 18.

T. 19 N., R. 94 W.,

Secs. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 20 N., R. 94 W.,

Sec. 2, 4, 8, 10, 12, 14, and 20;

Sec. 26, N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;

Secs. 28, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 32, N $\frac{1}{2}$, SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 19 N., R. 95 W.,

Sec. 4.

T. 20 N., R. 95 W.,

Sec. 32, N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 34.

- T. 19 N., R. 96 W.,
Secs. 4, 6, and 8.
T. 20 N., R. 96 W.,
Secs. 32 and 34.
T. 18 N., R. 97 W.,
Sec. 6.
T. 19 N., R. 97 W.,
Secs. 12, 14, and 22;
Sec. 28, W 1/2;
Secs. 30 and 32.

The area described aggregates 20,027.50 acres in Sweetwater County, Wyoming.

7. The following public lands, as also described in paragraph 1, remain withdrawn for oil shale purposes and are not subject to disposition under the public land laws nor to mineral location under the United States mining laws.

- T. 19 N., R. 94 W.,
Sec. 18;
Sec. 30, lot 1.
T. 19 N., R. 95 W.,
Secs. 8, 10, 12, 14, and 18;
Sec. 20, N 1/2, NE 1/4 SW 1/4, and SE 1/4;
Sec. 22, N 1/2, and NW 1/4 SW 1/4;
Sec. 24;
Sec. 26, N 1/2 NE 1/4.
T. 19 N., R. 96 W.,
Secs. 14 and 20;
Sec. 28, NW 1/4 NE 1/4, NW 1/4, N 1/2 SW 1/4, and SW 1/4 SW 1/4;
Sec. 30;
Sec. 32, NW 1/4 NE 1/4, and N 1/2 NW 1/4.

The area described contains 7,868.10 acres in Sweetwater County, Wyoming.

8. The following lands, as also described in paragraphs 1 and 2, have been conveyed out of United States ownership and will not be restored to operation of the public lands laws generally, including the mining and mineral leasing laws:

- T. 20 N., R. 92 W.,
Secs. 5, 7, 9, 17, 19, and 21.
T. 20 N., R. 93 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 16, 17, and 19;
Sec. 21, N 1/2, N 1/2 SW 1/4, SW 1/4 SW 1/4, and SE 1/4;
Sec. 23, N 1/2, N 1/2 S 1/2, and SW 1/4 SW 1/4;
Sec. 29, NW 1/4 NE 1/4, and N 1/2 NW 1/4.
T. 19 N., R. 94 W.,
Sec. 7, lots 2 to 4, inclusive, E 1/2 SW 1/4, and W 1/2 SE 1/4;
Sec. 19, lots 1 to 4, inclusive, NE 1/4, E 1/2 W 1/2, and W 1/2 SE 1/4.
T. 20 N., R. 94 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23;
Sec. 25, N 1/2 NE 1/4, SW 1/4 NE 1/4, NW 1/4, and NW 1/4 SW 1/4;
Sec. 27, N 1/2, N 1/2 SW 1/4, SE 1/4 SW 1/4, and SE 1/4;
Secs. 29 and 31.
T. 19 N., R. 95 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, and 17;
Sec. 19, NE 1/4 NE 1/4;
Secs. 21 and 23;
Sec. 25, N 1/2 NE 1/4, SW 1/4 NE 1/4, N 1/2 NW 1/4, and SE 1/4 NW 1/4.
T. 20 N., R. 95 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, and 31;

Sec. 32, NE 1/4 SW 1/4;

Secs. 33 and 35.

- T. 19 N., R. 96 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19;
Sec. 21, W 1/2 E 1/2, and W 1/2;
Sec. 29;
Sec. 31, N 1/2 NE 1/4.
T. 20 N., R. 96 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 16, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 36.
T. 18 N., R. 97 W.,
Sec. 5;
Sec. 7, lots 1, 2, NE 1/4, and E 1/2 NW 1/4.
T. 19 N., R. 97 W.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 16, 17, 19, 21, and 23;
Sec. 25, N 1/2 NE 1/4;
Secs. 29 and 31;
Sec. 33, W 1/2.
T. 46 N., R. 99 W.,
Sec. 36, NW 1/4 NW 1/4.

The area described aggregates 70,365.52 acres in Sweetwater and Hot Springs Counties, Wyoming.

All of the public and patented lands, described in paragraphs 4, 5, 6 (the lands described in paragraph 6 and included in paragraph 4), and 7, have been and will remain open to applications and offers under the mineral leasing laws. The NE 1/4 SW 1/4 of Section 32, T. 20 N., R. 95 W., has been and will remain open to applications and offers for coal leasing only.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

August 17, 1983.

[FR Doc. 83-23231 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-123; RM-4272]

Radio Stations; FM Broadcast Stations in Greenfield, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C FM Channel 258 to Greenfield, California, in response to a petition filed by Anita L. Levine. The assigned channel could provide a first FM service to Greenfield, California.

DATE: Effective: October 18, 1983.

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.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Greenfield, California); MM Docket No. 83-123, RM-4272.

Adopted: August 11, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making*, 48 FR 10893, published March 15, 1983, proposing the assignment of Class C Channel 258 to Greenfield, California, in response to a petition filed by Anita L. Levine ("petitioner"). Petitioner filed comments in support of the *Notice* and reaffirmed her intention to apply for the channel, if assigned. No opposing comments were received.

2. The Commission has determined that the public interest would be served by assigning Class C Channel 258 to Greenfield, California, since the channel could provide for a first local FM broadcast service to that community.¹

3. Accordingly, pursuant to the authority contained in 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective October 18, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is amended, with respect to the community listed below:

City	Channel No.
Greenfield, Calif.	258

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

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

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

[FR Doc. 83-23219 Filed 8-24-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-234; RM-4338]

Radio Services; FM Broadcast Stations in Sutter Creek, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

¹ There is also pending before the Commission a proposal to assign Channel 300 to Greenfield as a second FM channel (RM-4490).

ACTION: Final rule.

SUMMARY: This action assigns a first FM channel to Sutter Creek, California, in response to a petition filed by Harold Kozlowski.

DATE: Effective October 18, 1983.

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 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Sutter Creek, California); MM Docket No. 83-234, RM-4338.

Adopted: August 11, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 14672, published April 5, 1983, proposing the assignment of Channel 269A to Sutter Creek, California, as its first FM assignment. The Notice was issued in response to a petition filed by Harold Kozlowski ("petitioner"). Supporting comments were filed by the petitioner reaffirming that he will apply for the channel, if assigned.

2. The Commission believes that the public interest would be served by the assignment of Channel 269A to Sutter Creek, which could provide that community with an opportunity for its first broadcast station. The transmitter site is restricted to 5.8 miles southeast of the city to avoid short-spacing to a construction permit for Station KHYL(FM), Channel 266 at Auburn, California.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective October 18, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Sutter Creek, Calif.	269A

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

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

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.

[FR Doc. 83-23218 Filed 8-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-17; RM-4208]

Radio Stations; FM Broadcast Stations in Key West, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 228A to Key West, Florida, as its fifth FM assignment in response to a petition filed by Paul L. Crogan.

DATE: Effective: October 18, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Key West, Florida); MM Docket No. 83-17, RM-4208.

Adopted: August 16, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* (48 FR 3791, published January 27, 1983) issued in response to a petition for rule making, filed by Paul L. Crogan ("petitioner"), proposing to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules by assigning Channel 228A to Key West, Florida, as its fifth FM assignment.¹ In response to

¹ As indicated in the *Notice*, Channel 228A is available for assignment to Key West because it has been deleted from Big Pine Key, Florida, and replaced with Channel 284. The licensee has been granted a permit for Channel 284. Thus, Channel 228A should be available for actual use in Key West in the near future.

the *Notice*, petitioner restated its intention to apply for Channel 228A should that channel be assigned. Florida Keys Broadcasting Corporation ("Florida Keys") filed comments in opposition to which petitioner filed a reply.²

2. Florida Keys states that the geographic isolation of the Key West area allows for several additional FM assignments. It claims, however, that Key West has a declining population and that additional FM assignments there would preclude assignments to other growing communities. According to Florida Keys, the considerable distances between many Keys communities, and severe tower height restrictions limit the service areas of most local FM stations. Thus, Florida Keys claims it is especially important that channels remain available to serve other communities. Florida Keys also asserts that the difficulty of projecting future population trends has led the Commission to previously consider only immediate preclusive effects. According to Florida Keys, however, the unique geography of the Keys area and its unbroken 20-year population growth trend enable the Commission to meaningfully assess the long-term preclusive effect of additional FM assignments at Key West.

3. Petitioner responds to Florida Keys' opposition, citing several examples where Florida Keys allegedly opposed local FM assignment or upgrading proposals for competitive reasons. According to petitioner, although the Commission rejected these oppositions, the filing of such pleadings resulted in delay and financial hardship to the competition as well as the needless expenditure of Commission resources. Petitioner argues that, insofar as preclusion is concerned, the Commission should not treat the Key West area differently from the rest of the country. Petitioner claims that several statements of Florida Keys in this regard are inaccurate. For example, petitioner disputes Florida Keys' computation of the number of possible aural services which could be assigned to this area, thereby demonstrating the preclusive effects on various communities. In addition, petitioner claims, without elaboration, that many of Florida Keys' current statements are at variance with previous statements it had submitted in earlier proceedings.

² Florida Keys also requested additional time to file reply comments. However, that request was denied. An application for review of the denial was later filed and then withdrawn by Florida Keys.

4. The issue of economic impact that a proposed assignment has on an existing station is traditionally more appropriately considered at the application stage. *Grand Junction, Colorado*, 26 R.R. 2d 513 (1973). Thus, Florida Keys should raise the issue in connection with any application filed for Channel 228A at Key West. As noted, Florida Keys seeks to distinguish between short-term and long-term preclusive effects. However, the Commission has stated that, in light of the maturation of FM broadcasting, it has decided to end its preclusion policy. *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982). Thus, preclusion is no longer a pertinent issue in this type of case.

5. In light of the above, it does not appear that good cause has been shown as to why Channel 228A should not be assigned to Key West. Thus we find that the public interest would be served by providing a fifth service to Key West.

6. Accordingly, pursuant to authority contained in §§ 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective October 18, 1983, and the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended as follows for the community listed:

City	Channel No.
Key West, Fla.	223, 228A, 254, 258, and 296A.

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

8. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23214 Filed 8-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-119; RM-4212]

Radio Stations; FM Broadcast Stations in Hill City, Kans.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 270 to Hill City, Kansas, as its first FM

channel in response to a petition filed by Jerrell E. Kautz and John Cartwright.

DATE: Effective: October 18, 1983.

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.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Hill City, Kansas); MM Docket No. 83-119, RM-4212.

Adopted: August 11, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 10889, published March 15, 1983, proposing the assignment of Class C Channel 270 to Hill City, Kansas, as its first FM channel. The *Notice* was issued in response to a petition filed by Jerrell E. Kautz and John Cartwright ("petitioners"). The petitioners submitted comments restating their interest in the Class C channel.

2. After consideration of the proposal the Commission is persuaded that the public interest would be served by assigning Channel 270 to Hill City, Kansas, as its first FM channel. The transmitter site is restricted to 6.3 miles northwest of the city to avoid short spacing to Station KSKU (Channel 271), Hutchinson, Kansas.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective October 18, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended, with respect to the community listed below:

City	Channel No.
Hill City, Kansas	270

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

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23217 Filed 8-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-351; RM-4361]

Radio Services; FM Broadcast Stations in Albion, Nebraska; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 224A to Albion, Nebraska, as its first FM assignment, in response to a petition filed by Emanuel W. Skala.

DATE: Effective: October 18, 1983.

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 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Albion, Nebraska); MM Docket No. 83-351, RM-4361.

Adopted: August 16, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 16091, published April 14, 1983, proposing the assignment of Channel 224A to Albion, Nebraska, as that community's first FM assignment in response to a petition filed by Emanuel W. Skala ("petitioner"). Petitioner submitted comments in support of the *Notice* and reaffirmed his intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposing comments were received.

2. The Commission has determined that the public interest would be served by assigning Channel 224A to Albion, Nebraska, since the channel could provide for a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections (i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as

amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective October 18, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules is amended, with respect to the following community:

City	Channel No.
Abion, Nebraska.....	224A

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

5. For further information concerning the proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634-6530

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23215 Filed 8-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-89; RM-4217]

Radio Stations; FM Broadcast Stations in San Angelo, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a sixth FM channel to San Angelo, Texas, in response to a petition filed by Walton A. Foster.

DATE: Effective: October 18, 1983

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.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (San Angelo, Texas); MM Docket No. 83-89, RM-4217.

Adopted: August 11, 1983.

Released: August 19, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 48 FR 7485, published February 22, 1983, proposing the assignment of Channel 254 to San Angelo, Texas, as its sixth FM

assignment. The *Notice* was issued in response to a petition filed by Walton A. Foster ("petitioner"). Supporting comments were filed by the petitioner, restating his interest in a Channel 254 assignment at San Angelo. No oppositions to the proposal were received.

2. Mexican concurrence has been obtained in the proposed assignment of Channel 254 to San Angelo, Texas, since that community is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

3. We find that the public interest would be served by assigning Channel 254 to San Angelo, Texas, to provide a sixth local FM service. The transmitter site is restricted to 7.3 miles east of the city to avoid shortspacing to Station KTYE (Channel 257A), Tye, Texas, and a Channel 252A assignment at Big Lake, Texas.

4. Accordingly, it is ordered, that effective October 18, 1983, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
San Angelo, Texas.....	225, 230, 234, 248, 254, and 298.

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

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

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-23215 Filed 8-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 17, 73, and 74

[BC Docket No. 82-537; FCC 83-338]

Operating and Maintenance Logs for Broadcast and Broadcast Auxiliary Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission eliminates the majority of the operating and maintenance logging requirements applicable to broadcast and broadcast auxiliary station operation. This action is necessary for the Commission to continue its ongoing deregulation efforts. The effect of this action is to relieve broadcasters of regulatory burdens which are no longer deemed necessary in view of present broadcast equipment capability and marketplace incentives for licensees to maintain the proper technical operation of their stations.

DATE: Effective September 19, 1983.

FOR FURTHER INFORMATION CONTACT:

James E. McNally, Jr., Mass Media Bureau, Policy and Rules Division, Technical and International Branch (202) 632-9660.

List of Subjects

47 CFR Part 17

Aviation safety, Communications equipment.

47 CFR Part 73

Radio broadcasting.

47 CFR Part 74

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of operating and maintenance logs for broadcast and broadcast auxiliary stations; BC Docket No. 82-537.

Adopted: July 14, 1983.

Released: August 12, 1983.

By the Commission.

Introduction

1. On August 4, 1982, the Commission adopted a *Notice of Proposed Rule Making (Notice)* in the above-entitled matter. (47 FR 36453, August 20, 1982.) This proceeding was initiated by the Commission on its own motion to examine the usefulness of the rules that require broadcast licensees to make periodic equipment observations and to record the results in operating and maintenance logs.

2. Briefly, the Commission questioned the necessity of mandatory inspection and logging procedures, given a licensee's basic obligation to ensure proper technical station operation. We noted that use of state-of-the-art equipment produces fewer situations requiring remedial action by the broadcaster and pointed out that current requirements for periodic inspection and logging may be inadequate for some stations and excessive for others. Consistent with our philosophy of letting the competitive marketplace substitute

for federal regulation wherever possible, we suggested that a broadcaster's best self-interest is served by taking whatever steps are necessary to ensure that station operation is consistent with the Commission's technical rules and the terms on the station license. In view of these considerations, we proposed to extend our deregulatory initiatives to the required periodic measurement and operating and maintenance logging areas.

3. Accordingly, we recommended reduction or elimination of the logging requirements governing full service stations (§§ 73.1820 and 73.1830), together with the mandated schedule of meter and monitor readings, inspections and other measurements. In lieu of these requirements, we proposed to require technical record keeping only on a case-by-case basis when necessary to resolve an interference situation or correct a severely deficient operation. Similar proposals were made for most types of broadcast auxiliary stations licensed under Part 74 of the Commission's rules.

4. However, we did ask whether several exceptions to this general deregulation should be made. For example, we suggested retaining the logging requirements pertaining to experimental and developmental broadcast stations (those authorized pursuant to Part 74, Subparts A, B and C). We also noted that the current logging requirements distinguish between directional AM stations having approved antenna monitor sampling systems and those that do not. Deleting the requirement for periodic measurement could remove the incentive for licensees of older AM stations to upgrade their sampling systems—something clearly encouraged by the current rules. We also questioned the effect such action would have on AM directional interstation interference. Also raised was the impact of the proposed deregulation on proper tower light operation required for aeronautical safety and tests of the Emergency Broadcast System (EBS).

5. In conclusion, we emphasized that in proposing the elimination of periodic inspection, measurement and logging requirements, we did not intend to relieve licensees of their responsibility to effectively monitor station technical performance and to strictly comply with the terms of their station's authorization. We indicated that if an inspection by the Commission revealed a violation of the rules, the licensee would be asked to indicate what procedures had been employed to ensure proper operation. If these procedures were considered inadequate, a forfeiture could be issued

for willful violation of the rules involved.

Comments

6. Twenty-four comments and five reply comments were filed in response to the *Notice*. Generally, those favoring the deregulation reiterated the arguments advanced by the Commission in the *Notice* or affirmed its suppositions. Thus, the comments widely asserted that marketplace forces, rather than government rules, would effect the appropriate regulation. They also asserted that because a station's success depended upon its audience level, it would clearly be in the broadcaster's best interest to ensure proper facility performance in order to maintain a quality signal. Accordingly, they stated that it would be appropriate for the Commission to delete the periodic inspection, observation and logging requirements where marketplace forces can provide more effective and flexible regulation. Many also expressed the belief that each licensee should be free to develop procedures for monitoring station facilities. The commenters affirmed that in the past, broadcasters have demonstrated the ability to do on their own what the Commission had previously required them to do by rule, and that there was no reason to assume that they would do less in the technical area.

7. Comments and reply comments filed in opposition to the Commission's proposal also exhibited many similarities. Concern was expressed that abandonment of periodic inspection and logging requirements would result in increased interference and deterioration in the quality of radio and television service. Further, concern was expressed that some broadcasters might interpret log elimination as a "de facto" relaxation of the FCC's technical standards and that our confidence that licensees would take "reasonable measures to ensure proper operation" could become subject to personal interpretation. There was a consensus among the opponents that while the Commission was to be applauded for attempting to reduce unneeded paperwork, wholesale elimination of the current logging requirements would be going too far. Logging was viewed as an important tool in the prevention of interference, both as an enforcement aid to the Commission and as a detailed check list of important station operating parameters. Several parties expressed the belief that if the Commission eliminated the current periodic measurement and logging requirements, few broadcasters would be concerned about out-of-tolerance operation

because the burden of proof would be placed on either the FCC or the adversely affected licensee(s). The argument also was made that because the FCC lacks the enforcement personnel necessary to check stations on a regular basis, the chances of it discovering a rule infraction were small.

8. Other comments suggested that where records and reports promoted efficiency in use of public spectrum for the public benefit, they should be retained, and that periodic measurement and logging for FCC inspection constituted no additional burden on conscientious radio operators. The suggestion was made that because the smaller stations with limited engineering capability would benefit economically the most from the Commission's proposals, relief for them would potentially be at the expense of the best use of the spectrum because they already have the least capacity to detect their own errors and infringements.

9. The Commission's reliance on the marketplace to ensure technical compliance also drew criticism. Several commenters argued that the marketplace would have an effect opposite that intended by the Commission, at least with respect to those operating parameters relevant to the protection of other licensees' signals. The belief was expressed that the marketplace would pressure a licensee to exceed the proper values and increase the signal for local market benefit without regard to the damage done to the signals of other radio stations. The audience of the adversely affected station(s) would be poorly equipped to determine the cause of a seemingly inexplicable reception problem and would have to rely on the broadcaster to determine the cause. The latter might have to spend considerable effort evaluating the matter, only to have to seek relief from an "allegedly" reluctant and understaffed FCC. Additionally, in the case of AM stations in particular, commenters requested that "substantial adverse effect" (as proposed in the *Notice*) should not have to be proven before observation and logging requirements are placed on an offending station, because an accumulation of small effects by several stations could escape regulatory penalty even though their aggregate impact was considerable.

10. Opinion was again divided on the question of whether AM stations without approved sampling systems should benefit from the proposed deregulation.¹ Prevention of interference

¹ By "approved sampling system", we mean one meeting the installation and requirements of

was the principal reason cited by parties favoring retention of logs for AM stations, particularly those with critical arrays.² Concern was expressed that many of the older antenna monitoring systems, which could not be approved under today's standards cannot be relied upon to ensure the requisite degree of protection that should be provided by the directional antenna system. Consequently, there was a feeling that licensees of stations using the older sampling systems should continue to be required to monitor their directional antenna systems more closely and more often, including frequent monitor point field intensity measurements. One highly critical commenter expressed the belief that absent the use of logs, some AM station licensees would not reduce power and change antenna pattern as required when shifting from day to night time operation. However, the more moderate and widely held view was that logging requirements for AM stations without approved sampling systems should be retained, otherwise the incentive to upgrade the sampling system would be removed. Once upgraded, such station licensees should be able to benefit from the relaxation of the rules. However, several commenters argued that AM stations should not be treated differently than others, and that operating economies would ensure continued upgrading of directional AM station sampling systems. These parties generally expressed the view that in the few cases where AM station licensees might act irresponsibly, the Commission's proposed case-by-case logging provisions would suffice to bring operation back into compliance.³

11. Similar division of opinion was evident on the questions of logging experimental station operation, tests of the Emergency Broadcast System and antenna tower light observation. One line of thought held that due to the experimental or public safety nature of the current logging and inspection requirements applicable to these areas of operation, they should be retained.

The opposing view held that in the matter of experimental stations, a case-by-case approach should be taken. The inference was that the Commission should limit its interest to the experimental aspect of the operation and the licensee's findings and conclusions, rather than also request information about traditional or incidental details of comparatively little importance. More clearly expressed was the belief that licensee self-interest would ensure proper attention to the requirements applicable to Emergency Broadcast System operation and antenna tower lighting maintenance. On the latter point, comments from the Federal Aviation Administration favored elimination of logging routine antenna lighting inspection results, but did request continued periodic inspection, and retention of the limited logging requirements contained in § 17.49 as proposed in the Appendix to the *Notice*.

Discussion

12. The Commission has confidence in the general integrity of its broadcast licensees. We recognize that rule violations occur, but we believe most are inadvertent or accidental. Some are due to negligence arising from adverse economic situations, but our experience has indicated that few can be attributed to a licensee's complete indifference to (or contempt of) our regulations, or a willful desire to improve a station's competitive position through technical means which could cause interference to other licensees. We do not believe that a deregulatory action intended to benefit many should be subverted by the potential for misuse by a few. For this reason, and for the reasons discussed in the *Notice* (which are summarized briefly in Paragraph 2, *supra*), we have decided to amend the rules essentially as proposed.

13. Thus, with several exceptions discussed below, broadcast licensees will no longer be required to follow a schedule of meter and monitor readings, inspections, observations and certain other measurements as previously required; nor will they be required to enter the results of these activities in a station log. Rather, licensees will be free to develop their own schedules based on the performance characteristics of their transmitting equipment.

14. First, as proposed in the *Notice*, we are eliminating the rules in Parts 17, 73 and 74 which relate to recording of routine information pertaining to observation of antenna tower lighting operation. However, as was also proposed, we are retaining the

observation and inspection requirements in § 17.47 of the Commission's Rules and modifying § 17.49 to require log entries only in the event of tower light extinguishment or malfunction. This approach is in the interest of aeronautical safety and was endorsed by the Federal Aviation Administration in its comments.

15. Second, as proposed in the *Notice*, we are retaining the current logging requirements applicable to experimental broadcast stations authorized pursuant to Subparts A, B and C of Part 74. We have reviewed these logging requirements and find that they are appropriate for the experimental or developmental type of operation being authorized, and the information so requested is of considerable interest to the Commission in providing new and innovative services to the public. Nevertheless, we will delete certain routine logging requirements that essentially are unrelated to the experimental or developmental operation (e.g., the need to log the results of antenna tower lighting inspections). The precise changes are set forth in the Appendix.

16. Third, we believe there are strong reasons for not including AM broadcast stations without Commission-approved antenna sampling systems from certain benefits of the proposed deregulation. These stations must continue to periodically observe and log information pertaining to proper antenna system operation. In all other respects, they will benefit to the same extent as stations with approved sampling systems. Consistent with the general thrust of the comments, we have decided to retain these limited provisions to increase the incentive for those licensees who have not already done so to upgrade their sampling systems and to preserve regulations which we believe effectively ensure non-interference to the service areas of other licensees.

17. Fourth, we are adopting our proposal to require licensees, on a case-by-case basis, to maintain a log in situations involving interference or deficient operation. This option received considerable support in the comments and it represents an enforcement action which, for the latter situation, should be useful in discouraging potential carelessness. Moreover, in individual circumstances the use of appropriate operating and maintenance procedures will contribute to the resolution of interference cases. The need to complete a log requires periodic observations or measurements that should identify any need for transmission system adjustment. This enables us to tailor any

² § 73.68(c) of the rules and specifically approved by the Commission as meeting certain performance standards.

³ A "critical array" is an AM station directional antenna system which, for the protection of other stations, has a licensee-specified phase tolerance more stringent than $\pm 3^\circ$.

⁴ There was one commenter skeptical of this view who argued that such record-keeping would not resolve interference problems, but that proper operation and maintenance of transmitters, for which there are adequate incentives unrelated to logs, would. These incentives, however, were not enumerated. This party further argued that reimposing logging requirements on a case-by-case basis would be likely to restore burdens without corresponding benefits.

logging requirement to the individual circumstances of a particular interference situation in such a way that the resolution of the problem is facilitated. Also, we have concluded that the concern about a licensee having to demonstrate "substantial adverse effect" (see Paragraph 9, *supra*) is valid, because the impact of a number of individually small errors can be considerable. Further, use of the term "substantial" would place us in the position of having to develop some standard or other means of quantifying the adverse operation or interference. Thus, proposed Sections 73.1835 and 74.19 have been reworded to give the Commission greater flexibility in imposing periodic observation and logging requirements. Additionally, we note that in the *Report and Order* in PR Docket No. 82-726 (Elimination of logging requirements in the Amateur Radio Service), adopted May 26, 1983, § 0.314(x) was created to grant additional delegated authority to the Commission's local Engineers-in-Charge to require licensees to keep station records in order to resolve interference problems, rule violations or instances of obviously deficient operation. Similar authority in the case of broadcast and broadcast auxiliary operation is herein conveyed. Nevertheless, we would emphasize that these rules will not be invoked or imposed in an arbitrary or capricious manner (as might be the case if interference was merely alleged), but only after a showing of adverse impact, deficient operation, or rule violation.

18. *Fifth*, we have decided to require all broadcast licensees to continue to keep a record of the results of tests of the Emergency Broadcast System (EBS).⁴ These rules will be revised to indicate that the required entries should be made in the "station log or records" rather than specifying an operating or maintenance log. Proper functioning of the EBS in a time of national emergency is a matter of the highest priority and experience demonstrates that certain mandatory logging procedures are necessary to achieve that end.

19. For example, EBS test logging previously has revealed many instances where the usual expected test transmissions have not been received. This has led licensees to contact the Commission's Emergency Communications Division out of concern that their failure to log a test could result in a citation. However, we have found that the concerned licensee's failure to receive (and therefore log) an EBS test is generally not due to any fault of the

receiving station (specifically, its EBS receiver), but due to improper activating tones being transmitted by the primary EBS station. Further, regardless of how well intentioned a licensee may be, it is easy to overlook a "non-event", such as failure to receive an EBS test. Even if such a test is discussed verbally, but not logged, there could be confusion later as to whether or not it took place as expected. The temptation to assume that events generally occur as scheduled could be very detrimental to reliable EBS operation. Thus, EBS test logging provides a certain means of identifying failures in the system within a reasonable timeframe.

20. We have no doubt that the majority of our broadcast licensees will continue to keep some kind of technical records, and that many would continue to log EBS tests voluntarily. Nevertheless, brief recording of EBS tests is so minimally burdensome and provides such an effective verification of proper EBS operation, we have decided that the current minimal EBS logging requirements should be retained. This requirement should represent little, if any burden, on the conscientious licensee.

21. Lastly, two new issues were raised in the comments which fall within the scope of this proceeding and require our attention. A suggestion was made that low power TV stations be excluded from the benefits to be afforded by this proceeding on the basis that they operate at less than standard mileage separations from full power TV stations. Also, several parties requested that the Commission eliminate the rules which require licensees to retain their logs for some period of time (usually two years) after completion.

22. We believe there is inadequate justification to exclude low power TV stations from the limited benefits which would accrue to them as a result of action taken in this proceeding. The logging requirements applicable to low power TV station operation are already minimal. The only change we contemplated was elimination of the requirements currently contained in § 74.781 (b) and (c) to log results of inspections of antenna tower lighting and control equipment. The showings and records of initial station operating parameters required by § 74.750(g) and § 74.751(d) are retained. These measurements are performed only once, at the time a low power TV station is placed in operation, and are used to verify that station performance conforms to FCC technical standards. Thus they do not constitute an ongoing regulatory burden.

23. Further, the argument that low power TV stations are located at less than "standard" mileage separations from regular TV stations appears to be without merit. The spacing is less because the power and service area of a low power TV station is considerably less than a regular TV station. Also, the protection afforded by the rules in cases of low power TV station operation is better than that afforded in the case of regular TV station operation. (Compare § 74.707 with § 73.610.) In view of these considerations, and because there is no reason to assume that low power TV station licensees will be less diligent than any other type of broadcast licensee with respect to the proper operation of their stations, the request to exclude them from the minimal benefits provided by this proceeding is denied.

24. On the matter of log retention, we will not amend the rules as suggested because, to the minimal extent that we are continuing to require licensees to maintain station records, we want them available for inspection for the usual two year period. EBS test results, for example, are usually contained in the operating log. In most cases, discarding the operating log would also entail discarding the EBS test results. A similar situation exists with respect to antenna tower lighting information and the maintenance log. The burden of log retention is minimal and warranted, we believe, by the foregoing considerations.

25. To assist licensees in determining whether their operating and maintenance policies are appropriate, the Commission will identify and publish through public notices common rule violations and any undesirable trends detected in the course of inspection of randomly selected stations. It is likely that these notices will be duplicated in many trade publications. Occasionally, the Commission may target certain problem areas for enforcement actions intended to restore full licensee compliance with the applicable regulations. Licensees who cannot demonstrate that they have been taking reasonable measures to ensure proper station operation will be viewed as willfully violating the rules and will incur forfeitures.

26. In conclusion, we reiterate that while we are amending the rules essentially as proposed in the *Notice*, there is no change in the fundamental responsibility of licensees to operate their stations in accordance with the rules and to adopt whatever procedures are necessary to guarantee it. The action we are taking here is not intended to serve as a license for negligence, but to allow licensees to implement the most

⁴ See §§ 73.931(d)(2), 73.981 and 73.962(e)(4) of the Commission's rules.

cost-effective operating and maintenance policies appropriate for their stations. Nevertheless, should this privilege be abused and instances of interstation interference increase, or if circumstances indicate that the public is being ill served by this deregulation, we will revisit this area to determine to what extent the former requirements should be reimposed. We expect that many licensees will continue to maintain their own technical record of station operation and maintenance procedures. We encourage this. At a minimum, however, licensees must maintain a station log containing the information required by the new rules, as discussed above.

27. Regulatory Flexibility Act Final Analysis

I. *Need for Rules.* The Commission believes that its rules mandating periodic equipment observation, inspection and measurement, and concomitant logging of these results, no longer serves a useful regulatory purpose. Accordingly, we conclude that the majority of them can be eliminated without any adverse impact.

II. *Purpose of Rules.* As indicated above, we believe that the majority of the rules under consideration in this proceeding serve little constructive regulatory purpose. This proceeding is deregulatory in nature and is intended to afford broadcast licensees maximum flexibility in determining the operating procedures and maintenance schedules appropriate for their stations. The action taken herein is expected to result in more cost effective station operation, thereby contributing at least indirectly to the public benefit.

III. *Flexibility Issues Raised in the Comments.* None.

IV. *Significant Alternatives Not Adopted.* The Commission is continuing to require licensees to maintain some record of tests of the Emergency Broadcast System in order to ensure its proper operation in times of national or local emergencies. We are also requiring that data pertaining to antenna tower lighting extinguishment or malfunction be entered into the station log. In comparison to the former regulatory burdens, these requirements are minimal and cannot possibly be construed as a hardship on any licensee. Also, the Commission is continuing to require licensees of directional AM broadcast stations without approved sampling systems to periodically measure and log certain directional antenna operating parameters and field strength measurements. This is being done to encourage these licensees to upgrade the quality of their antenna sampling

systems and to preclude interstation interference.

28. Accordingly, it is ordered, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Parts 73 and 74 of the Commission's Rules are amended, effective September 19, 1983, as set forth in the attached Appendix. It is further ordered that this proceeding is terminated.

29. Further information on this matter may be obtained by contacting James E. McNally, Jr., Mass Media Bureau, (202) 632-9660.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 17—[AMENDED]

Parts 17, 73 and 74 of the Federal Communications Commission rules and regulations are amended as follows:

1. Section 17.49 is revised to read as follows:

§ 17.49 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination must make the following entries in the station record in the event of any observed or otherwise known extinguishment or improper functioning of a tower light:

- (a) The nature of such extinguishment or improper functioning.
- (b) The date and time the extinguishment or improper operation was observed or otherwise noted.
- (c) The date, time and nature of adjustments, repairs or replacements made.

PART 73—[AMENDED]

2. In § 73.51, paragraph (d) introductory text, paragraph (e)(2) paragraphs (f)(1) and (f)(2)(i) are revised as follows:

§ 73.51 Determining operating power.

(d) The indirect method of determining antenna input power, as described in paragraphs (e) and (f) of this section, may be used on a temporary basis only. Prior authority from the FCC is not required. The indirect method may be used in the following situations:

- (e)
- (2) The value of F applicable to each mode of operation must be entered in

the station log with a notation as to its derivation. This factor is to be established by one of the methods described in paragraph (f) of this Section. The product of the DC input current and voltage to the final RF power amplifier stage, or, alternatively, the antenna input power as determined by the formula above must be entered in the operating log under an appropriate heading for each log entry of final RF power amplifier input current and voltage.

.
(f)

(1) If the station had previously been authorized and operating by determining the antenna input power by the direct method, the factor F is the ratio of the antenna input power (determined by the direct method) to the corresponding final radio frequency power amplifier input power.

(2)

(i) The factor F as shown in the transmitter manufacturer's test report, if such a test report specifies a unique value of F for the power level and frequently used; or,

.

3. In § 73.57, paragraph (d) introductory text is revised, paragraph (d)(1) is removed and marked "Reserved"; and paragraph (g) is revised as follows:

§ 73.57 Remote reading antenna and common point meters.

.

(d) Calibration of remote reading ammeters must be made against their corresponding regular ammeters for each mode of operation as often as necessary to ensure their accuracy and:

(1) [Reserved.]

.

(g) If a malfunction affects the remote reading indications of the antenna or common point ammeter, the operating power may be determined by the indirect method using the procedures described in § 73.51(e) for a period not to exceed 60 days. Alternatively, the operating power may be determined by the direct method on a continued basis by reading the regular antenna or common point ammeters.

4. In § 73.58, paragraph (e)(1) is removed and marked "Reserved" and paragraph (e)(2) is revised as follows:

§ 73.58 Indicating instruments.

.

(e)

(1) [Reserved.]

(2) If the defective instrument is an antenna base current ammeter of a

directional antenna system, the indications may be obtained from the antenna monitor pending the return to service of the regular meter, provided other parameters are maintained at their normal values.

5. In § 73.61, paragraph (a) introductory text is revised to read as follows:

§ 73.61 AM directional antenna field measurements.

(a) Each AM station using a directional antenna system must make field strength measurements at the monitoring point locations specified in the instrument of authorization as often as necessary to insure proper directional antenna system operation. Stations having approved sampling systems (see § 73.68) are not required to make measurements by a specified schedule. Stations not having approved sampling systems are to make the measurements once each calendar month at intervals not exceeding 40 days. However, such stations that are required by the terms of the authorization to make measurements once each week must do so at intervals not exceeding 10 days. Results of the measurements are to be entered into the station log pursuant to the provisions of § 73.1820.

6. In § 73.67, paragraph (a)(5) is revised, paragraph (a)(5)(i) is removed and marked "Reserved"; and paragraph (c)(3) is revised as follows:

§ 73.67 Remote control operation.

(a) * * *

(5) Calibration of required indicating instruments at each remote control point must be made against their corresponding instruments at the transmitter site for each mode of operation as often as necessary to ensure their accuracy, and:

(i) [Reserved.]

(c) * * *

(3) The tone must be transmitted only at such time and during such intervals that the transmitted information is actually being observed.

7. In § 73.68, paragraph (d) and paragraph (e)(2) are revised as follows:

§ 73.68 Sampling systems for antenna monitors.

(d) In the event that the antenna monitor sampling system is temporarily out of service, the station may be operated pending completion of repairs for a period not exceeding 60 days without further authority from the FCC,

if the base currents, their ratios, and the deviations of those ratios, in percent, from values specified in the station authorization must be determined for each radiation pattern used.

(e) * * *

(2) Immediately prior to modification or replacement of components of the sampling system not on the towers, and after a verification that all monitoring point values, base current ratios and operating parameters are within the limits or tolerances specified in the instrument of authorization or the pertinent rules, the following indications must be read for each radiation pattern: Final plate current and plate voltage, common point current, base currents and their ratios, antenna monitor phase and current indications, and the field strength at each monitoring point. Subsequent to these modifications or changes the above procedure must be repeated.

8. In § 73.69, paragraph (b) is revised, paragraphs (b)(1), (2) and (3) are removed, paragraphs (d)(2) and (d)(3) are revised, and paragraph (e) is revised as follows:

§ 73.69 Antenna monitors.

(b) In the event an antenna monitor becomes defective, the station may be operated without the monitor pending its repair or replacement for a period not in excess of 60 days without further authority from the FCC, if the base currents, their ratios, and the derivations of those ratios, in percent, from the values specified in the station authorization must be determined for each radiation pattern used.

(d) * * *

(2) Immediately prior to the replacement of the antenna monitor, after a verification that all monitoring point values and base current ratios are within the limits or tolerances specified in the instrument of authorization or the pertinent rules, the following indications must be read for each radiation pattern: Final plate current and plate voltage, common point current, base currents, antenna monitor phase and current indications, and the field strength at each monitoring point.

(3) With the new monitor substituted for the old, all indications specified in paragraph (d)(2) of this Section, again must be read. If no change has occurred in the indication for any parameter other than the indications of the antenna monitor, the new antenna monitor

indications must be deemed to be those reflecting correct array adjustments.

(e) The antenna monitor must be calibrated according to the manufacturer's instructions as often as necessary to ensure its proper operation.

9. Section 73.140 is amended by revising paragraph (c) as follows:

§ 73.140 Use of automatic transmission systems (ATS).

(c) Upon receipt of notification from the FCC, the station can commence full ATS operation.

10. In § 73.142, paragraph (d)(5) is revised as follows:

§ 73.142 Automatic transmission system facilities.

(d) * * *

(5) The accuracy of the clock must be maintained within an accuracy of ± 1 minute at all times. The clock accuracy must be checked as often as necessary, but at least once each calendar month as part of the required transmitting inspections. The primary standard of time will be the signals of stations WWV or WWVH of the National Bureau of Standards.

11. In § 73.144, paragraph (c) is revised as follows:

§ 73.144 Fail safe transmitter control for automatic transmission systems.

(c) If termination of the station transmission was caused by any failure of the ATS control or alarm functions, ATS operation of the station must not be resumed until all necessary repairs or adjustments have been completed.

12. In § 73.146, paragraph (e) is revised as follows:

§ 73.146 Automatic transmission system monitoring and alarm points.

(e) Whenever a required alarm condition occurs, the alarm signal must remain continuously activated until the condition causing the alarm is corrected or manual control of the transmitting system is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated.

13. In § 73.258, paragraph (e)(1) is removed and marked "Reserved".

§ 73.258 Indicating instruments.

(e) * * *

(1) [Reserved.]

14. In § 73.267, paragraph (b) introductory text and paragraphs (c)(3) introductory text and (c)(3)(i) are revised as follows:

§ 73.267 Determining operating power.

(b) *Direct method.* The direct method of power determination for an FM station uses the indications of a calibrated transmission line meter (responsive to relative voltage, current or power) located at the RF output terminals. The indications of the calibrated meter are used to observe and maintain the authorized operating power of the station. This meter must be calibrated by the licensee whenever there is any indication that the calibration is inaccurate or whenever any component in the metering circuit is repaired or replaced. The following calibration procedures are to be used:

(c) * * *

(3) The value of F is to be determined by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (b) of this Section or the most recent measurements made by the licensee establishing the value of F. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC the measurement data used as a basis for determining the value of F.

15. In § 73.275, paragraph (a)(5) introductory text is revised, paragraph (a)(5)(i) is removed and marked "Reserved"; and paragraph (c) is revised as follows:

§ 73.275 Remote control operation.

(a) * * *

(5) Calibration of required indicating instruments at each remote control point must be made against their corresponding instruments at the transmitter site as often as necessary to ensure their accuracy.

(i) [Reserved.]

(c) When a subcarrier is used for telemetry of remote control data from the transmitter to the control point, radiation of the subcarrier is only necessary when remote transmitter readings are being made. However, the subcarrier must be available for telemetry at all times.

§ 73.295 [Amended]

16. In § 73.295, paragraph (f) is removed.

17. In § 73.297, paragraph (b) is revised as follows:

§ 73.297 FM multichannel sound broadcasting.

(b) Each licensee or permittee engaging in multichannel broadcasting must measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency.

18. Section 73.340 is amended by revising paragraph (c) as follows:

§ 73.340 Use of automatic transmission systems (ATS).

(c) Upon receipt of notification from the FCC, the station can commence full ATS operation.

19. In § 73.344, paragraph (c) is revised as follows:

§ 73.344 Fail-safe transmitter control for automatic transmission systems.

(c) If a termination of the station transmissions is caused by any failure of the ATS control or alarm function, ATS operation may not be resumed until all necessary repairs or adjustments have been completed.

20. In § 73.346, paragraph (e) is revised as follows:

§ 73.346 Automatic transmission system monitoring and alarm points.

(e) Whenever a required alarm condition occurs, the alarm signal must remain continuously activated until the condition causing the alarm is corrected or manual control of the transmitting is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated.

21. Section 73.540 is amended by revising paragraph (c) as follows:

§ 73.540 Use of automatic transmission systems (ATS).

(c) Upon receipt of notification from the FCC, the station can commence full ATS operation.

22. In § 73.544, paragraph (c) is revised as follows:

§ 73.544 Fail-safe transmitter control for automatic transmission systems.

(c) If a termination of the station transmissions is caused by any failure of the ATS control or alarm function, ATS operation may not be resumed until all necessary repairs or adjustments have been completed.

23. In § 73.546, paragraph (e) is revised as follows:

§ 73.546 Automatic transmission system monitoring and alarm points.

(e) Whenever a required alarm condition occurs, the alarm signal must remain continuously activated until the condition causing the alarm is corrected or manual control or the transmitting is assumed, provided that if a visual alarm is also provided, the aural alarm may be turned off if the visual alarm remains activated.

24. In § 73.558, paragraph (e)(1) is removed and marked "Reserved":

§ 73.558 Indicating instruments.

(e) * * *

(1) [Reserved.]

25. In § 73.575, paragraph (a)(5) introductory text is revised as follows and paragraph (a)(5)(i) is removed and marked "Reserved":

§ 73.575 Remote control operation.

(a) * * *

(5) Calibration of required indicating instruments at each remote control point must be made against their corresponding instruments at the transmitter site as often as necessary to ensure their accuracy, and:

(i) [Reserved.]

26. In § 73.597, paragraph (b) is revised as follows:

§ 73.597 Multichannel sound broadcasting.

(b) Each licensee or permittee engaging in stereophonic broadcasting must measure the pilot carrier frequency as often as necessary to ensure that it is within 2 Hz of the authorized frequency.

27. In § 73.663, paragraphs (d)(3) introductory text and (d)(3)(i) are revised as follows:

§ 73.663 Determining operating power.

(d) * * *

(3) The value of F is to be determined by one of the following procedures listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures

described in paragraph (c) of this Section or the most recent measurements made by the licensee to establish the value of F. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC the measurement data for determining the value F.

28. In § 73.676, paragraphs (a)(2), (c) and (g) are revised as follows:

§ 73.676 Remote control operation.

(a) * * *

(2) Suitable instruments for indicating the operating parameters. The indicating instruments must show the actual values of such parameters, or decimal multiples of those parameters and must be calibrated to provide an indication within 2% of the corresponding instrument at the transmitter site.

(c) The control circuits from the control point to the transmitter and the return telemetry circuit must be so designed and installed that open circuits, short circuits, accidental grounding or other line faults, where lines are used, or equipment failures, casual signals or random noise impulses, if other means are used, will not activate the transmitter. Any fault or failure which results in loss of control must cause the transmitter to cease operation. The loss of any telemetry function which provides information necessary to ascertain proper station operation must result in the actuation of automatic circuitry which, not more than 1 hour from the time of telemetry failure, will terminate operation of the transmitter, and operation by remote control may not resume until all telemetry functions are fully restored.

(g) The remote control and monitoring equipment must be calibrated and tested, and the television broadcast transmitter must be inspected as often as necessary to ensure operation with this Subpart E.

29. In § 73.688, paragraph (e)(1) is removed and marked "Reserved".

§ 73.688 Indicating instruments.

(e) * * *

(1) [Reserved.]

30. In § 73.781, the introductory paragraph is revised and paragraphs (b), (c) and (d) are removed:

§ 73.781 Logs.

The licensee or permittee of each international broadcast station must maintain the station log in the following manner:

§ 73.786 [Removed]

31. Section 73.786 removed.

32. In § 73.932, paragraphs (d)(1) and (d)(2) are revised as follows:

§ 73.932 Radio monitoring and attention signal transmission requirements.

(d) * * *

(1) Appropriate entries must be made in the station log, indicating reasons why Weekly Test Transmissions were not received or conducted and;

(2) Appropriate entries must be made in the station log showing the date and the time the equipment was removed and restored to service.

33. In § 73.961, the introductory paragraph is revised as follows:

§ 73.961 Tests of the Emergency Broadcast System procedures.

Tests of the EBS procedures will be made at regular intervals as indicated below. Appropriate entries must be made consistently in the station log concerning EBS tests received and transmitted by broadcast stations.

34. In § 73.962 paragraph (e)(4) is revised as follows:

§ 73.962 Closed circuit tests of approved national level interconnecting systems and facilities of the Emergency Broadcast System.

(e) * * *

(4) Enter the time of receipt of the Closed Circuit Test consistently in your station log.

35. In § 73.1215, paragraph (e) is revised as follows:

§ 73.1215 Specifications for indicating instruments.

(e) Digital meters, printers, or other numerical readout devices may be used in addition to or in lieu of indicating instruments meeting the specifications of paragraphs (a), (b), (c) and (d) of this Section. If a single digital device is used at the transmitter for reading operating parameters, either (1) Indicating instruments meeting the above-mentioned specifications must be installed in the transmitter and antenna circuit; or (2) a spare digital device must be maintained at the transmitter with

provision for its rapid substitution for the main device should that device malfunction. The readout of the device must include at least three digits and must indicate the value or a decimal multiple of the value of the parameter being read to an accuracy of at least 2%. The multiplier to be applied to the reading of each parameter must be indicated at the operating position of a switch used to select the parameter for display.

36. In § 73.1225 paragraph (d) is revised as follows:

§ 73.1225 Station inspections by FCC.

(d) The station log and special technical records must be made available for inspection upon request by a representative of the FCC.

37. In § 73.1515, paragraph (c)(4) is removed and marked "Reserved".

§ 73.1515 Special field test authorization.

(c) * * *

(4) [Reserved.]

38. In § 73.1550, paragraph (c) introductory text is revised, paragraph (c)(1) is removed and marked "Reserved"; paragraphs (d)(1), (d)(2), (d)(3) and (d)(4) are revised, and paragraph (e) is revised as follows:

§ 73.1550 Extension meters.

(c) The extension meters required, pursuant to paragraph (b) of this Section, must be calibrated against their corresponding regular meters as often as necessary to ensure their accuracy, and:

(1) [Reserved.]

(d) * * *

(1) All stations. If the malfunction affects the meters for indicating the DC input power to the last radio stage of the transmitter power amplifier, the indications must be read at the transmitter.

(2) AM stations. In addition to (1) above, if the malfunction affects the extension indications of antenna or common point ammeter, the operating power may be determined by the indirect method using the procedures described in § 73.51(e) for a period not to exceed 60 days. Alternatively, the operating power may be determined by the direct method on a continued basis by reading the regular antenna or common point ammeter for each mode of operation until the defective extension metering is repaired.

(3) *FM stations.* In addition to (1) above, if the malfunction affects the transmission line meter, the indications must be read at the transmitter.

(4) *TV stations.* In addition to (1) above, if the malfunction affects the transmission line meter(s), indications must be read at the transmitter. If the malfunction affects the indications of the visual monitoring equipment, the licensee must, pending repair or replacement, provide other suitable means for monitoring visual modulation at the extension meter location.

(e) If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer-in-Charge of the radio district in which the station is located must be notified and request made for such additional time as is needed to complete the necessary repairs or replacement.

39. Section 73.1580 is revised as follows:

§ 73.1580 Transmission system inspections.

Each AM, FM, and TV station licensee or permittee must conduct a complete inspection of the transmitting system and all required monitors as often as necessary to ensure proper station operation.

40. In § 73.1665, paragraph (c) is revised as follows:

§ 73.1665 Main transmitters.

(c) A licensee may, without further authority or notification to the FCC, replace an existing main transmitter or install additional main transmitters for use with the authorized antenna if the replacement or additional transmitter(s) is type accepted as shown in the FCC "radio equipment list". Within 10 days after commencement of regular use of the replacement or additional transmitter(s), equipment performance measurements, as prescribed for the type of station are to be completed.

41. In § 73.1800, paragraphs (a), (b), (f), (g) and (h) are revised as follows:

§ 73.1800 General requirements related to the station log.

(a) The licensee of each station must maintain a station log as required by §§ 73.1810 and 73.1820. This log will be kept by the station employee or employees competent to do so, having actual knowledge of the facts required. All entries, whether required or not by the provisions of this Part, must accurately reflect the station operation. When the employee making a log entry signs the log, that person attests to the

fact that the log, with any corrections or additions made before it was signed, is an accurate representation of what transpired.

(b) The station log must be kept in an orderly and legible manner, in suitable form and in such detail that the data required for the particular class of station concerned are readily available. Key letters or abbreviations may be used if the proper meaning or explanation is contained elsewhere in the log. Each sheet must be numbered and dated. Time entries must be made in local time and must be indicated as advanced (e.g., EDT) or non-advanced time (e.g., EST).

(f) Entries must be made in the station log as required by §§ 73.1810 and 73.1820. Additional information, such as that needed for administrative or operational purposes, may also be included in the log and is not subject to the restrictions and limitations concerning corrections or changes made in the log. Such additional information may be physically removed at the option of the licensee, without altering required information in any way, before making the log a part of an application or available for public inspection.

(g) Application forms for licenses and other authorizations require that certain operating and program data be supplied. These applications should be kept in mind in connection with formulating the contents of the station log, since it may contain information previously retained in operating and maintenance logs pursuant to rules no longer in effect.

(h) Application forms for licenses and other authorizations require that certain operating data be supplied. These forms should be kept in mind in connection with the maintenance of the station log.

42. In § 73.1810, paragraph (b)(5) is revised as follows:

§ 73.1810 Program logs.

(5) *For Emergency Broadcast System Operations.* The results of tests of the EBS procedures pursuant to the requirements of Subpart G of this Part and the appropriate station EBS checklist must be entered in the station log (in the case of television stations, the station log may be the program log).

43. Section 73.1820 is re-entitled "Station log" and paragraphs (a) and (c) are revised as follows:

§ 73.1820 Station log.

(a) Entries must be made in the station log either manually by a properly licensed operator in actual charge of the

transmitting apparatus, or by automatic devices meeting the requirements of paragraph (b) of this Section. Indications of operating parameters must be logged prior to any adjustment of the equipment. Where adjustments are made to restore parameters to their proper operating values, the corrected indications must be logged and accompanied, if any parameter deviation was beyond a prescribed tolerance, by a notation describing the nature of the corrective action. Indications of all parameters whose values are affected by modulation of the carrier must be read without modulation. The actual time of observation must be included in each log entry. The following information must be entered.

(1) *All stations:* (i) Entries required by § 17.49 of this chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:

(A) The nature of such extinguishment or improper functioning.

(B) The date and time the extinguishment or improper operation was observed or otherwise noted.

(C) The date, time and nature of adjustments, repairs or replacements made.

(ii) Any entries not specifically required in this Section, but required by the instrument of authorization or elsewhere in this part.

(iii) An entry of each test of the Emergency Broadcast System procedures pursuant to the requirements of Subpart G of this Part and the appropriate EBS checklist, unless (in the case of TV stations) such entries are consistently made in the station program log.

(2) *Directional AM stations without an FCC-approved antenna sampling system* (See § 73.68): (i) An entry at the beginning of operations in each mode of operation, and thereafter at intervals not exceeding 3 hours, of the following (actual readings observed prior to making any adjustments to the equipment and an indication of any corrections to restore parameters to normal operating values):

(A) Common point current.

(B) When the operating power is determined by the indirect method, the efficiency factor F and either the product of the final amplifier input voltage and current or the calculated antenna input power. See § 73.51(e).

(C) Antenna monitor phase or phase deviation indications.

(D) Antenna monitor sample currents, current ratios, or ratio deviation indications.

(ii) Entries required by § 73.61 performed in accordance with the schedule specified therein.

(iii) Entries of the results of calibration of automatic logging devices (see paragraph (b) of this section), extension meters (see § 73.1550) or indicating instruments (see § 73.67) whenever performed.

(c) In preparing the station log, original data may be recorded in rough form and later transcribed into the log.

§ 73.1830 [Removed]

44. Section 73.1830 is removed.

45. A new § 73.1835 is added to read as follows:

§ 73.1835 Special technical records.

The FCC may require a broadcast station licensee to keep operating and maintenance records as necessary to resolve conditions of actual or potential interference, rule violations, or deficient technical operation.

46. In § 73.1870, paragraphs (c)(3) and (c)(4) are revised as follows:

§ 73.1870 Chief operators.

(c) * * *

(3) Review of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must initiate any corrective action which may be necessary and advise the station licensee of any condition which is a repetitive problem.

(4) Any entries which may be required in the station records. (See § 73.1820.)

47. The following listings are removed in their entirety from the Alphabetical Index to Part 73 of the Commission's rules:

Logs, Maintenance	73.1830
Maintenance logs	73.1830
Logs, Operating	73.1820
Operating logs	73.1820

48. The following listings are added in sequence to the Alphabetical Index to Part 73 of the Commission's rules:

Station log	73.1820
Log, Station	73.1820
Special technical records	73.1835
Technical records, Special	73.1835
Records, Special technical	73.1835

PART 74—[AMENDED]

49. In Part 74, a new § 74.19 is added to read as follows:

§ 74.19 Special technical records.

The FCC may require a broadcast auxiliary station licensee to keep operating and maintenance records necessary to resolve conditions of actual or potential interference, rule violations, or deficient technical operation.

50. Section 74.181 is re-entitled "Station records", paragraph (a) is revised, paragraphs (b) and (c) are removed and present paragraph (d) is redesignated new paragraph (b) and revised as follows:

§ 74.181 Station records.

(a) The licensee of each experimental television broadcast station must maintain adequate records of the operation, including:

- (1) Program transmitted.
- (2) In case of relay or pickup station, an entry giving points of program origination and receiver location.
- (3) Entries concerning any specific information requested by the FCC deriving from the purpose of the experimental grant.
- (4) Such other information deemed useful by the licensee for evaluating the experimental operation.

(b) Station records must be retained for a period of 2 years.

51. Section 74.281 is re-entitled "Station records", paragraph (a) is revised, paragraphs (b) and (c) are removed and present paragraph (d) is redesignated new paragraph (b) and revised as follows:

§ 74.281 Station records.

(a) The licensee of each experimental facsimile broadcast station must maintain adequate records of the operation, including:

- (1) Program transmitted.
- (2) Entries concerning any specific information requested by the FCC deriving from the purpose of the experimental grant.
- (3) Such other information deemed useful by the licensee for evaluating the experimental operation.

(b) Station records must be retained for a period of 2 years.

52. Section 74.381 is re-entitled "Station records"; paragraph (a) is revised, paragraphs (b) and (c) are removed and present paragraph (d) is redesignated as new paragraph (b) and revised as follows:

§ 74.381 Station records.

(a) the licensee of each experimental television broadcast station must maintain adequate records of the

operation, including:

- (1) Program transmitted.
- (2) In case of relay or remote pickup station, an entry giving points of program origination and receiver location must be included.
- (3) Entries concerning any specific information requested by the FCC deriving from the purpose of the experimental grant.
- (4) Such other information deemed useful by the licensee for evaluation of the experimental operation.

(b) station records must be retained for a period of 2 years.

53. § 74.465, paragraph (a) is revised as follows:

§ 74.465 Frequency monitors and measurements.

(a) The licensee of a broadcast remote pickup station or system must provide the necessary means to insure that all operating frequencies are maintained within the allowed tolerances.

54. Section 74.562 is revised as follows:

§ 74.562 Frequency monitors and measurements.

The licensee of each aural broadcast STL and intercity relay station must provide the necessary means for determining that the frequency of the station is within the allowed tolerance. Sufficient observations must be made to ensure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 74.581 [Removed]

55. Part 74 is amended by removing § 74.581.

56. Section 74.662 is revised as follows:

§ 74.662 Frequency monitors and measurements.

The licensee of a television broadcast auxiliary station must provide means for measuring the operating frequency in order to ensure that the emissions are confined to the authorized channel.

§§ 74.681, 74.781, 74.981 and 74.1281 [Removed]

57. Part 74 is amended by removing § 74.681, 74.781, 74.881, 74.981, and 74.1281.

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BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

(BMCS Docket No. MC-92; Amdt. No. 81-12)

Qualifications of Drivers; Handicapped Driver Waiver Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to expand the current Handicapped Driver Waiver Program (hereafter referred to as the Waiver Program) to include operations of hazardous materials-laden and passenger-carrying vehicles. This amendment is being adopted because accident statistics do not indicate that drivers who have suffered the loss or impairment of a limb and who are granted waivers are less safe than nonhandicapped drivers. Furthermore, the FHWA is revising the Waiver Program's application process to allow the option of unilateral waiver applications from limb-handicapped drivers. This action will permit handicapped drivers who have unilateral waivers to present themselves to their initial employing motor carrier for immediate employment consideration.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9787; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FMCSR currently permit an individual who has lost a limb or has a limb impairment to drive in interstate or foreign commerce although not physically qualified under 49 CFR 391.(b) (1) and (2). Upon application to a Regional Administrator of the FHWA, a waiver of the physical requirement may be granted on a case-by-case basis with two exceptions: (1) A handicapped driver who intends to drive a hazardous material-laden (HML) vehicle, and (2) a handicapped driver who intends to drive a passenger-carrying vehicle. On June 12, 1980, a notice of request for public comment (NRPC) was published in the Federal Register (45 FR 39872). Its

purpose was to review these two exceptions.

In the NRPC, the FHWA related the history of the Waiver Program and discussed the rationale for the two exceptions. Studies were cited which showed handicapped drivers (of automobiles) to be associated with increased accidents and traffic violations. Also discussed was the difference in operations among general commodity, passenger, and hazardous materials cargo (HMC) transportation.

The FHWA received 57 written comments to the NRPC. Thirty-one argued to retain the exceptions, 18 argued to grant relief, six argued positions not relevant to the NRPC, and two expressed no preference. Those favoring retaining the exceptions argued that handicapped drivers: (1) Cannot perform the complex eye-hand-foot coordinating tasks required of bus drivers; (2) cannot perform the nondriving safety-related functions required of bus and HMC drivers; (3) cannot perform the vehicle inspection and safety maintenance tasks (such as securing the manhole cover on an HMC tanker) required of HMC and bus drivers; and (4) finally, they argued that handicapped drivers would, because of these inadequacies, increase the potential for a catastrophic HMC or bus accident.

Those seeking relief through the abolition of the exceptions argued that the FHWA's own evaluation of its program in 1974 showed that drivers granted waivers under the Waiver Program operated commercial motor vehicles as safely as nonhandicapped drivers. Furthermore, they pointed out that individual determinations are presently made of waiver applications for the transportation of general commodities and no strong argument has been put forth that vehicles transporting HMC or passengers are significantly different from general commodity-laden vehicles. They therefore conclude that the present program with minimum modifications could be used to evaluate those who desire to operate HML or passenger-carrying vehicles.

This point concerning individual determinations is related to regulations stemming from the Rehabilitation Act of 1973 (RA of 1973), Pub. L. 93-112, 87 Stat. 355, as amended in 1978, Pub. L. 95-602, 92 Stat. 2984. The 1978 amendment required the agencies of the Executive Branch of the Federal government to examine their regulations and programs to bring them into compliance with the RA of 1973.

Court review of cases involving the RA of 1973 established that exceptions

(discrimination) may be warranted if two considerations are present: (1) A subgroup, such as in the present case, are statistically shown to be a risk, and (2) one cannot make individual determinations within this subgroup of those handicapped individuals who are not at risk.

Applying these conditions to the Waiver Program, those favoring retention of the prohibition of drivers with a waiver from operating HML or passenger-carrying vehicles would have to show, with a preponderance of evidence, that limb-handicapped individuals cannot be evaluated while performing the safety-related driving and nondriving duties of a driver of a HML or passenger-carrying vehicle. Most industry representatives gave the opinion that the limb-handicapped cannot perform safety-related driving and nondriving duties of a HMC or passenger-carrying driver. However, it is important to note that the comments received from those supporting the retention of the existing rule lacked substantive evidence to support their contentions.

Those favoring rescinding the prohibition took issue with the FHWA's interpretation of handicapped accident statistics stating that the studies do not conclusively demonstrate that all limb-handicapped drivers are unsafe.

The FHWA gave consideration to all viewpoints. The FHWA also considered its own 1974 risk analysis study of the Waiver Program and an ongoing risk analysis study of the Waiver Program. Further, it sought the advice and counsel of its cadre of Regional Waiver Program Specialists (RMPS). This cadre has been trained to administer and perform all the evaluations of applicants to the Waiver Program. They were trained by transportation and rehabilitation experts, physicians, and a limb-handicapped individual who is a chief of a department of Prosthetics and Sensory Devices, at a Veterans Medical Center.

The 1974 risk analysis study revealed that the Waiver Program participants' accident rate per million miles driven was identical to that of nonhandicapped drivers. The present ongoing study reveals that the accident rate per million miles for Waiver Program participants is lower than that for all commercial drivers. The present study evaluates several times the number of Waiver Program participants as did the 1974 study.

It was concluded from the responses to the NRPC, the FHWA's assessment of its risk analysis studies, and the FHWA's responsibilities under the RA of 1973 that the Waiver Program

participants should be allowed, on a case-by-case basis, to apply for waivers to operate HML or passenger-carrying vehicles.

A notice of proposed rulemaking (NPRM) was published on November 8, 1982, proposing to amend the FMCSR to expand the current Waiver Program to include commercial operations of HML and passenger-carrying vehicles. Further, the FHWA proposed to rescind the requirements for a coapplicant motor carrier for each waiver application.

A total of 29 commenters responded to the NPRM. Of that total, nine commenters opposed the proposal, 18 commenters supported the proposal, and two commenters partially supported the proposal.

Summary of Comments.

Those in opposition to the NPRM include: Three motor carrier associations, some of whose members transport HMC exclusively; three motor carriers, all of whom transport HMC; a bus association; a passenger-carrying motor carrier; and an insurance association.

The Private Truck Council of America, Inc. (PTC) relates a concern in its comments that several other commenters mentioned:

We recognize that with driver training for the handicapped, coupled with cab alteration to accommodate the individual impairment, a person that is handicapped may indeed drive as well as someone who is not impaired.

However, there is more to driving hazardous material than simply driving the vehicle.

We believe that a driver needs above average physical and mental attributes when working with a hazardous substance. We are aware of the conditions that sometimes arise in moving of hazardous substances that require a driver to move swiftly from his cab and climb quickly and safely onto the trailer in order to shut off or examine a potentially dangerous leaking valve.

The speed and agility with which these tasks are performed cannot only save the life of the driver but also the lives of the other nearby citizens.

The Austin Powder Company further articulates on the safety-related nondriving tasks of HMC drivers. It related the story of a driver who noticed

* * * a fire in the cargo area of his truck
* * * Due to the ability of our driver to run and alert everyone of the impending explosion, there were no fatalities and few injuries. We doubt the results would have been the same had he not had full use of his legs.

Another area of concern is how an individual missing a hand or an arm could remove an overheated tire from a vehicle laden with explosives * * * Section 397.17(c) of the Federal Motor Carrier Safety

Regulations requires the driver to cause an overheated tire to be removed and placed at a safe distance from the vehicle. * * * Austin and other explosive carriers do not always operate in populous areas where help can be obtained. We equip all our trucks with a lug wrench and jack so that the driver can remove an overheated tire before it can catch fire.

The National LP-Gas Association (NLPGA) expresses similar views on the evaluation of nondriving safety-related job tasks. Further, the association believes the FHWA is placing HMC carriers in a "catch-22" position. The NLPGA states,

BMCS also appears to place great weight on the fact that carriers may impose more stringent qualifications and, in the final analysis, need not hire anyone they do not feel is qualified for the job. Unfortunately, such statements are short-sighted and fail to account for the fact that finalization of this rule could place hazardous materials operators in a very difficult, "Catch 22" situation. Thus, when confronted with an applicant in possession of a waiver granted by the Regional Federal Highway Administrator, the employer is faced with the difficult choice between hiring the individual and running the risk of a serious accident and resultant liability exposure, or facing a discrimination suit under the equal employment opportunity laws.

The American Insurance Association (AIA) opposed the NPRM because the FHWA has not identified specific safety-related job tasks associated with HMC transportation.

The Greyhound Lines, Inc. with a national fleet of 4,000 buses and 8,200 drivers makes three points in its opposition to the NPRM proposal:

1. The 1974 Waiver Program risk analysis study was too small a sample, too short a sampling period, and did not evaluate variables such as weather and terrain.

2. The reliance of the BMCS [FHWA's Bureau of Motor Carrier Safety] on an ongoing study is premature since the data is incomplete or inadequate.

3. It is unreasonable to require Greyhound to modify its entire fleet of vehicles for one or two drivers with waivers who have need for vehicle modifications. Also these modifications may in fact conflict with each other.

The American Bus Association (ABA) believes it is uncertain whether motor carriers of passengers would be required under the proposed rule to hire any Waiver Program participant. The ABA quotes a passage from the NPRM, "In addition, the FMCSR are minimum qualifications and do not prevent a motor carrier from enacting policies imposing more stringent or additional qualifications, requirements, examination, or certificates." The ABA

interprets this to mean a handicapped driver, even though granted a waiver by the FHWA, would not have to be hired if a carrier has more stringent physical standards. Their interpretation is correct.

Those in support of the NPRM include: three State agencies that assist the handicapped, one State Governor, two motor carriers, two advocate organizations for the handicapped, nine individuals, and two representatives of transportation unions.

Governor William A. O'Neill of the State of Connecticut found the proposal based on solid statistical data. The Governor's Council on Disabled Persons for the State of Ohio wrote that "A change in this portion of the regulation will provide additional employment opportunities for qualified disabled truck drivers." The Division of Rehabilitation Services of the State of Georgia supports the expansion of this program. "Further we [Georgia] support the continued screening of drivers on a case by case basis to assure the safety of drivers, passengers, and other motorists."

A former bus driver, who lost part of his leg while employed by Continental Trailways, writes that a person with his experience and physical capabilities would be an ideal candidate for a waiver to drive an interstate passenger-carrying vehicle.

Another driver drove a bus for twenty-three years, then in 1980 had his left foot amputated due to a hunting accident. This driver still works for his bus company and on occasion moves buses (both automatic and manual shift) in the company yard. He enclosed two letters of support in his comments. His doctor, an orthopedic surgeon says the following of him:

It is my opinion:

1. This man is qualified to drive a commercial bus under any and all circumstances. He does not represent an increased risk in this activity.

2. He is qualified to make roadside repairs or perform rescue activities in a normal manner.

3. No specific adaptive devices [vehicle modifications] are required.

The owner of the bus company where this driver works gave him a performance test. The owner had the driver first walk up and down three flights of steps, then walked a mile. Next, he had him drive a bus with a manual transmission. He states the driver had not driven this type of vehicle before nor had he driven with its type of transmission. The bus company owner had him drive for one-half hour on residential streets with cars parked on

both sides, meeting traffic with no room to pass, and making short double corners. He then had the driver park in the bus yard, backing in between two other buses. Finally, they rewalked the mile to the office. They walked each mile in 11 minutes. The bus company owner says he will definitely rehire the man as a bus driver if the proposed change takes place.

A trucker who lost his right hand at the wrist would have a job with a particular carrier, we are told, but for the fact that on the backhaul the possibility exists that the load may contain HMC.

The Metro Independent Living Center, in support of the proposal, states, "Therefore, any change in your regulations that are safe but yet open up more jobs for people with disabilities will be a means whereby more people with disabilities can be self-sufficient and not a drain on our social system."

The Crouse Cartage Company stated they have a driver with a waiver and judge him to be one of their safest drivers. He was recently given a life rescuing award.

North American Van Lines, Inc. (NAVL) services include the transportation of HMC. The company presently employs five drivers who have been issued waivers. NAVL believes that, "the Waiver Program's Skill Performance Evaluation would disqualify any applicant who because of the unique nature of his or her impairment could not demonstrate proficiency in handling the necessary equipment and paraphernalia associated with HMC vehicles." NAVL finds the present restriction unnecessary and inequitable in the face of the arguments presented in the NPRM. Finally, they state the service inflexibility (no backhaul if HMC involved), is costly and inefficient for the carrier and for the driver, particularly if the driver is compensated only for loaded or revenue producing miles. They find the coapplicant requirements a paperwork burden to the motor carrier and say it delays the time a driver can commence work.

The International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America States its support for the entire proposal. It believes the rescission of the coapplicant requirement will remove "a stumbling block for otherwise qualified handicapped drivers seeking a waiver."

The American Trucking Associations, Inc. (ATA) through its Council of Safety Supervisors supports the NPRM in part. It supports individual case-by-case determinations of the proficiency of handicapped drivers to transport HMC

who can operate at the same level of safety and proficiency as nonhandicapped driver. However, the ATA does not support the rescission of the coapplicant requirement and thinks the rule should be made preemptive in nature (i.e., supersede all States laws.)

The ATA believes the information provided by the coapplicant motor carrier is an essential factor in the continued success of the Waiver Program. It believes information such as operating terrain, equipment specifications, and job requirements are a necessity in the evaluation of the proficiency of a handicapped driver. The ATA adds that its support of that portion of the NPRM permitting handicapped drivers to transport HMC is contingent on the coapplicant requirement remaining as an integral part of the Waiver Program.

Discussion of Comments

The final disposition of this NPRM by the FHWA rests on the comments to the docket, the evaluation of the risk analysis studies, the evaluation of the ability of the modified Skill Performance Evaluation to discern performance of handicapped individuals in HMC or passenger-carrying vehicles, and its responsibility under the RA of 1973, as amended in 1978.

Comments of the A.L.A., the A.B.A., and Greyhound Lines, Inc. took issue with a past FHWA study and a second on-going study of the accident rate of its Waiver Program participants. They contend the 1974 study was too small and the usage of the results of the ongoing study is premature.

The 1974 study developed accident rate data for Waiver Program participants and found the rate equivalent to that for all interstate or foreign commercial drivers. In 1979, the FHWA initiated a second study which is to cover five years. A five-year time period was chosen because one objective of the study was to gather sufficient data to make program decisions on whether it is feasible to grant lifetime waivers in certain cases, such as, a left foot amputee or a left leg below the knee amputee. Prior to 1979, the FHWA had some oral reports from RWPS that they would not have known the applicant had a disability other than the fact that the person applied for a waiver.

Another objective of the study was to gather year to year accident rate data on Waiver Program participants. The number of study participants (N) per year was: 1979, N=52; 1980, N=71; 1981, N=67; 1982, N=90. The total N equals 280, approximately four times the number of study participants as in the

1974 study. More importantly, the accident rate per million miles for these years is: 1979, 0.7; 1980, 0.6; 1981, 0.9; 1982, 0.8, while in the same period, the 1978 rate (A Report to Congress on Large-Truck Accident Causation, 1982) for all combination trucks was 5.94 accidents per million miles. In 1981, National Accident Sampling System of the National Highway Traffic Safety Administration developed a rate of 3.84 accidents per million miles for all drivers driving articulated vehicles. Over ninety percent of Waiver Program participants drive articulated vehicles.

The FHWA's BMCS also collects accident and exposure data on all "reportable accidents." "Reportable Accidents" are accidents involving: (1) The death of a human being, (2) bodily injury to a person who, as a result, received medical treatment away from the scene of the accident, or (3) total aggregate accident cost of \$2,000 or more. The BMCS rates per million miles for all interstate and foreign commerce drivers in the years 1979 through 1982 are: 1979, 1.016; 1980, 1.459; 1981, 1.628; and 1982 (partial figure), 1.489. A comparison of the rates for the Waiver Program with figures for all BMCS "reportable accidents" shows that the Waiver Programs "reportable accidents" rates are at least as good as the overall BMCS "reportable accident" rates. It is believed that this evaluation study of the Waiver Program shows that limb-handicapped drivers when evaluated and monitored under the FHWA's Waiver Program are at least as safe as nonhandicapped commercial drivers.

It is believed the foregoing discussion responds to any questions concerning the comparison of accident rates between limb-handicapped drivers in the Waiver Program and nonhandicapped commercial drivers. The studies, as a whole, prove the success of the Skill Performance Evaluation to discern those applicants who have adequately compensated for their handicaps.

The success of the Skill Performance Evaluation in the present Waiver Program in discerning those limb-handicapped applicants who have successfully compensated for their handicap leads to a second major group of comments of those opposing the proposal. Three commenters (i.e., the PTC, Austin Power Company, and the NLPGA) all express the belief that handicapped individuals cannot adequately handle the driving and nondriving safety-related duties of (principally nondriving duties) an HMC driver, although the PTC does recognize that handicapped drivers may drive as

well as someone who is not impaired, considering training and cab alterations available today. These commenters as well as others identified critical nondriving tasks they believe the BMCS cannot reasonably evaluate in its Skill Performance Evaluation.

Essential new job tasks that would have to be evaluated by the Skill Performance Evaluation for HMC tanker operations are: manhole cover operations and security, hose operations and security, the grounding of a vehicle, opening and closing of valves, operating the emergency shut-off controls, the ability to change a tire, the ability to handle the larger size extinguisher (two-handed type) used by certain HMC motor carriers, and an assessment of the driver's potential for response in a hypothetical emergency to either warn the public or close a valve.

The FHWA does not believe all handicapped driver waiver candidates can adequately perform all the driving and nondriving safety-related tasks of HMC drivers. The FHWA appreciates that certain HMC operations have unique features. In particular, we recognize the variety of trailer types found among the thousands of different HMC carriers. The FHWA also appreciates the importance of nondriving safety-related job tasks associated with passenger-carrying operations, in particular, those tasks associated with passenger evacuation.

The FHWA is persuaded in part by the comments to the docket that it may not be feasible to modify the Skill Performance Evaluation to ensure that every driver with a waiver is evaluated with respect to every conceivable nondriving safety-related job task on the thousands of different HMC trailer types and buses. Therefore, the FHWA has modified the Skill Performance Evaluation so that the assessment by the Regional Waiver Program Specialist is for of the operation of the power unit (tractor) only, along with certain pre-trip and post-trip inspection functions. Since pre-trip and post-trip inspection evaluation require a trailer and because the driving function is significantly influenced by the size and weight of the trailer, the Skill Performance Evaluation will continue to require a loaded trailer. However, the waiver, if granted, will state it covers the power unit (tractor) only, not the trailer type. It will be the responsibility of the employing motor carrier to evaluate a driver possessing a waiver on the type of trailer(s) that the driver will utilize as well as any other nondriving job tasks unique to the motor carrier's operations.

A Waiver Program operational problem identified in the comments

involved the rescinding of the coapplicant requirement. If no coapplicant were part of the waiver, in many instances, no vehicle would be available for the Skill Performance Evaluation. Even if the applicant were able to rent a tractor semi-trailer, it would not be loaded. The consequences in many cases would be that the rule change could actually reduce opportunities for some applicants to be granted waivers.

The FHWA believes the merit of rescinding the coapplicant requirement is still warranted; however, it also does not want to restrict that segment of the limb-handicapped commercial driver population who do not own or who cannot acquire a vehicle and have it available for the Skill Performance Evaluation. Therefore, the FHWA will retain the coapplicant feature of the Waiver Program but will grant exceptions in certain instances. A driver may apply for a waiver unilaterally if s/he is ready to provide a vehicle with a loaded trailer for the Skill Performance Evaluation and assume all responsibility for certifying and establishing that the s/he is otherwise qualified with respect to all qualifications under Part 391. The unilateral applicant shall certify s/he is otherwise qualified as well as provide specific information about medical examinations and special medical evaluation, motor carrier employment history, State Motor Vehicle Driving Record, a certification of road test, and a copy of a State waiver (if applicable).

One major passenger carrier's comment that it would be forced to modify its entire fleet if a handicapped driver required a vehicle modification is without merit. Historically, the FHWA's BMCS has taken the position that it would impose an undue hardship on the conduct of a motor carrier's business for the motor carrier to modify its fleet for a limb-handicapped driver. We think this position is supported by final rules published by the Department of Labor, Office of Federal Contract Compliance Programs on October 20, 1978, in the *Federal Register* (43 FR 49278). In 41 CFR Section 60-741.6(d) it states, "Accommodation to physical and mental limitations of employees. A contractor must make reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) Business

necessity and (2) financial cost and expenses.

In the NPRM, the FHWA cited 49 CFR 391.1 which states that rules in Part 391 do not prohibit a motor carrier from imposing more stringent or additional qualifications, requirements, examinations, or certificates than are required by the rules in Part 391. The ABA commented that a passenger-carrying motor carrier may only need to state or have a written policy stating that it has more stringent requirements which prohibit the hiring of a limb-handicapped driver in order to circumvent the revised § 391.49. The ABA cannot use § 391.1 to circumvent § 391.49. The FHWA cited § 391.1 in the NPRM to allay some motor carrier fears that limb-handicapped drivers who have been granted waivers would be forced on a motor carrier even though the motor carrier might have some nondriving safety-related job tasks associated with the type of trailer used or some other job tasks unique to its operations that the BMCS' RWPS has not evaluated. The rules, as amended, would eliminate this fear since the employing motor carrier is held responsible for evaluating safety-related job tasks associated with the trailer and any other job tasks unique to its operations. It is not believed that this imposes any additional requirements on a motor carrier since all motor carriers assess and assure themselves that any newly hired driver can perform the above tasks whether that driver be limb-handicapped or not.

The ATA comment that any new Waiver Program regulation should preempt State regulations is unnecessary. Historically, States may promulgate rules that are similar in nature to the FMCSR. They may be more stringent as long as they do not conflict with the FMCSR. Therefore, there is no need to make this rule preemptive.

The comments of those in support of the proposal, rely, for the most part, on the results of the FHWA's risk analysis studies of the Waiver Program. There is no doubt in the mind of those supporting the proposal that individual case-by-case determinations of ability to adequately compensate for a limb-handicap is feasible and warranted.

Several commenters, though obviously advocates for the handicapped, expressed their support for the Waiver Program to continue to assure, through evaluation and monitoring, the safety of all motorists and the general public

Conclusion

The FHWA is revising § 391.49, Waiver of certain physical defects, to

expand the Waiver Program to include operations of HML and passenger-carrying vehicles. Concerns of those in opposition that limb-handicapped drivers are a safety risk on the highway and that the FHWA cannot adequately evaluate the nondriving safety-related job tasks HMC and bus operations have not been substantiated. Two risk analysis studies depicted the participants of the Waiver Program to have the same or less risk of accidents as nonhandicapped commercial drivers. Further, the FHWA has removed itself from the evaluation of nondriving safety-related job tasks associated with types of trailers and any other nondriving job task unique to a particular motor carrier operation.

The FHWA is also revising § 391.49 with respect to the coapplicant requirement. In the NPRM, the FHWA proposed to rescind this requirement in its entirety. It was pointed out that instead of eliminating an employment stumbling block for drivers by this amendment, the change could create one. Many limb-handicapped driver applicants do not own their own vehicles or would find it both expensive and extremely difficult to rent a power unit and have a loaded trailer for use during the Skill Performance Evaluation. With the coapplicant requirement, the motor carrier provides the power unit and trailer for use during the Skill Performance Evaluation. The FHWA appreciates the concerns of the limb-handicapped drivers and the employing motor carriers to eliminate the time difference between hiring a handicapped and nonhandicapped driver. At the same time, the change should not restrict the limb-handicapped driver's capability to acquire a waiver for lack of a vehicle. The FHWA will retain the coapplicant requirement but incorporate an exception to the general rule. The exception will allow a limb-handicapped driver to unilaterally apply for a waiver provided the applicant certifies (s)he is otherwise qualified under the driver qualifications found in Part 391 of the FMCSR and assumes responsibility for providing the power unit (tractor) and a loaded trailer for the Skill Performance Evaluation. Besides the certification of being otherwise qualified under 391, the driver applicant will have to provide all the information required for the waiver application, such as motor carrier employment history, State motor vehicle driving record, certification of road test, a copy of the State waiver (if applicable), physical examination findings and medical certificate, and a psychiatrist's or

orthopedic surgeon's summary report on the affected limb(s).

Previously, when all waivers had coapplicants, the coapplicant agreed to ensure that the driver complied with all conditions (i.e., only drive with an automatic transmission or provide a dimmer switch be relocated on dash). The coapplicant also agreed to inform the Regional Federal Highway Administrator in instances when the driver with a waiver had an accident, a moving traffic citation, or license restriction or withdrawal. These responsibilities will still be those of any motor carrier whether the motor carrier is the regular employing motor carrier, a motor carrier employing the driver for a single trip, or on intermittent, casual, or occasional basis.

Since the FHWA will be evaluating only the applicant's ability to operate a tractor (power unit) during the Skill Performance Evaluation, it will be the responsibility of whatever motor carrier employs a driver with a waiver to evaluate that driver with respect to nondriving safety-related job tasks associated with the type of trailer(s) the driver will use or any job tasks unique to its operation. A waiver authorizes the driver to drive for any motor carrier in the type of power unit stated on the waiver whether the waiver has a coapplicant motor carrier or was issued unilaterally. The driver shall give a copy of the waiver to each motor carrier who employs him/her whether it be the regular employing motor carrier, a motor carrier for a single trip, or a motor carrier on an intermittent, casual, or occasional basis. Drivers with unilaterally issued waivers are responsible for the waiver renewal application biennially. Drivers with unilateral waivers must state in their renewal application the name and address of their regular employing motor carrier (if any; if unemployed, so state).

A regulatory evaluation/regulatory flexibility analysis has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Neill Thomas at the address provided above under the heading **FOR FURTHER INFORMATION CONTACT**.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. The economic impact if any, anticipate as a result of this action is minimal. Under the criteria of the Regulatory Flexibility Act, it is certified that this rulemaking does not have a significant economic

impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA is rescinding the exception prohibiting drivers with waivers to operate HML or passenger-carrying vehicles and permitting unilateral waiver applications to the Waiver Program.

Because this amendment relieves a restriction, it may be made effective in fewer than 30 days after publication in the Federal Register.

List of Subjects in 49 CFR Part 391

Highways and roads, Motor carriers—driver qualifications, Motor carriers—handicapped driver waiver, Reporting and recordkeeping requirements.

(49 U.S.C. 3102 and CFR 1.48)

(Catalog of Federal Domestic Assistance Program Number, 20.217, Motor Carrier Safety)

Issued on: August 17, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

In consideration of the foregoing, the FHWA is revising 49 CFR 391.49 to read as follows:

§ 391.49 Waiver of certain physical defects.

(a) A person who is not physically qualified to drive under § 391.41(b) (1) or (2) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if the Regional Federal Highway Administrator has granted a waiver to that person.

(b) A letter of application for a waiver may be submitted jointly by the person who seeks a waiver of the physical disqualification (driver applicant) and by the motor carrier that will employ the driver applicant if the application is granted. The application must be addressed to the Regional Federal Highway Administrator for the region in which the coapplicant motor carrier's principal place of business is located. The address for each regional office is listed in § 390.40 of this subchapter.

Exception. A letter of application for a waiver may be submitted unilaterally by a driver applicant. The application must be addressed to the Regional Federal Highway Administrator for the region in which the driver has legal residence. The address of each regional office is listed in § 390.40 of this subchapter. The driver applicant must comply with all the requirements of paragraph (c) of this section except (c)(1) (i) and (iii). The driver applicant shall respond to the requirements of paragraph (c)(2) (i) to (v) of this section, if the information is known.

(c) A letter of application for a waiver shall contain—

(1) Identification of the applicant(s);
(i) Name and complete address of the motor carrier coapplicant;

(ii) Name and complete address of the driver applicant;

(iii) The Federal Highway Administration Motor Carrier Identification Number, if known; and

(iv) A description of the driver applicant's limb impairment for which waiver is requested.

(2) Description of the type of operation the driver will be employed to perform:

(i) State(s) in which the driver will operate for the motor carrier coapplicant (if more than 10 States, designate general geographic area only);

(ii) Average period of time the driver will be driving and/or on duty, per day;

(iii) Type of commodities or cargo to be transported;

(iv) Type of driver operation (i.e. sleeper-team, relay, owner operator, etc.); and

(v) Number of years experience operating the type of vehicle(s) requested in the letter of application and total years of experience operating all types of motor vehicles.

(3) Description of the vehicle(s) driver applicant intends to drive:

(i) Truck or truck-tractor make, model, and year (if known);

(ii) Drive train;

(A) Transmission type (automatic or manual—if manual, designate number of forward speeds);

(B) Auxiliary transmission (if any) and number of forward speeds; and

(C) Rear axle (designate single speed, 2-speed, or 3-speed).

(iii) Type of brake system;

(iv) Steering, manual or power assisted;

(v) Description of type of trailer(s) (i.e. such as, van, flatbed, cargo tank, drop frame, lowboy, or pole);

(vi) Number of semitrailers or full trailers to be towed at one time; and

(vii) Description of any vehicle modification(s) made for the driver applicant; attach photograph(s) where applicable.

(4) Otherwise qualified:

(i) The coapplicant motor carrier must certify that the driver applicant is otherwise qualified under the regulations of this part;

(ii) In the case of a unilateral application, the driver applicant must certify that (s)he is otherwise qualified under the regulations of this part.

(5) Signature of applicant(s):

(i) Driver applicant's signature and date signed;

(ii) Motor carrier official's signature (if application has a coapplicant), title, and date signed. Dependent upon the motor carrier's organizational structure (corporation, partnership, or proprietorship), this signer of the application shall be an officer, partner, or the proprietor.

(d) The letter of application for a waiver shall be accompanied by:

(1) A copy of the results of the medical examination performed pursuant to § 391.43;

(2) A copy of the medical certificate completed pursuant to § 391.43(e);

(3) A medical evaluation summary completed by either a board qualified or board certified physiatrist (doctor of physical medicine) or orthopedic surgeon;

Note.—The coapplicant motor carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job tasks the driver applicant will be required to perform:

(i) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(1), the summary shall include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a motor vehicle; or

(ii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(2), the summary shall include an explanation as to how and why the impaired area interferes with the driver's ability to perform normal tasks associated with operating a motor vehicle. The summary shall also contain an assessment of whether the condition will likely remain medically stable over the driver applicant's lifetime.

(4) A description of the driver applicant's prosthetic or orthotic device worn, if any, by the driver applicant;

(5) Road test:

(i) A copy of the driver applicant's road test administered by the motor carrier coapplicant and the certificate issued pursuant to § 391.31 (b) through (g); or

(ii) A unilateral applicant shall be responsible for having a road test administered by a motor carrier or a person who is competent to administer the test and evaluate its results.

(6) Application for employment:

(i) A copy of the driver applicant's application for employment completed pursuant to § 391.21; or

(ii) A unilateral applicant shall be responsible for submitting a copy of the last commercial driving position's employment application s/he held. If not previously employed as a commercial driver, so state.

(7) A copy of the driver applicant's waiver of certain physical defects issued by the individual State(s), where applicable; and

(8) A copy of the driver applicant's State Motor Vehicle Driving Record for the past 3 years from each State in which a motor vehicle driver's license or permit has been obtained.

(e) Agreement. A motor carrier that employs a driver with a waiver agrees to:

(1) File promptly (within 30 days) with the Regional Federal Highway Administrator such documents and information as may be required about driving activities, accidents, arrests, license suspensions, revocations, or withdrawals, and convictions which involve the driver applicant. This applies whether the driver's waiver is a unilateral one or has a coapplicant motor carrier;

(i) A motor carrier who is a coapplicant must file the required documents with the Regional Federal Highway Administrator for the region in which the carrier's principal place of business is located; or

(ii) A motor carrier who employs a driver who has been issued a unilateral waiver must file the required documents with the Regional Federal Highway Administrator for the region in which the driver has legal residence.

(2) Evaluate the driver who has been granted a waiver for those nondriving safety-related job tasks associated with whatever type of trailer(s) will be used and any other nondriving safety-related or job-related tasks unique to the operations of the employing motor carrier; and

(3) Use the driver to operate the type of motor vehicle defined in the waiver only when the driver is in compliance with the conditions of the waiver.

(f) The driver shall supply each employing motor carrier with a copy of the waiver.

(g) The Regional Federal Highway Administrator, may require the driver applicant to demonstrate the driver's ability to safely operate the motor vehicle(s) s/he intends to drive. The demonstration will evaluate pre-trip and post-trip inspection abilities and driving performance. No evaluation of nondriving safety-related tasks or other nondriving tasks unique to the type of trailer(s) or other motor carrier operations will be performed during Skill Performance Evaluation.

(h) The Regional Federal Highway Administrator may deny the application for waiver or may grant it totally or in part and issue the waiver subject to such terms, conditions, and limitations

as deemed consistent with the public interest. A waiver is valid for a period not to exceed 2 years from date of issue, and may be renewed 30 days prior to the expiration date.

(l) The waiver renewal application shall be submitted to the Regional Federal Highway Administrator for the region in which the driver has legal residence, if the waiver was issued unilaterally. If the waiver has a coapplicant, then the renewal application is submitted to the Regional Federal Highway Administrator for the region in which the coapplicant motor carrier's principal place of business is located. The waiver renewal application shall contain the following:

- (1) Name and complete address of motor carrier currently employing the applicant;
- (2) Name and complete address of the driver;
- (3) Effective date of the current waiver;
- (4) Expiration date of the current waiver;
- (5) Total miles driven under the current waiver;
- (6) Number of accidents incurred while driving under the current waiver, including date of the accident(s), number of fatalities, number of injuries, and the estimated dollar amount of property damage;
- (7) A current medical examination report;
- (8) A medical evaluation summary pursuant to paragraph (d)(3) of this section if an unstable medical condition exists. All handicapped conditions classified under § 391.41(b)(1) are considered unstable.

Note.—Refer to paragraph (c)(3)(iii) for conditions under § 391.41(b)(2) which may be considered medically stable;

- (9) A copy of driver's current State motor vehicle driving record for the period of time the current waiver has been in effect;
 - (10) Notification of any change in the type of tractor the driver will operate;
 - (11) Driver's signature and date signed; and
 - (12) Motor carrier coapplicant's signature and date signed.
- (j) Upon granting a waiver, the Regional Federal Highway Administrator will notify the driver applicant and coapplicant motor carrier

(if applicable) by letter. The terms, conditions, and limitations of the waiver will be set forth. A motor carrier shall maintain a copy of the waiver in its driver qualification file. A copy of the waiver shall be retained in the motor carrier's file for a period of 3 years after the driver's employment is terminated. The driver applicant shall have the waiver (or a legible copy) in his/her possession whenever on duty.

(k) The Regional Federal Highway Administrator may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation and has been allowed a reasonable opportunity to appeal.

(l) Falsifying information in the letter of application, the renewal application, or falsifying information required by this section by either the applicant or motor carrier is prohibited.

Approved by the Office of Management and Budget under Control Number, 2125-0080.

[FR Doc. 83-23000 Filed 8-23-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 30818-169]

Shrimp Fishery of the Gulf of Mexico

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

ACTION: Rule-related notice.

SUMMARY: NOAA issues notice that no geographic adjustment to the Tortugas Shrimp Sanctuary off South Florida will be made for the 1983-84 season. This action is taken according to regulations implementing the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. The intended effect of this action is to maintain the Sanctuary without change until a study of shrimp migration patterns through the Sanctuary is completed in August, 1984.

FOR FURTHER INFORMATION CONTACT: Edward E. Burgess, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702, telephone number: 813-893-3721.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP) was approved May 29, 1980, under authority of the Magnuson Fishery Conservation and Management Act. Final regulations implementing the FMP were published in the *Federal Register* on May 20, 1981, at 46 FR 27489. Amendment 1 to the FMP, prepared by the Gulf of Mexico Fishery Management Council (Council), provides for modification of the boundaries of two closed areas identified in the FMP. This amendment was approved on April 6, 1983 (47 FR 20310). Regulations were not proposed at that time; instead, whenever a closure modification is considered necessary, it will be implemented by regulatory amendment published in the *Federal Register*.

The FMP as amended provides that the Assistant Administrator for Fisheries, NOAA, in August consider geographic modification of the closed area identified as the Tortugas Shrimp Sanctuary (Sanctuary) in 50 CFR 658.22. The amendment requires that an annual analysis of the effects of the closure be prepared by the National Marine Fisheries Service (NMFS) and submitted to the Council. After reviewing this analysis and consulting with the Council, NOAA may modify the geographic scope of the Sanctuary through an amendment to the regulations implementing the FMP.

The geographic scope of the Sanctuary was modified for the period April 15, 1983, through August 14, 1984 (48 FR 17098), to allow for an intensive data collection effort to determine shrimp migration patterns through the Sanctuary. This study is underway and preliminary analyses have been submitted to the Council. After consulting with the Council, NOAA has determined that no modification to the geographic scope of the Sanctuary should be made until August 14, 1984, which is the end of the study period.

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

Dated: August 19, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-23224 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 48, No. 165

Wednesday, August 24, 1983

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 82-017P]

Fee Increase for Inspection Services

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry products inspection regulations to increase fees charged by FSIS to provide overtime inspection, identification, or certification services to meat and poultry establishments. The proposed fees reflect the increased costs of providing these services in fiscal year 1984.

DATES: Comments must be received on or before September 23, 1983.

ADDRESSES: Written comments to Regulations Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Ms. June Blair (202) 382-0072. (See also "Comments" under **SUPPLEMENTARY INFORMATION**.)

FOR FURTHER INFORMATION CONTACT: June P. Blair, Director, Finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; (202) 382-0072.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local

government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Any person desiring opportunity for an oral presentation of views should make such request to Ms. Blair so that arrangements may be made for the presentation. A transcript shall be made of all comments presented orally. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Each fiscal year, the fees for certain services rendered to operators of official meat and poultry establishments, importers, or exporters by the Food Safety and Inspection Service (FSIS) are reviewed and a cost analysis is performed to determine if such fees are adequate to recover the cost of providing the services.¹ The analysis relates to fees charged in connection with overtime and holiday inspection, identification, certification, or laboratory services. The fees to be charged for these services are determined by an analysis of data on the current cost of these services coupled with the increase in that cost

¹ The cost analysis is on file with the FSIS Hearing Clerk. Copies may be requested from that office.

due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

Based on the Agency's analysis of the costs incurred in providing these services, the fees related to such services would be amended to reflect increased costs associated therewith in the upcoming fiscal year.

Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products and the ordinary costs of providing for it are borne by the U.S. Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments. These costs are recoverable by the Government.

Currently, § 307.5 (9 CFR 307.5) of the meat inspection regulations provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of \$19.40 per inspector hour. Similarly, § 381.38 (9 CFR 381.38) of the poultry products inspection regulations provides that FSIS will be reimbursed at the rate of \$19.40 per inspector hour for overtime and holiday poultry inspection services. These fees would be increased to \$19.76 per inspector hour.

FSIS also provides a range of voluntary inspection and certification services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry, are provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered under the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services is currently \$16.68 per inspector hour (\$§ 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate is currently \$19.40. The hourly rates for these services would be increased to \$17.12 and \$19.76.

respectively. The rate for laboratory services would remain at \$31.00 per hour.

These proposed fee increases do not include the increase resulting from a pay raise for Federal employees. Although the pay raise is normally effective at the beginning of each fiscal year and calculated into the fee increases, this fiscal year Congress is contemplating a delay in the pay increase. If Congress allocates the pay increase, FSIS will amend the regulations to reflect that increase in costs as well.

List of Subjects

9 CFR Part 307

Meat inspection. Fee charges.

9 CFR Part 350

Meat inspection. Fee charges.

9 CFR Part 351

Meat inspection. Fee charges.

9 CFR Part 354

Meat inspection. Fee charges.

9 CFR Part 355

Animal foods. Fee charges.

9 CFR Part 362

Poultry and poultry products. Fee charges.

9 CFR Part 381

Poultry products inspection. Fee charges.

PART 307—[AMENDED]

The proposed amendments to the Federal meat and poultry products inspection regulations are as follows:

1. The authority citation for Part 307 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695; 7 CFR 2.15(a), 2.92.

2. Section 307.5(a) would be revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.76 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

PART 350—[AMENDED]

3. The authority citation for Part 350 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a), 2.92.

4. Section 350.7(c) would be revised to read as follows:

§ 350.7 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of \$17.12 per hour for base time, \$19.76 per hour for overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include, but will not be limited to, the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

PART 351—[AMENDED]

5. The authority citation for Part 351 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

6. Section 351.8 would be revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of \$17.12 per hour for base time, \$19.76 per hour for overtime, travel and per diem allowances at rates currently allowed by the Government Travel Regulations, and other expenses incidental to the initial survey of rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) would be revised to read as follows:

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be \$17.12 per hour for base time and \$19.76 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and \$31.00 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time

required for the travel of the inspector or inspectors in connection therewith.

PART 354—[AMENDED]

8. The authority citation for Part 354 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

9. Section 354.101(b) would be revised to read as follows:

§ 354.101 On a fee basis.

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be \$17.12 for base time and \$19.76 for overtime or holiday work.

PART 355—[AMENDED]

10. The authority citation for Part 355 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

11. Section 355.12 would be revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be \$17.12 per hour for base time, \$19.76 per hour for overtime, including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory services to reimburse the Department for the cost of the inspection service furnished.

PART 362—[AMENDED]

12. The authority citation for Part 362 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

13. Section 362.5(c) would be revised to read as follows:

§ 362.5 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of \$17.12 per hour for base time, \$19.76 per hour overtime including Saturdays, Sundays, and holidays, and \$31.00 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the

regularly scheduled administrative workweek.

PART 381—[AMENDED]

14. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a), 2.92.

15. Section 381.38(a) would be revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service \$19.76 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

Done at Washington, DC, on August 5, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-23394 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-0M-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 154

[Docket No. RM83-52-000]

Revisions Filing Requirements for Changes in a Tariff, Executed Service Agreement or Part Thereof

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: By this notice, the Federal Energy Regulatory Commission (Commission) proposes to revise § 154.63 of its regulations, "Changes in a tariff, executed service agreement or part thereof." This section contains the filing requirements of any change in a tariff or service agreement of a natural gas company. These revisions are made as part of the Commission's ongoing program to review all of its reporting requirements to eliminate those requirements that are not necessary to the performance of the Commission's responsibility. Also, in order to expedite the review process required for changes

to a tariff, the Commission proposes to add certain filing requirements which it obtains through time-consuming supplemental data requests. Furthermore, the Commission proposes to make minor updating revisions.

In addition to general comments, the Commission is requesting specific comments on the cost and burden hours associated with the proposed amendments and on its proposal to require a natural gas company to submit a lead-lag study in support of the cash working capital allowance it claims in its rate filing. However, the Commission is requesting comments on alternatives to a lead-lag study as support for claimed cash working allowance.

DATES: Comments due on October 17, 1983.

ADDRESS: Comments must be filed with the Office of the Secretary, 825 N. Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stosser, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION:

Issued: August 17, 1983.

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to revise section 154.63 of the Commission's regulations under the Natural Gas Act (15 U.S.C. 717-717w (1976 and Supp. IV 1980)). *Changes in a tariff, executed service agreement or part thereof*, 18 CFR 154.63 (1982). This section contains the filing requirements of any change in a tariff or service agreement of a natural gas company. The information submitted is used to analyze a pipeline's rate design and to set a just and reasonable rate for that pipeline's service.

This rulemaking proceeding has been initiated as part of the Commission's ongoing program reviewing the Commission's filing requirements, eliminating the reporting of information that is not used for decisionmaking in the regulatory process, and reducing unnecessary reporting burdens. As a result of this review, the Commission proposes to revise its filing requirements by deleting certain information. The Commission is also proposing to add to the filing requirements certain information necessary for the Commission to review a change in the rate or tariff. Presently, that information is routinely obtained through supplemental data requests. The collection of this information in the

application stage will reduce the burden on applicants. In addition, the Commission proposes to make minor updating revisions and corrections.

II. Background

The Natural Gas Act requires that any rate charged by a natural gas pipeline be "just and reasonable." Section 4(a), 15 U.S.C. 717c(a) (1976). In order to aid the Commission in establishing such a rate, the Act requires that a natural gas pipeline company, subject to the jurisdiction of the Commission, file with the Commission sixty days prior to becoming effective, any initial rates that it charges, section 4(c), 15 U.S.C. 717c(c) (1976); and that it file with the Commission thirty days prior to becoming effective, any changes in these filed rates. Section 4(d), 15 U.S.C. 717c(d) (1976). The Commission may suspend both the initial rate and any changes in that rate for up to five months. See Interpretation of Authority to Suspend Initial Rate Schedules, 48 FR 24,358 (June 1, 1983) (to be codified at 18 CFR 2.3(d)). Also it may order a hearing to determine the lawfulness of the rates. Section 4(e), 15 U.S.C. 717c(e) (1976).

The Commission's regulations promulgated to implement the Act distinguish between filing requirements for an initial rate schedule, 18 CFR 154.62 (1982), and the filing requirements for a change in rate schedule, 18 CFR 154.63 (1982). In general 154.63 distinguishes between major and minor increases, decreases, and other types of changes, and establishes filing requirements appropriate to these characterizations.

III. Summary of Proposed Changes

A. Elimination of Unnecessary Information Collection

The Commission proposes to delete certain information which is no longer required by the Commission in its review process. Some of this information is outdated, whereas other information is available to the Commission from other filings or proceedings. Therefore, this action is in accordance with the Commission's effort to minimize the reporting burden on regulated entities. The following is a brief summary of the amendments designed to delete certain information no longer necessary at the Commission.

(1) Amend Schedule C-1 by deleting the requirements to show, as of the beginning of the 12 months of actual experience, the book additions and reductions, transfer and reclassification and to show, instead, only the Ending

Base Period Balances, Test Period Adjustments and Test Period Balances.

(2) Delete Schedule C-3—Base Period Monthly Balances, Gas Plant in Service.

(3) Delete Schedule C-4—Book Changes in Gas Plant in Service for Last Calendar Year.

(4) Amend Schedule C-5 by deleting the requirement to file a main line map showing all major projects completed during the base period, and a list of principal projects certificated by the Commission.

(5) Delete:
Schedule C-7—Map of Producing Areas
Schedule C-8—Summary of Gas Reserves

Schedule C-9—Summary of Gathering Facilities

Schedule C-10—Acquisition of Gas in Place

Schedule C-11—Summary of Gasoline and Purification Plants in Service

Schedule C-13—Changes in Intangible Plant

Schedule C-15—Acquired Operating Units with Unapproved Final Accounting

(6) Delete Schedule D-1—Base Period Monthly Balance, Accumulated DD&A Provisions.

(7) Delete Schedule E-2—Materials and Supplies and other elements for two years prior to base period.

(8) Delete Schedule H(1)-2—Annual cost of exploration and development expenditures for the last four years.

(9) Amend Schedule H(1)-3—Gas purchases by deleting the requirement to show the details of each major exchange for companies with a PGA clause.

(10) Delete Schedule H(4)-1—Gas Utility taxes paid.

(11) Amend Statement N by deleting the words "test period" at the end of the first paragraph.

(12) Amend Statement O by requiring a detailed system map only if significant changes have occurred since the filing of the last FERC Form No. 2; and by deleting Item (4)—Digest of contractual provisions relating to volumes and terms for contracts delivering in excess of 1 Bcf annually.

(13) Delete Statement Q—Price Stabilization Exhibit.

B. Information Required in Lieu of Supplemental Data Requests

The Commission is proposing to add certain information that the Commission requires from almost all applicants at various stages of the investigative process. Routinely, the Commission obtains this information through numerous data requests as the review process progresses. Rarely is such a request refused. However, the Commission believes that the filing of

this information at the initial stage of the review process will enable staff to analyze the requisite data much earlier, avoid unnecessary follow-up requests, and expedite the analysis of the application. Consequently, the Commission is proposing to amend its regulations to require the filing of additional information. The Commission, however, is cognizant of the possible increased burden on applicants. Therefore, it is particularly interested in receiving information from potentially affected persons. The following is a brief summary of that information.

(1) Amend Schedule C-1 by adding the requirement to show the depreciable and non-depreciable plant and separate production and gathering plant and transmission plant between onshore and offshore.

(2) Amend Statement D by adding a provision to require the reporting of authorized negative salvage to be reflected as a separate and distinct part of Account No. 108. Additionally, this schedule would show the reserves separated between onshore and offshore production and gathering plant and transmission plant.

(3) Amend Schedule D-2 by deleting the details currently required and substitute therein a new requirement which would require applicants who are booking depreciation rates not yet approved by FERC, to show the amount of unapproved depreciation expense separately, by rate, proceeding and provide an explanation of the difference.

(4) Amend Statement E by adding a provision to require a lead-lag study in support of its claimed cash working capital requirements.

(5) Amend by adding a new Schedule E-3 to require a reconciliation with the flow-through of the cost of gas injected and withdrawn from storage recorded in Account No. 191 with the storage inventory amounts claimed by the company. Additionally, the company using LIFO method of storage inventory would be required to provide the data required by this schedule by LIFO layers.

(6) Amend Statement F(5)-1 by adding a provision which would require the filing of the company's most recent annual report to the stockholders and a copy of the most recent annual report to the SEC-Form 10k.

(7) Amend Schedule F(5)-4 by restricting the reporting of earnings per share to publicly-owned companies only.

(8) Amend Schedule G to require three additional schedules providing details of revenues received by the applicant which are not related to gas sales. These

schedules require the submission of data related to transportation of gas for others, revenues related to products extraction activities and revenues related to the transportation of liquids, liquefiable hydrocarbons, and non-hydrocarbons constituents owned by producers.

(9) Amend Schedule H(1)-1 by requiring as part of working papers a separate schedule for base period and as adjusted expenditures, by month for labor, supplies and expenses and gas purchased. Additionally, this schedule should show separately the expenses and associated gas volumes applicable to Account Nos. 810, 811, and 812 and the volumes and expenses for each of the contra-accounts for both the base and test periods.

(10) Amend Schedule H(1)-3 by adding a requirement that a company which operates under a "PGA Option" for purchase gas costs shall file a separate attachment as part of Schedule H(1)-3 which sets forth the development of the purchased gas costs for the test period including volumes, the PGA rate utilized, the filing date, Docket No., and date of Commission order underlying such unit rate.

(11) Amend Schedule H(2) by adding a provision which would show separately the negative salvage expense. Additionally, this schedule would be modified to show the production and gathering function and the transmission function to be further classified between offshore and onshore.

(12) Amend Schedule H(2)-1 by adding a provision to reflect negative salvage expense and to classify the production and gathering function and the transmission function between offshore and onshore.

(13) Amend Schedule H(3)-1 by deleting the requirement to furnish a reconciliation of book net income with taxable net income for three previous years.

(14) Amend by adding a new schedule No. H(3)-7 which provides for a reconciliation between book and tax depreciable basis for determining the remaining deficiency in the Deferred Tax Account No. 282.

(15) Amend Schedule H(4) by adding a provision requiring a disclosure of the kinds of taxes paid under protests.

(16) Amend Schedule I-4 to provide details related to base and test period costs and associated volumes of compression and transportation of gas by others and to identify those services which are shortterm or limited term transportation under NGA and NGPA.

(17) Amend Schedule I-7 by adding a requirement which would show by

accounts, purchases made and test period projections under special NGA and NGPA provisions.

(18) Amend Statement O by: (1) requiring a complete rate history every 3 years unless a general rate filing was made in the interim which then would require the filing of only those changes since the last complete rate history filing; and (2) by requiring the most recent 3 year certificate history to be filed every 3 years instead of the current 5 years unless a general rate filing was made in the interim which then would require the filing of only those applications made since the last 3 year history.

(19) Amend by adding a new Schedule No. K-2 which would require a company to furnish a complete explanation and justification for any changes in cost classification, allocation, crediting, and/or rate design procedures as compared to those used in developing its underlying rate.

C. Updates in Terminology

The Commission is also proposing to make technical changes to the regulations to change references from the Federal Power Commission to the Federal Energy Regulatory Commission, and to change reference to certain divisions or offices which have been reorganized and renamed to their current name.

IV. Specific Comments Requested

The Commission requests comments on all aspects of this notice. The Commission particularly invites comments on the following:

1. Information from potentially affected persons on the cost and burden hours associated with the proposed amendments.

2. As briefly discussed above (at page 6, number 4), the Commission is proposing to amend Statement E to require a natural gas pipeline company to submit a lead-lag study in support of the cash working capital allowance it claims in its rate filing. This amendment is generally consistent with current Commission staff practice.¹ However, instead of a pipeline submitting a lead-lag study when it requests a change in a tariff, it could calculate, on a continuing basis, its cash working capital

requirements in a manner similar to the way it tracks changes in its purchased gas acquisition costs through FERC Account No. 191. Under the Commission's purchased gas adjustment (PGA) regulations (18 CFR 154.38), a company reports its purchased gas acquisition costs monthly and clears its accounts either annually or semiannually through FERC Account No. 191. If a similar procedure were established to support claimed cash working capital, in lieu of a lead-lag study, it probably would be necessary to establish a new account. Moreover, because monthly filings might be unduly burdensome, it might be more appropriate for a company to file its actual needs for cash working capital quarterly, semiannually, or by some other method. The Commission requests comments on all aspects of this alternative.

The Commission also notes that negative cash working capital allowances (leads) presently are not subtracted from rate base in natural gas pipeline rate cases. Therefore, if either a lead-lag study or an alternative procedure were required, the Commission is especially interested in receiving comments as to whether it would be appropriate to subtract leads in determining rate base.

3. The Commission is concerned that any new procedures proposed in this notice may conflict with existing rate settlements and, therefore, requests comments on the possible retroactive effect of the rule.

V. Certification of No significant Economic Impact

The regulatory Flexibility Act (RFA) (5 U.S.C. 601-612 (Supp. IV 1980)) requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities." The Commission is not required to make an RFA analysis if it certifies that a proposed rule will not have a "significant economic impact on a substantial number of small entities."

If promulgated, the rule would delete certain reporting requirements, simplify others, add filing requirements, and make other minor revisions and corrections to section 154.63 of the Commission's regulations for natural gas pipeline companies requesting a change in their rates. The proposed additional information to be collected would allow the Commission to expedite the investigative process required to make a change in the rate.

This rule affects less than 50 interstate natural gas pipeline companies, none of which would be considered "small

entities."² While the Commission recognizes that it is adding filing requirements which would increase the burden imposed on these regulated entities, the Commission believes that any additional burden imposed by this rule would not be "significant." Therefore, pursuant to Section 605(a) of the RFA, the Commission finds that this proposed rule would not have "a significant economic impact on a substantial number of small entities."

VI. Paperwork Reduction Act

The information collection provisions in this proposed rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act, 44 U.S.C. 3501-3520 (Supp. IV 1980), and OMB's regulations, 48 CFR 13.666, 13.694 (1983) (to be codified at 5 CFR 1320.13). Interested persons can obtain information on the proposed information collection provisions by contacting the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426 (Attention: Michael A. Stosser, (202) 357-8033). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for the Federal Energy Regulatory Commission).

VII. Written Comment Procedures

The Commission invites all interested persons to submit written data, views and other information concerning the matters set out in this Notice. All comments in response to this Notice should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should refer to Docket No. RM83-52-000. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EST, October 17, 1983, will be considered by the Commission prior to promulgation of the final regulations.

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

(Natural Gas Act, 15 U.S.C. 717-717w (1976 and Supp. IV 1980); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (Supp.

¹ The Commission is reexamining its policy on cash working capital treatment in ratemaking for electric utilities, based on various policy objectives. These policy objectives are: to increase accuracy in customer rates; to minimize the use of company, customer, and regulatory resources; and to minimize distortion of incentives for efficiency. In the near future, the Commission may issue a Notice of Proposed Rulemaking to explore methods for accomplishing these objectives with respect to cash working capital allowances of electric utilities.

² Section 3 of the Small Business Act, 15 U.S.C. 632 (Supp. IV 1980) defines "small-business concern" as a business which is independently owned and operated and which is not dominant in its field of operation.

IV 1980): Exec. Order 12,009, 3 CFR Part 142 (1978)].

List of Subjects in 18 CFR Part 154

Natural gas.

In consideration of the foregoing, the Commission proposes to amend the filing requirements for natural gas companies, as contained in § 154.63 of the Commission's Rules and Regulations under the Natural Gas Act as set forth below.

By direction of the Commission,
Kenneth F. Plumb,
Secretary.

PART 154—[AMENDED]

§ 154.63 [Amended]

1. In § 154.63, paragraph (b)(4) is amended by removing in the title the words "Minor rate increase or rate decrease" and inserting, in their place, the words "Minor rate increase, rate decrease and changes in cost of service tariff." Paragraphs (c)(1), (c)(2), and (e)(4) are amended by removing the words "Chief, Pipeline and Producer Rate Division (Bureau of Natural Gas)" and inserting, in their place, the words "Director, Division of Gas Pipeline Rates (Office of Pipeline and Producer Regulation)". Paragraphs (c)(2) and (f) are amended by removing the words "FPC" and inserting, in their place, the words "FERC". Paragraph (e)(2)(i) is amended by adding the following sentence at the end of the paragraph:

(e) * * *
(2) * * *
(i) * * *

The Commission may allow reasonable deviation from the prescribed test period; also, deviation will be allowed when the filing company proposes to support the changed rate levels with actual expense for a 12 month base period adjusted only for annualization and normalization of those actual costs.

2. In § 154.63, paragraph (e) is amended by removing paragraph (e)(6); paragraph (f) is amended by removing the following schedules: C-3, C-4, C-7 through C-11, C-13, C-15, D-1, E-2, H(1)-2, H(4)-1, and Q; and by redesignating schedules C-5, C-6, C-12, C-14, D-2 through D-4, E-3, H(1)-3, H(1)-4 through H(1)4h, and H(4)-2 as C-3, C-4, C-5, C-6, D-1 through D-3, E-2, H(1)-2, H(1)-3 through H(1)-3h, and H(4)-1, respectively.

3. In § 154.63(f), the following new Schedules E-3, H(3)-7 and K-2 are added, to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

(f) * * *

Schedule E-3—If gas is priced in and out of storage through FERC Account No. 191, the base periods storage activity should be reconciled with amounts charged to Account No. 191 and any difference should be fully explained. Companies using the LIFO method of storage accounting shall provide the data required by this schedule by LIFO "layers".

Schedule H(3)-7—If the Company, in a prior rate case, elected to use the South Georgia Method (Docket No. RP77-32, letter order issued May 5, 1978), or another method, a schedule to be a part of the workpapers showing the computation of an updated reconciliation between book depreciable plant and tax depreciable plant and accumulated provision for deferred income taxes, projected through the end of the test period shall be filed. The reconciliation shall be made using the same conditions as that agreed to when the original election was made and should show the amount, if any, of the remaining deficiency in the deferred income tax Account No. 282. In addition, the Company shall report any changes made from the effective date of the South Georgia Method, or any other method, adopted and the elections made with Internal Revenue Service regarding gains on reacquired debts in accordance with Internal Service Code § 108 and § 1017.

Schedule K-2 The company shall furnish a narrative, if not already included in Statement P or elsewhere in its filing, setting forth any changes in cost classification, allocation, crediting, and/or rate design procedures as compared to those used in developing its underlying rates. The filing shall also include a full and complete explanation and justification for any changes.

4. In § 154.63(f), the following amendments are made:

a. Statement B is amended by removing in the title the words "Overall cost of service" and inserting in their place the words "Overall rate base and return."

b. Schedule C-1 is amended by revising it to read as follows:

Schedule C-1, showing in columnar form only the ending base period balance, test period adjustments, and test period balance for each of the above accounts, the amounts by detailed plant account prescribed by the

Commission's Uniform System of Accounts for Natural Gas Companies (Parts 201 and 204 of this chapter) with subtotals thereof by functional classifications, i.e., Intangible Plant, Manufactured Gas Production Plant, Natural Gas Production and Gathering Plant, Products Extraction Plant, Underground Storage Plant, Local Storage Plant, Transmission Plant, Distribution Plant and General Plant; provided, however, that to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

In addition, the schedule shall show depreciable and nondepreciable plant and onshore and offshore production and gathering plant and transmission plant.

c. Newly redesignated Schedule C-3 is amended by removing the second sentence.

d. Statement D is amended by adding at the end of the first paragraph the following two sentences:

Statement D * * * Any authorized negative salvage shall be reflected as a separate and distinct part of Account No. 108. This statement also shall show depreciation reserve associated with onshore and offshore production and gathering plant and transmission plant.

e. Newly redesignated Schedule D-1 is amended by revising to read as follows:

Schedule D-1, which is to be part of the working papers showing the depreciation reserve book applicable to that portion of the depreciation rate not yet approved by FERC, the rates, Docket No. and any explanation of the difference. This schedule shall also show the depreciation reserve separated between onshore production and gathering plant and offshore transmission plant.

f. Statement E is amended by revising it to read as follows:

Statement E—Working capital. This statement shall show the computation of the cash working capital claimed as a part of the gas utility rate base. The statement shall also show the respective other components of working capital claimed and be in such detail as to show how the amount of each component was computed.

The cash working capital allowances may include an amount not to exceed one-eighth of annual operating expenses, as adjusted, exclusive of: the cost of gas purchased for resale; fuel gas charged to operating expenses; royalty payments on gas produced; transmission and compression of gas by others; royalty payments on products extracted; products purchased for resale; net of exchanged gas; and noncash operating expenses such as depreciation transferred through clearing accounts to operating expenses, provided that the resulting amount is supported by an accompanying lead-lag study.

The components of working capital may include an allowance for the average of 13 monthly balances of materials and supplies prepayments, the unrecovered portion of

advances to suppliers in Account No. 166 made under contracts executed prior to 10:49 a.m. E.S.T. on December 31, 1975, and gas for current delivery from underground storage. Any item claimed which is different from or in addition to those specified herein shall be explained and the reasons for inclusion therein shall be given.

g. Schedule F(5)-1 is amended by adding at the end thereof the following two sentences:

Schedule F(5)-1 * * * Submit information respecting any stock dividends, stock splits or changes in part or estimated value during five-year period preceding date of the balance sheet and by months for the 12-month period ending on that date. Submit also, a copy of the most recent annual report to stockholders and a copy of the most recent SEC Annual Report Form 10K.

h. Schedule F(5)-4 is amended by revising it to read as follows:

Schedule F(5)-4. Where applicant is a publicly-owned company, show the earnings per share of common stock which the claimed rate of return would yield.

i. Statement G is amended by adding after the first paragraph in paragraph (b) and before the paragraph beginning "Each jurisdictional sale for resale" the following new paragraphs designated as "c", "d", and "e":

Schedule G

(a) * * *

(b) * * *

(c) A schedule showing the revenues from the transportation of gas for others. This schedule shall show by rate schedule the base and test period volumes and revenues and the rates used to develop the test period revenues. In addition, this schedule shall identify rate schedules under which costs are allocated and rate schedules under which revenues are credited for the test period in the application with cross-references to the other filed schedules of the application.

(d) A schedule showing revenues applicable to the sale of products. This schedule shall show the name and location of each product extraction plant handling gas of the applicant, the inlet and outlet annual Mcf and average heating value of the applicant's gas at each plant (specify dry or wet basis) and the revenues received by the applicant by product by month for each extraction plant for both the base and test period. In addition, the schedule shall show the gallons and price per gallon used to develop the monthly revenues.

(e) A schedule showing Other Gas Revenues (Account No. 495). This schedule shall separately state each item and revenue received for the transportation of liquids, liquefiable hydrocarbon or nonhydrocarbon constituents owned by producers. For both the base and test periods, this schedule shall indicate by producer contract, the volume transported; the unit rate charged for transportation; the revenues received; the

producing area, including block number for offshore areas, which the contract contemplates; and the processing plant where the constituents owned by the producer are removed from the gas stream.

Each jurisdictional sale for resale * * *

j. Schedule H(1)-1 is amended by revising it to read as follows:

Schedule H(1)-1 to be a part of the working papers with respect to the following listed schedules showing the labor costs, materials and other charges (excluding purchased gas costs) and expenses associated with Account Nos. 810, 811 and 812 recorded in each gas operation and maintenance expense account of the Uniform System of Accounts. These expenses shall be shown, under the appropriate columnar-headings, as follows, with subtotals for each functional classification: (a) operation and maintenance expenses by months, as booked, for the 12 months of actual experience, and the total thereof, (b) adjustments, if any, to expenses as booked and (c) total adjusted operation and maintenance expenses claimed. In the event the monthly expenses as presented per books reflect any special accrual or equalization accounting entries for internal purposes, the effect thereof shall be fully disclosed and explained. Any amounts not currently payable, except depreciation charged through clearing accounts, included in operation and maintenance expenses shall be fully explained.

Schedule H(1)-1(a)—Labor Costs.

Schedule H(1)-1(b)—Materials and Other Charges (Excluding Purchased Gas Costs).

Schedule H(1)-1(c)—Expenses and Associated Volumes Applicable to Accounts Nos. 810, 811 and 812. The expenses and volumes for each of the contra-accounts for both base and test periods shall be shown.

k. Newly redesignated Schedule H(1)-2 is amended by adding at the end thereof:

Schedule H(1)-2 * * * A pipeline operating under the "PGA option" for purchased gas costs shall file a separate attachments as part of this schedule which sets forth the development of the purchased gas costs for the test period including volumes, the PGA rate utilized, the filing date, Docket No., and date of Commission order underlying such unit rate.

l. Statement H(2) is amended by revising the title, revising the first sentence, and adding a new sentence immediately after the first sentence to read as follows:

Statement H(2)—Depreciation, depletion, amortization and negative salvage expenses. This statement shall show separately the gas plant depreciation, depletion, amortization and negative salvage expenses by functional classifications. The production and gathering function and the transmission function shall be further classified as onshore and offshore.

m. Schedule H(2)-1 is amended by revising it to read as follows:

Schedule H(2)-1—There shall be included in support of Statement H(2) a reconciliation of the depreciable plant shown therein with the aggregate investment in gas plant shown in Statement C, and the expense thereon charged in the first instance to other than prescribed depreciation, depletion, amortization and negative salvage expense accounts. The production and gathering function and the transmission function shall be classified between onshore and offshore.

n. Schedule H(3)-1 is amended by removing the words "and the three previous year" from the end of the first sentence.

o. Schedule H(4) is amended by removing the words "Schedule H(4)" and inserting in their place, the words "Statement H(4)"; and by adding a new sentence at the end of the first sentence. As amended, the statement shall read as follows:

Statement H(4)—Other taxes. This statement shall show the gas utility taxes, other than Federal or state income taxes in separate columns, as follows: (a) Tax expense per books for the 12 months of actual experience, (b) adjustments, if any, to amounts booked, and (c) the total adjusted taxes claimed. Provide the details of the kind and amount of taxes paid under protest or in connection with taxes under litigation.

p. Schedule I-4 is amended by revising it to read as follows:

Schedule I-4—Details of base and test period costs of compression and transportation of gas by others setting forth for each service the name of the transporter, the rate schedule or other designation, the base and test period volumes (contract demand and annual) and the demand and commodity rates utilized to develop the costs. In addition, the applicant shall identify those services which are short-term or limited term transportations under NGA and NGPA with appropriate section designation.

q. Schedule I-7 is amended by removing the reference to "page 567" in the first sentence and inserting in place thereof reference to "pages 518 and 519"; and by adding at the end thereof the following new sentence:

The schedule shall show by accounts, purchases made or projected pursuant to NGPA section 311 and section 157.45 of the Commission's regulations.

r. Statement N is amended by removing the words "for the test period" from the end of the last sentence in the first paragraph.

s. Statement O is amended by revising it to read as follows:

Statement O—Description of Company Operations. A description of the company's

area and diversity of operations including the following:

(1) A detailed system map is required only if significant changes have occurred since the filing of the last FERC Form No. 2.

(2) A complete rate history showing filing and rate levels since the beginning of the company with a brief description of each filing. Such rate history need be filed every three years and any general rate filing made in the interim reflect only those changes since the last complete rate history filing.

(3) A detailed history of each major expansion (new service), and major abandonment certificate issued to the company by FERC filing for the last three years of the company, along with a brief description of each certificate. Such 3 year certificate history need be filed every 3 years and any general rate filing made in the interim reflect only those changes since the last 3 year rate history filing.

(4) A detailed description of how the company designs and operates its systems, including design temperature or temperatures and the effect of conjunctive billing on design considerations.

[FR Doc. 83-23123 Filed 8-23-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 483]

Establishment of Columbia Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is considering the establishment of an American viticultural area in Washington and Oregon known as "Columbia Valley." This proposal is the result of a petition filed by Walter Clore of Prosser, Washington, and of a petition filed by William Blosser of the Sokol Blosser Winery, Dundee, Oregon. The establishment of the Columbia Valley viticultural area and the use of the viticultural area name in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines originate, and will help consumers to identify the wines they purchase.

DATES: Written comments must be received by October 11, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington,

DC 20044-0385, Attention: Notice No. 483.

Copies of the petitions, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

Title 27, CFR, Part 4, provides for the establishment of definite viticultural areas. These regulations also provide for the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. American viticultural areas are listed in 27 CFR Part 9.

Sections 9.11 and 4.25a(e)(1), of Title 27, CFR define an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which are found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petitions

ATF has been petitioned by Mr. Walter J. Clore, a wine consultant in Prosser, Washington, to establish a viticultural area in Washington known as "Columbia Valley."

ATF has received a separate petition from Mr. William Blosser of the Sokol

Blosser Winery in Dundee, Oregon, to include an adjacent portion of Oregon within the Columbia Valley viticultural area. The geographic criteria used by both petitioners to define the boundaries is the same, and the proposed Columbia Valley viticultural area includes portions of both Washington and Oregon.

Name

The name "Columbia Valley" is well established. In 1804-1806, the Lewis and Clark Pacific Expedition explored and mapped the area, and their maps show both the Columbia River and the Columbia Valley. Later, other explorers and pioneers referred to the treeless basin in Washington, Oregon, and Idaho as the Columbia Valley, Columbia Plain, Great Columbia Plain, Columbia Plateau, Columbia Basin and Inland Empire. The term Columbia Valley is in widespread usage today as referring to the proposed area, and appears in literature, magazines, newspapers, and maps of the area.

Climate

Climate is one feature which differentiates the Columbia Valley from surrounding areas. In general, the climate may be characterized by the length of the growing season, total degree days, and rainfall.

Growing season. Total frost free days (32 degrees F.) within the Columbia Valley average 150 or more per year. The growing season ranges from a high of 204 days at The Dalles to 201 days at Chelan, Wash.; 194 days at the Grand Coulee Dam and at Milton-Freewater, Ore.; 186 days at Ephrata, Wash.; 184 days at Kennewick and Yakima; 175 days at Brewster, Wash.; 171 days at Walla Walla; 164 days at Wasco, Ore.; 157 days at Clarkston Heights, Wash.; and 152 days at Moro and Heppner, Ore. Areas outside the Columbia Valley experience a growing season of less than 150 days with seasons averaging 128 days at Goldendale, Wash.; 132 days at Cle Elum, Wash.; 87 days at Plain, Wash.; 124 days at Colville, Wash.; 121 days at Colfax, Wash.; and 137 days at Dufur, Ore.

Although the petitioner included all of that part of Washington within the proposed Columbia Valley viticultural area which is known by that name, ATF finds that the climatic evidence indicates the portion of the valley lying between the Snake River and Banks Lake experience a shorter growing season similar to areas outside the Columbia Valley (Colfax 121 days, Ritzville 137 days, Moses Lake 143 days, Odessa 124 days, Hatton 135 days,

Wilson Creek 130 days). Therefore, ATF has concluded this area should be excluded from the proposed Columbia Valley viticultural area. Accordingly, the proposed boundaries exclude the area east of Washington Highway 25; south of the township line between T. 26 N. and T. 27 N.; east of Banks Lake, Coulee City, and Soap Lake; east of a line between Soap Lake, Moses Lake, and Connell; and north of Washington Highway 260, 26, and 127 between Connell, Washtucna, La Crosse, and Colfax.

Degree days. Total degree days as measured by the scale developed by Winkler and Amerine of the University of California generally range between 2000 and 3000 for areas within the Columbia Valley although some locations experience readings well in excess of 3000 degree days. Typical readings are 2636 degree days at Kennewick, Wash.; 2666 at Sunnyside, Wash.; 2274 at Yakima; 2818 at Wenatchee, Wash.; 2512 at Grand Coulee Dam, Wash.; 2605 at Clarkston Heights, Wash.; 2881 at Walla Walla (FAA); 3230 at Richland, Wash.; 3014 at The Dalles; 2073 at Moro, Oreg.; 2040 at Heppner, Oreg.; 3006 at Milton-Freewater, Oreg.; and 2711 degree days at Pendleton. Surrounding areas experience less than 2000 degree days with 1820 at Goldendale, Wash.; 1678 at Cle Elum, Wash.; and 1901 degree days at Colville, Wash.

Rainfall. The third climatic condition, rainfall, is substantially less within the Columbia Valley than in surrounding areas. Within the Columbia Valley rainfall is less than 15 inches annually, ranging from a low of 6 to 9.9 inches throughout Benton County, Wash., to 10 inches in Wenatchee, Wash.; 15 inches in Walla Walla; 13 inches in Clarkston Heights, Wash.; 14 inches at The Dalles; 12 inches at Moro, Oreg.; 13½ inches at Milton-Freewater, Oreg.; and 12 inches at Pendleton. Rainfall in surrounding areas is higher, with an annual average of 17 inches at Goldendale, Wash.; 22 inches at Cle Elum, Wash.; 17 inches at Colville, Wash.; and 39 inches at Mill Creek, Wash.

Overall, the Columbia Valley may be characterized as experiencing a growing season of over 150 days, a total degree day average of over 2000, and annual rainfall of 15 inches or less.

Topography and Geographical Features

The Columbia Valley is a large, treeless basin surrounding the Yakima, Snake and Columbia Rivers in Washington and Oregon. The area is distinguished by its broadly undulating or rolling surface, cut by rivers and broken by long sloping basaltic uplifts

extending generally in an east-west direction. The area is dominated by its major rivers.

The Cascade Mountain Range forms the western boundary of the Columbia Valley. These mountains intercept moist Pacific air, and contribute significantly to the semi-arid climate of the valley. To the north, the Okanogan Highlands form the boundary while on the east, the Greater Spokane area and the eastern portion of the high rolling Palouse Prairie constitute the boundary of the valley. The southern boundary is defined by the Blue Mountains, the 2000' contour line and the foothills of the Cascade Mountains southwest of the Columbia River. The Columbia Valley is treeless while all surrounding areas are forested. Elevation in surrounding areas exceeds 2000' while the elevation in the Columbia Valley generally does not exceed 2000'. These factors differentiate the Columbia Valley from surrounding areas.

Proposed Boundaries

The Columbia Valley contains approximately 23,000 square miles, has a maximum length of 185 miles from east to west, and 200 miles from north to south. ATF is proposing the entire Columbia Valley as a viticultural area except for the portion between Banks Lake and the Snake River. This deletion leaves approximately 18,000 square miles in the proposed viticultural area. Proposed boundaries are set out in the regulatory text of § 9.69.

The proposed area includes the Yakima Valley viticultural area, recognized in T.D. ATF-128, April 4, 1983 [48 FR 14374]. Furthermore, the area around Walla Walla has been proposed as an American viticultural area in Notice No. 471, June 27, 1983 [48 FR 29541].

ATF recognizes that the proposed Columbia Valley viticultural area is large. We therefore, request comments on whether any geographic or climatic factors exist which would enable the viticultural area to be reduced in size.

Evidence of Viticulture

Grapes are not indigenous to the area, but both *Vinifera* and *Labrusca* vines are grown throughout the area. The oldest planted *Vinifera* vines still in existence were planted by German immigrants in the Tampico vicinity, west of Union Gap, in 1871. Others were planted in the Kennewick area in 1895, and in the Walla Walla area by 1899.

Planting of premium *Vinifera* grapes began in the Columbia Valley in the mid 1960's. By 1981 there were over 6,610 acres of *Vinifera* grapes including 2,700 acres of bearing vineyards. Large

vineyards exist near Granger and Grandview in the Yakima Valley, north of Pasco, and along the Columbia River near Paterson. Other *Vinifera* vineyards exist farther west along the Columbia River, on the Wahluke Slope, in Quincy near Ellensburg, in the Walla Walla area and on the south bank of the Columbia River. Predominant varieties include White Riesling, Chenin Blanc, Chardonnay, Cabernet Sauvignon, Gewurztraminer, Merlot, Semillon, Sauvignon Blanc, Muscat, Pinot Noir, and Grenache. Nearly 20,000 acres of Concord grapes also grow within the proposed viticultural area, but they are not used in wine production.

Nine wineries are present within the Columbia Valley, with others expected to be bonded in the near future.

Public Participation

ATF requests comments from all interested persons concerning the proposed viticultural area. ATF is especially seeking comments regarding the boundaries of the area as proposed.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed viticultural area should submit his or her request, in writing, to the Director within the 45 day comment period. The request should include reasons why the respondent feels that a public hearing is necessary. The Director reserves the right to determine whether a public hearing will be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if adopted will allow the petitioners and other persons to use the appellation of origin "Columbia Valley" on wine labels and in wine advertising.

This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Drafting Information

The principal author of this document is Charles N. Bacon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1.—The table of sections in 27 CFR Part 9 is amended by adding § 9.74.

Subpart C—Approved American Viticultural Areas

§ 9.74 Columbia Valley.

Par. 2. Subpart C is amended by adding § 9.74 which reads as follows:

§ 9.74 Columbia Valley.

(a) *Name.* The name of the viticultural area described in this section is "Columbia Valley."

(b) *Approved maps.* The approved maps for determining the boundary of the Columbia Valley viticultural area are nine 1:250,000 scale U.S.G.S. maps. They are entitled:

- (1) "Concrete, Washington, U.S.; British Columbia, Canada," edition of 1955, limited revision 1962;
- (2) "Okanogan, Washington," Edition of 1954, limited revision 1963;
- (3) "Pendleton, Oregon, Washington," edition of 1953, revised 1973;
- (4) "Pullman, Washington, Idaho," edition of 1955, revised 1974;
- (5) "Ritzville, Washington," edition of 1953, limited revision 1965;
- (6) "The Dalles, Oregon, Washington," edition of 1953, revised 1971;
- (7) "Walla Walla, Washington, Oregon," edition of 1953, limited revision 1963;
- (8) "Wenatchee, Washington," edition of 1957, revised 1971; and
- (9) "Yakima, Washington," edition of 1958, revised 1971.

(c) *Boundaries.* The Columbia Valley viticultural area is located in Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Stevens, Walla Walla, Whitman, and Yakima Counties, Washington, and in Gillman, Morrow, Sherman, Umatilla, and Wasco Counties, Oregon. The beginning point is found on "The Dalles" U.S.G.S. map at the confluence of the Klickitat and Columbia Rivers.

(1) Then north and east following the Klickitat and Little Klickitat Rivers to U.S. Highway 97 northeast of Goldendale;

(2) Then north following U.S. Highway 97 to the 1000' contour line southwest of Hembre Mountain;

(3) Then west following the Toppenish Ridge, across unnamed mountain of 2172' and 2363' elevation, to the peak of Toppenish Mountain, elevation 3609';

(4) Then northwest in a straight line for approximately 11.3 miles to the intersection of Agency Creek with the township line between R. 15 E. and R. 16 E.

(5) Then north following the township

line between R. 15 E. and R. 16 E. to the Tieton River;

(6) Then northeast following the Tieton River to the confluence with the Naches River;

(7) Then east in a straight line for approximately 15.3 miles to the intersection of the 46° 45' latitude line with the Yakima River;

(8) Then north following the Yakima River to the confluence with the North Branch Canal approximately one mile northwest of Throp;

(9) Then north, east, and southeast following the North Branch Canal to its intersection with U.S. Interstate 90 in Johnson Canyon;

(10) Then east following U.S. Interstate 90 to the Columbia River;

(11) Then north following the Columbia River to the township line between T. 21 N. and T. 22 N. immediately north of the Rock Island Dam;

(12) Then west following the township line between T. 21 N. and T. 22 N. for approximately 7.1 miles (from the west shore of the Columbia River) to 2000' contour line immediately west of Squilchuck Creek;

(13) Then north and west following the 2000' contour line to the township line between R. 18 E. and R. 19 E. west of the landing area at Cashmere-Dryden;

(14) Then north following the township line between R. 18 E. and R. 19 E. for approximately 4.4 miles to the 2000' contour line in Ollala Canyon;

(15) Then east, north, and northwest following the 2000' contour line to the township line between R. 19 E. and R. 20 E. immediately west of Ardenvoir;

(16) Then north following the township line between R. 19 E. and R. 20 E. for approximately 2.8 miles to the 2000' contour line immediately north of a secondary road;

(17) Then southwest and north following the 2000' contour line to the township line between T. 28 N. and T. 29 N.;

(18) Then east following the township line between T. 28 N. and T. 29 N. for approximately 2.1 miles to the 2000' contour line immediately east of Lake Chelan;

(19) Then southeast and north following the 2000' contour line (beginning in the "Wenatchee" U.S.G.S. map, passing through the "Ritzville" and "Okanogan" maps, and ending in the "Concrete" map) to the point where the 2000' contour line intersects the township line between T. 30 N. and T. 31 N. immediately west of Methow;

(20) Then east following the township

between T. 30 N. and T. 31 N. for approximately 20.2 miles to the 2000' contour line east of Monse;

(21) Then south and east following the 2000' contour line to the township line between T. 30 N. and T. 31 N. west of Alkali Lake;

(22) Then northeast in a straight line for approximately 10.7 miles to the point of intersection of the 2000' contour line with Coyote Creek;

(23) Then east, north, south, east, and north following the 2000' contour line to the township line between T. 29 N. and T. 30 N. immediately west of the Sanpoil River;

(24) Then east following the township line between T. 29 N. and T. 30 N. for approximately 2.3 miles to the 2000' contour line immediately east of the Sanpoil River;

(25) Then south, east, and north following the 2000' contour line to the township line between T. 29 N. and T. 30 N. at Ninemile Flat;

(26) Then east following the township line between T. 29 N. and T. 30 N. for approximately 10.7 miles to the township line between R. 36 E. and R. 37 E.;

(27) Then south following the township line between R. 36 N. and R. 37 E. to the township line between T. 26 N. and T. 27 N.;

(28) Then west following the township line between T. 26 N. and T. 27 N. to Banks Lake;

(29) Then south following Banks Lake to Dry Falls Dam;

(30) Then west and south following U.S. Highway 2 and Washington Highway 17 to the intersection with Washington Highway 28 in Soap Lake;

(31) Then southeast in a straight line for approximately 4.7 miles to the source of Rocky Ford Creek near a fish hatchery;

(32) Then south following Rocky Ford Creek and Moses Lake to U.S. Interstate 90 southwest of the town of Moses Lake;

(33) Then east following U.S. Interstate 90 to the Burlington Northern (Northern Pacific) Railroad right-of-way at Raugust Station;

(34) Then south following the Burlington Northern (Northern Pacific) Railroad right-of-way to Washington Highway 260 in Connell;

(35) Then east following Washington Highway 260 through Kahlotus to the intersection with Washington Highway 26 in Washtucna;

(36) Then east following Washington Highway 26 and 127 through La Crosse and Dusty to the intersection with U.S. Highway 195 at Colfax;

(37) Then south following U.S. Highway 195 to the Washington—Idaho State boundary;

(38) Then south following the Washington—Idaho State boundary to the Snake River and continuing along the Snake River to the confluence with Asotin Creek;

(39) Then west following Asotin Creek and Charley Creek to the township line between R. 42 E. and R. 43 E.;

(40) Then north following the township line between R. 42 E. and R. 43 E. to Washington Highway 128 in Peola;

(41) Then north following Washington Highway 128 to the intersection with U.S. Highway 12 in Pomeroy;

(42) Then west following U.S. Highway 12 for approximately 5 miles to the intersection with Washington Highway 126 [in Zumwalt];

(43) Then southwest following Washington Highway 128, and U.S. Highway 12 (indicated as U.S. Highway 410 on the "Walla Walla" U.S.G.S. map) through Marengo, Dayton, and Waitsburg to Dry Creek in Dixie;

(44) Then south in a straight line for approximately 1.5 miles to the 2000' contour line marking the watershed between Dry Creek and Spring Creek;

(45) Then south and southwest following the 2000' contour line to the place where it crosses Oregon Highway 74 in Windmill, Oregon;

(46) Then west following Oregon Highway 74 to Highway 207 in Heppner;

(47) Then southwest following Oregon Highway 207 to Highway 206 in Ruggs;

(48) Then northwest following Oregon Highway 206 to the intersection with the township line between T. 1 S. and T. 2 S.;

(49) Then west following the township line between T. 1 S. and T. 2 S. to the Deschutes River;

(50) Then north following the Deschutes River to the Willamette Base Line;

(51) Then west following the Willamette Base Line to the township line between R. 12 E. and R. 13 E.;

(52) Then north following the township line between R. 12 E. and R. 13 E. to the Columbia River;

(53) Then west following the Columbia River to the confluence with the Klickitat River and the point of beginning.

Signed: August 3, 1983.

Stephen E. Higgins,

Director.

Approved: August 8, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-23262 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 250 and 252

Definition of "Area Adjacent to a State"

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the definition of "area adjacent to a State" to that portion of the Outer Continental Shelf (OCS) included within a planning area if such planning area is bordered by that State. The Department of the Interior (DOI) contends that this change will facilitate the proper inspection of privileged information by an affected State concerning any activity on the OCS adjacent to such State.

DATE: Comments must be delivered or postmarked no later than September 23, 1983.

ADDRESSES: Written comments must be mailed or hand delivered to: Department of the Interior, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 646, Reston, Virginia 22091, Attention: David A. Schuenke.

FOR FURTHER INFORMATION CONTACT:

David A. Schuenke, telephone: (703) 860-7916, (FTS) 928-7916.

SUPPLEMENTARY INFORMATION: Section 26 of the OCS Lands Act, 43 U.S.C. 1352. Permits the Governor of any affected State pursuant to an agreement with the Secretary to designate an official to inspect any privileged information received by DOI regarding any activity on the OCS adjacent to such State. As the act does not specifically define the phrase "Area adjacent to a State," for these purposes the regulations must provide a definition in order to determine what information a State is permitted to inspect. The current regulations define "area adjacent to a State" as "that portion of the OCS which would be within the area of a State if the State's boundaries were extended seaward to the outer margin of the OCS." For purposes of identifying the extended boundaries, DOI employed the use of boundaries established by the National Oceanic and Atmospheric Administration for purposes of the Coastal Energy Impact Program (CEIP). In the alternative, States were invited to adopt their own mutually-acceptable boundaries. Some States have objected to the use of CEIP boundaries and have suggested the use of Minerals Management Service (MMS) planning areas in determining areas adjacent to a State. Recognizing that a State has a

legitimate interest in obtaining access to information on OCS activities adjacent to such a State, DOI is proposing to amend the regulations to accommodate that legitimate State interest.

The use of planning areas to determine areas of the OCS which are adjacent to a State makes use of geographic boundaries which are established by MMS and are used in the lease offering process. The list below gives the established planning areas and the States which border each planning area.

Planning area	States which border planning area
North Atlantic Planning Area.....	Massachusetts, New Hampshire, and Maine.
Mid-Atlantic Planning Area.....	Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina.
South Atlantic Planning Area.....	North Carolina, South Carolina, Georgia, and Florida.
Eastern Gulf of Mexico Planning Area.....	Florida and Alabama.
Central Gulf of Mexico Planning Area.....	Alabama, Mississippi, and Louisiana.
Western Gulf of Mexico Planning Area.....	Texas.
Southern California Planning Area.....	California.
Central and Northern California Planning Area.....	Do.
Delta Field Planning Area.....	Alaska.
Barrow Arch Planning Area.....	Do.
Norton Basin Planning Area.....	Do.
Navarin Basin Planning Area.....	None.
St. George Basin Planning Area.....	Alaska.
North Aleutian Basin Planning Area.....	Do.
Shumagin Planning Area.....	Do.
Kodiak Planning Area.....	Do.
Cook Inlet Planning Area.....	Do.
Gulf of Alaska Planning Area.....	Do.

In the Alaska OCS Region, the Navarin Basin Planning Area does not include the area immediately seaward of Alaska and, as a result, is not bordered by any State. Since the Navarin Basin Planning Area is the first planning area seaward of Alaska, MMS believes that it should be deemed adjacent to Alaska, and the definition is broadened to include this area.

As this is an alteration of a definition to accommodate State interests in inspecting privileged information, DOI has determined that this document is not a major rule under Executive Order 12291.

The DOI also certifies that this rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., as the entities that engage in activities on the OCS are not considered small due to the technical complexity and financial resources necessary to conduct such activities.

This rule does not contain information

collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

Author: This document was prepared by John Mirabella, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects

30 CFR Part 250

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

30 CFR Part 252

Continental shelf, Freedom of information, Intergovernmental relations, Oil and gas exploration, Public lands/mineral resources, Reporting and recordkeeping requirements.

Dated: July 27, 1983

William P. Pendley,

Deputy Assistant Secretary of the Interior.

PART 250—[AMENDED]

For the reasons set forth above, it is proposed that 30 CFR Parts 250 and 252 be amended as shown:

1. In § 250.2, paragraph (e) is revised to read as follows:

§ 250.2 Definitions.

(e) "Area adjacent to a State" means all of that portion of the OCS included within a planning area if such planning area is bordered by that State. The portion of the OCS in the Navarin Basin Planning Area is considered to be adjacent to the State of Alaska.

PART 252—[AMENDED]

2. In § 252.2, paragraph (e) is revised to read as follows:

§ 252.2 Definitions.

(e) "Area adjacent to a State" means all of that portion of the OCS included within a planning area if such planning area is bordered by that State. The portion of the OCS in the Navarin Basin Planning Area is considered to be adjacent to the State of Alaska.

[FR Doc. 83-23196 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-MR-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3E2849/P306; PH-FRL 2417-8]

N,N-Diethyl-2-(1-Naphthalenyloxy) Propionamide; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy) propionamide (napropamide) in or on the raw agricultural commodity rhubarb. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before September 23, 1983.

ADDRESS: Written comments by mail to: Program Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, delivery comments to: Emergency Response and Minor Use Section, Registration Division (TS-767C), Environmental Protection Agency, RM. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E2849 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide N,N-diethyl-2-(1-naphthalenyloxy) propionamide in or on the raw agricultural commodity rhubarb at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the

tolerance is sought. The toxicological data considered in support of the proposed tolerance include an acute oral rat study with an LD₅₀ greater than 5 grams (g)/kilogram (kg); a 90-day rat feeding study with a no-observed-effect level (NOEL) of 25 milligrams (mg)/kg/day; a 90-day dog feeding study with a NOEL of 40 mg/kg/day; a 2-year rat feeding study with a NOEL of 30 mg/kg/day; a 2-year mouse feeding study with a NOEL of 30 mg/kg/day; a 3-generation rat reproduction study with a NOEL of 30 mg/kg/day; a rat teratology with a NOEL of 400 mg/kg/day; and three mutagenicity studies (rec-assay, host mediated, and Ames test), all negative for mutagenic effects. A teratology study in a second mammalian species is currently lacking.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 30 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.3 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 18.0 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0194 mg/day; the current action will increase the TMRC by 0.00008 mg/day (0.4 percent). Published and proposed tolerances utilize 0.11 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. Because no livestock feed items are involved, there is no expectation of finite residues in meat, milk, poultry or eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.328 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before September 23, 1983, that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 3E2849/P306]. All written comments filed in response to this petition will be available in the Emergency Response and Minor Use Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (56 FR 24950).

List of Subjects in 40 CFR Part 180

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

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

Dated: August 11, 1983.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR 180.328 be amended by adding, and alphabetically inserting, the raw agricultural commodity rhubarb to read as follows:

§ 180.328 N,N-Diethyl-2-(1-naphthalenyloxy)propionamide; tolerances for residues.

	Commodities	Parts per million
Rhubarb	0.1

[FR Doc. 83-22607 Filed 8-23-83; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 721

[OPTS-50503; TSH-FRL-2359.1]

Toxic Substances; Isopropylamine, Distillation Residues, and Ethylamine, Distillation Residues; Proposed Determination of Significant New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a Significant New Use Rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2604(a)(2), to require persons to notify EPA at least 90 days before manufacturing, importing, or processing isopropylamine, distillation residues and ethylamine, distillation residues for a "significant new use." These substances were the subject of premanufacture notices (PMN) P-80-289 and P-80-290, respectively. EPA is proposing that use in metalworking fluids be designated as a significant new use. The Agency is concerned that these substances may present unnecessary risks to human health if this defined new use occurs.

DATES: Written comments should be submitted by October 24, 1983.

ADDRESS: Comments should bear the document number OPTS-50503 and should be addressed to: TSCA Publication Information Officer (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Section 5(a)(2) of the Toxic Substances Control Act (TSCA) authorizes EPA to determine that a use of a chemical substance is a significant new use. EPA must make this determination by rule, after considering all relevant factors, including those listed in section 5(a)(2). Once a use is determined to be a significant new use, persons must, under section 5(a)(1)(B), submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. Such a notice is

generally subject to the same statutory requirements and procedures as a premanufacture notice (PMN) submitted under section 5(a)(1)(A). In particular, these include the information submission requirements of section 5(d)(1) and section 5(b), certain exemptions authorized by section 5(h), and the regulatory authorities of section 5(e) and section 5(f). If EPA does not take regulatory action under section 5, 6, or 7 to control a substance on which it has received a SNUR notice, section 5(g) requires the Agency to explain its reasons for not taking action in the Federal Register. In addition, if any person exports to a foreign country a chemical substance for which a SNUR has been proposed or promulgated, that person must notify EPA under section 12(b)(2) of TSCA so that EPA may in turn notify the foreign government.

I. PMN Background

On October 23, 1980, EPA received two PMNs which the Agency designated as P-80-289 and P-80-289. EPA announced receipt of the PMNs in the Federal Register of November 17, 1980 (45 FR 75750). The notice submitter, Air Products and Chemicals, Inc., claimed the production volume as Confidential Business Information (CBI). The specific chemical names of the substances are isopropylamine, distillation residues (P-80-290) and ethylamine, distillation residues (P-80-290). The notice submitter stated in the PMNs that the substances will be used as corrosion inhibitors for oil well service lines and secondary recovery recirculating water systems. They are marketed under trade names ANCOR® 301 (P-80-289) and ANCOR® 300 (P-80-290).

The manufacturer provided acute health effects data, including acute oral and dermal LD₅₀s and skin irritation studies. In addition, the manufacturer provided results of an Ames mutagenicity assay on the PMN substances, which indicated that the substances were non-mutagenic. However, EPA believes that, in the presence of nitrosating agents, many of the components of the PMN substances are likely to form nitrosamines that are either known carcinogens or that may possess carcinogenic potential.

During the PMN review period, the Agency concluded that, given the proposed uses of the substances, exposure of workers, consumers, and ecological populations to the substance would be low. In addition, the proposed PMN uses would not involve nitrosating agents and, therefore, concern for

potential carcinogenic effects would be low. In coming to this conclusion, EPA considered the following information derived from the PMNs: physical properties of the PMN substances, health effects data, worker exposure during the manufacture, processing, and uses of the chemical substances, consumer exposure, and environmental release. In the manufacture and processing of these chemicals, 4 to 8 workers are expected to be exposed for 6 to 8 hours per day, for 8 to 12 days per year, mainly during drumming operations. For the PMN uses, the use of protective safety equipment was proposed to minimize exposure. Furthermore, the chemicals are used at a 20 percent concentration in water systems, and at 3 ppm in oil well service lines. Users will typically add the blended formulation to water recovered from the drilling reservoir for recirculation into the oil/natural gas-producing reservoir. Finally, there is no consumer exposure to the PMN substances in their intended (PMN) uses.

Because of the small number of people that may be exposed to the chemical substances, the low levels of expected exposure, and the low expected releases, EPA had little concern for the substances in their intended uses and did not take regulatory action to restrict the commercialization of the chemical substances. As a result, the submitter was free to produce the substances and they were added to the TSCA Chemical Substance Inventory when the manufacturer notified EPA that manufacture had begun. EPA received a notice of commencement of manufacture for the PMN substances on February 25, 1981. No further reporting under section 5 is required on these chemical substances unless a significant new use rule or section 8(a) reporting rule is promulgated.

II. Reasons for Proposing This Rule

A. Introduction

EPA has two reasons for concern about the PMN substances that are subject to this proposed rule. First, the Agency is concerned that use of the substances in metalworking fluids that contain nitrosating agents may result in the formation of nitrosamines that possess either known or potential carcinogenic activity. Second, the Agency is concerned that if the substances are used in metalworking fluids, a substantial number of people

may be exposed to potentially high levels of these nitrosamine-containing metalworking fluids for significant periods of time, thereby experiencing potentially significant carcinogenic risks.

B. Potential Adverse Health Effects Associated With the PMN Substance

The Agency is concerned that the PMN substances, under nitrosating conditions, may cause carcinogenic effects in humans following dermal exposure, inhalation exposure, or direct ingestion. This concern is based on the following facts: (a) The PMN substances are distillation residues that contain many secondary and tertiary amines; (2) secondary and tertiary amines, in the presence of nitrosating agents, are expected to form nitrosamines that may be absorbed as a result of dermal exposure, inhalation exposure, or direct ingestion; and (3) many nitrosamines are known to elicit carcinogenic effects in laboratory animals, and are possible human carcinogens.

There is a large body of scientific data which demonstrate that secondary and tertiary amines, under various conditions and in the presence of nitrosating agents (e.g., nitrite, nitrogen oxides) readily form nitrosamines *in vivo* (e.g., in the stomach under acidic conditions (Ref. 1)) and *in vitro* (e.g., in metalworking fluids under alkaline conditions (Ref. 14)). The formation of nitrosamines in metalworking fluids is perhaps best documented in the literature based on diethanolamine and triethanolamine (Ref. 14). Di- and triethanolamine, under various conditions in the presence of nitrosating agents, form N-nitrosodiethanolamine (NDELA). This particular nitrosamine has been found in relatively high concentrations (i.e., 0.02 to 3 percent) in a number of commercial cutting fluids in the U.S. (Ref. 6). Additionally, Rappe and Zingmark (Ref. 14) have demonstrated the formation of nitrosamines in cutting fluids available in Sweden, and Stephany et al. (Ref. 17) have reported the presence of N-nitroso-5-methyl-1,3-oxazolidine as an impurity in a commercial cutting fluid used in the Netherlands. The proposed mechanisms for formation of the nitrosooxazolidine are (1) simple nitrosation of oxazolidine antimicrobials (antimicrobials may be added to metalworking fluids in concentrations up to 1.0 percent); and (2) nitrosation of primary beta-hydroxy amines (Ref. 16).

The tenet that amines in metalworking fluids, in the presence of nitrosating agents, may form N-nitrosamines is sufficiently well accepted by the scientific and regulatory communities. The Canadian government has therefore moved to ban the importation, sale, and advertisement of products (cutting fluids) that contain any nitrite when either diethanolamine or triethanolamine is present (Ref. 3). Furthermore, the U.S. National Institute for Occupational Safety and Health has published a Current Intelligence Bulletin (Ref. 12) which presents industrial hygiene practices that could help reduce dermal and respiratory exposures to metalworking fluids.

Given the above information, it is reasonable to assume that, if the PMN substances are used in metalworking fluids containing nitrosating agents, some of the amine components may be converted to the corresponding nitrosamines. N-nitrosamines, characterized by the functional group $N=N-O$, are considered to be among the most potent carcinogenic agents (Ref. 20). As a chemical class, the N-nitrosamines have been demonstrated to induce tumors in many vital organs of a wide range of animals via various routes of administration (Refs. 5 and 20). Nearly 80 percent of all N-nitrosamines studied to date have been found to be carcinogenic in a wide range of laboratory animals including various aquatic organisms (Ref. 18).

Among the nitrosamines that may form under such conditions, at least six (three of the major components of each PMN substance) are known to cause carcinogenic responses in at least one species of laboratory animal. Diisopropyl nitrosamine, di-n-butyl nitrosamine, and ethyl isopropyl nitrosamine have been reviewed by Druckey et al. (Ref. 5). Diisopropyl nitrosamine causes liver carcinomas, carcinomas of the esophagus, and squamous epithelial carcinomas of the urinary bladder in rats; and ethyl isopropyl nitrosamine causes carcinomas of the liver, esophagus, forestomach, pharynx, and tongue in rats. N-nitrosopiperidine, N-nitroso-3-methylpiperidine, and N-nitroso-2-methylpiperidine have been reviewed by the International Agency for Research on Cancer (IARC) (Ref. 9). The primary target organs for N-nitroso-3-methylpiperidine and N-nitroso-2-methylpiperidine are the nasal cavity, esophagus, forestomach, pharynx, and tongue in rats. N-nitrosopiperidine is reported to be carcinogenic in mice, rats, Syrian golden hamsters, European and Chinese hamsters, and monkeys after its

administration by oral and other routes. According to the IARC (Ref. 9), N-nitroso-piperidine "produces benign and malignant tumors of the liver, lung, forestomach, and esophagus in mice, of the liver, esophagus and respiratory system in rats, and of the upper digestive tract, respiratory system and liver in hamsters; it produces hepatocellular carcinomas in monkeys, and is carcinogenic in mice and hamsters after its administration in a single dose."

The above nitrosamines, as well as other potentially carcinogenic nitrosamines that may be formed as a result of the use of the PMN substances in metalworking fluids, are expected to be readily absorbed if they are ingested. This statement is based on the fact that many of the positive bioassay results cited above were obtained as a consequence of oral administration of the test compound (i.e., a specific nitrosamine). Although little data exist on the rate and degree of dermal and inhalational absorption of nitrosamines, it is reasonable to assume that some portion of the nitrosamines available via these exposure routes may be absorbed into the body. Available data on the dermal absorption of specific nitrosamines suggest that NEDLA, a common nitrosamine contaminant in metalworking fluids (Ref. 15), penetrates intact human skin both *in vitro* and *in vivo* (Ref. 2), thereby suggesting that other nitrosamines also may be dermally absorbed. No data specifically addressing the inhalation absorption of nitrosamines were found in the available literature. Two nitrosamines (dimethyl- and divinyl nitrosamine), however, have been found to elicit carcinogenic responses in test animals following inhalation exposures (Ref. 5). These data suggest that at least some nitrosamines are absorbed into the body as a result of inhalation exposures.

C. Proposed Significant New Use and Resulting Exposure

In determining what would constitute a significant new use of these chemical substances, EPA considered relevant information about the toxicity of the chemicals and likely exposures associated with possible new uses, including the four factors listed in section 5(a)(2) of TSCA. In particular, EPA focused on the following factors: (1) The intended use of the PMN substances; (2) the current markets for distillation residue amines; (3) potential uses of the PMN substances; (4) the potential exposures to nitrosamines inadvertently formed from use in metalworking fluids; and (5) the potential risks associated with

exposures to the PMN substances and their N-nitroso derivatives. Based on these considerations, EPA proposes to define "use in metalworking fluids" as a significant new use of P-80-289 and P-80-290.

EPA identified several possible new end uses for the PMN substances. These uses include: (1) Intermediate for engine oil additives; (2) additive to asphalt; (3) corrosion inhibitor in metalworking fluids; and (4) additive to concrete. However, the Agency is proposing to identify only one of these end uses—use in metalworking fluids—as a significant new use because it is the only new end use identified that may allow significant exposures to nitrosamines inadvertently formed during use of the PMN substances. The basis for this conclusion is explained below.

1. *PMN use.* The submitter's claimed use for the PMN substances was as corrosion inhibitors in oil well service lines and secondary recovery recirculating water systems. The PMN substances are blended with solvents, phosphates, dispersants and other amines prior to use, and make up approximately 20 percent of the blended formulation. Users will typically add the blended formulation to water recovered from the drilling reservoir for recirculation into the oil/natural gas producing reservoir.

2. *Current markets for distillation residue amines.* Distillation residues are high molecular weight, high boiling materials. These are typically materials which either cannot be further purified by distillation techniques or for which further purification is uneconomical. Demand for the pure amine products will largely determine the composition of the distillation residue (i.e., determine how economical it will be to continue distillation to increase the yield of pure products).

There is no well characterized market for amine distillation residues. Although some residue materials are actively marketed, the quantity of those residue materials which actually find commercial use is not available. The submitter claimed its production volume levels for the two PMN substances confidential to protect their competitive position for the primary products.

However, EPA was able to identify several companies that market their distillation residues from certain amine derivative processes. Some morpholine, piperazine, pyridine and ethyleneamine producers have found markets for the distillation bottoms.

Estimates are available for the domestic nameplate capacity for producing shorter amines (up to C6,

excluding methylamines) from alcohols. With greater than 350 million pounds of capacity existing in the United States, EPA estimates that between 1.75 and 7 million pounds of residues could be produced (Ref. 19). However, since plants do not typically function at 100 percent of nameplate capacity, these figures should be treated as a generous upperbound for the amount of residue material produced. The portion of this figure which would be ethylamine and isopropylamine bottoms cannot be calculated from publicly available information because capacities are given for multiple types (Ref. 19). Smaller plants may not find it economical to recover the residue material.

3. Potential uses for the PMN substances. Pure ethylamine and isopropylamine have a wide variety of uses. However, the PMN substances contain, in addition to these two amines, a variety of amine compounds and other substances. The makeup of the PMN substances will vary for each batch depending upon process conditions, variances in process temperatures, pressure and catalyst activity (Ref. 19). These residues, because of the large number of individual chemicals they contain and the type and structure of the chemicals (polymers, cyclic compounds, etc.), probably have a dark appearance and unpleasant odor typical of amines and distillation residues (Ref. 19). These properties are expected to prevent the PMN substances from finding use as a replacement for the pure ethylamines and isopropylamines in most applications.

EPA also identified other possible uses for amine compounds which were not feasible because the end use product might contain low levels of the PMN substances. These uses included:

- gasoline additives;
- engine cleaners;
- urethane catalysts;
- consumer cleaning products;

These four uses were thought to be unsuitable for the PMN substances because of the same properties listed above. Use as gasoline additives or in engine cleaners is considered improbable because these products typically use discrete, reproducible compounds which result in known breakdown products (gasoline additives) or do not leave gummy deposits (engine cleaners). Likewise, use as a urethane catalyst is not expected because it is important to be able to predict with confidence the results of reaction of the amine catalyst with the isocyanate prepolymer. A complex mixture whose components and

component concentrations could vary from batch to batch would prevent accurate predictions. Consumer products, such as household cleaners or aerosol products, would not be expected to incorporate materials (like the PMN substances) which are probably smelly and colored, even at low concentrations. (Ref. 19.)

EPA initially was able to identify a variety of possible end-uses where the variable composition, appearance and odor concerns may not present a significant problem. These end-uses are shown below.

- oil field corrosion inhibitors (other than the claimed use);
- cooling water corrosion inhibitors (probably only enclosed systems);
- emulsifiers;
- emulsion breakers;
- surfactants;
- thickening agents;
- rubber vulcanizing accelerators;
- cement additives;
- asphalt emulsifiers;
- ore flotation chemicals;
- corrosion inhibitor for metalworking fluids.

However, with subsequent analysis, EPA determined that the presence of a relatively high percentage of unidentified polymeric material, the dark color, and the adverse smell would be expected to prevent use of the PMN substances for many applications listed above. Uses where low quality and lack of batch reproducibility are not critical, and where low cost is a significant factor in material consumption are more probable. These uses include other "downhole" oilfield applications, cement additives, and asphalt emulsifiers. While the three factors mentioned above (polymers, smell, color) may restrict use of the PMN substances in metalworking fluids, EPA cannot rule out the possibility of this use given the potential toxicity of nitrosamines and exposures associated with metalworking fluids.

EPA's only concern for these substances is in applications where the substances could be transformed to carcinogenic and potentially carcinogenic nitrosamines. While there exists some likelihood that the PMN substances could find other "downhole" oilfield applications, or applications as cement additives and asphalt emulsions, EPA does not anticipate the formation of nitrosamines from these uses.

EPA believes that the use of these chemical substances as corrosion inhibitors in metalworking fluids can occur. There are several reasons that support this belief. First, amines are recognized as effective corrosion

inhibitors for use in metalworking fluids (Ref. 19). The major amines used for this purpose are ethanolamines. In 1980, an estimated 40 million pounds of ethanolamines were consumed for this purpose. By 1986 this figure is expected to rise to over 50 million pounds (Ref. 19). Second, some commercially available amine distillation residues have been investigated and found useful for metalworking fluids. Third, distillation residues are less expensive than purer amines. Thus, the PMN substances may be economically feasible as corrosion inhibitors in metalworking fluids.

4. Potential exposures. After considering the likelihood that the substances will be used in metalworking fluids, EPA examined the possible exposures that might result. The Agency determined that there is a potential for workers to be exposed dermally, via inhalation, and via ingestion after inhalation of unknown levels of nitrosamines formed from the PMN substances.

Formulators typically prepare metalworking fluid concentrates by blending a solution which contains water, 10–20 percent emulsifier, 25–50 percent lubricating agent, 1–10 percent corrosion inhibitor, and 0–1 percent antimicrobial (Ref. 7). These formulated concentrates are later diluted with water 10–100 fold for the actual metalworking operation (Refs. 4, 8, 10, and 11). The final diluted metalworking fluid will normally contain 0.01–1 percent of the corrosion inhibitor by weight.

There are more than 300 processors in the U.S. who formulate metalworking fluids (Ref. 13), and it has been estimated that approximately 1,140,000 workers are employed in machine shops that routinely use metalworking fluids (Ref. 21). The exposure is primarily dermal, and occurs from routine handling of the PMN substances or metalworking fluid during formulation, dilution, machining, quality control sampling, transfer and drumming of products, and from maintenance and cleanup operations. Inhalation exposure and ingestion also can occur, especially to the warmed metalworking fluid mists during the machining operation. Furthermore, EPA believes formulators and machinists do not typically wear gloves, as their use inhibits effective machining of metals.

5. Potential risks. Workers in the metalworking industry are likely to experience exposures to metalworking fluids resulting from dermal contact, inhalation, and ingestion. If the fluid contains carcinogenic nitrosamines,

workers will be exposed via three different routes to unknown levels of the carcinogens. Because such exposures could occur throughout each day, all year long, these workers may be subject to potentially significant carcinogenic risks. Although each PMN substance contains amines which, in the presence of nitrosating agents, may form nitrosamines that have been demonstrated to be animal carcinogens, it currently is not possible to determine the actual degree of carcinogenic risk that workers may experience as a result of using the PMN substances in metalworking fluids. Actual risks will be highly dependent on the (1) specific nitrosamines formed under the conditions of use, for example, through nitrosation and potential transformations such as retroaldol reactions (Ref. 1); (2) the quantities of specific nitrosamines that are formed during use; and possibly (3) the presence of other substances in the metalworking fluids that may potentiate or otherwise affect absorption and/or expression of carcinogenic effects (Ref. 7). EPA, however, believes that the potential for formation of nitrosamines that are either demonstrated animal carcinogens or that may have potential carcinogenic nitrosamines, merit Agency review of the proposed new use of the PMN substances to determine the extent of potential carcinogenic risks before they occur as a result of that use.

The Agency considered defining as a significant new use "distribution without a label instructing 'DO NOT USE IN FLUIDS WITH NITROSATING AGENTS' ". Because not all metalworking fluids contain nitrosating agents this definition would allow some use in metalworking fluids. However, this alternative would be effective only if the users knew whether the fluids to which they added the amines contained nitrosating agents. EPA believes that most formulators and users of metalworking fluids do not know whether their fluids contain nitrosating agents. EPA solicits comment on this alternative.

In order to cover all use possibilities, EPA considered defining as a significant new use "any use involving contact with nitrosating agents". However, this new use definition was rejected because (1) it would require all manufacturers and processors to determine whether the substances might come into contact with nitrosating agents for all possible uses; and (2) EPA does not believe other uses involving nitrosating agents are likely.

III. Alternatives to a Significant New Use Rule

EPA considered three possible options: an 8(a) rule, a section 6 rule, and taking no action. Under a section 8(a) reporting rule, EPA could require any person to report to EPA before manufacturing or processing the substances for use in metalworking fluids. Because the substances are not subject to a section 5(e) order, the normal small business exemption of section 8(a) would apply. Given the fact that many health effects data already exist for nitrosamines, a section 8(a) rule could be used to gather exposure information useful to regulatory decisionmaking on these chemical substances. However, the use of section 8(a) rather than SNUR authority has one major drawback. If EPA received a report under section 8(a) indicating that a person intended to manufacture or process the substances for use in metalworking fluids, the Agency could not take action under section 5(e) as it can under a SNUR and thus would not be able to regulate the substances pending development of information. Rather, EPA would have to obtain test data under section 4 and then, if necessary, regulate the substances under section 6. This approach would not allow the Agency to control unreasonable risks to human health during the time needed for data development.

EPA also considered taking an action under section 6 to prohibit use of the substances in metalworking fluids. The advantage of this action would be that any reasonable risks would be prevented. However, the Agency believes that more information is needed on the formation of nitrosamines from these chemicals before a control action is appropriate. The Agency believes that the preventive approach of a SNUR is more appropriate given our current knowledge, level of concern, and present resources.

Finally, the Agency considered taking no formal action on the chemical substances. However, such a decision would remove any change of the Agency taking regulatory action before their use occurs in high exposure applications where nitrosamines could be formed, even assuming EPA of the applications.

The Agency specifically requests comment on these possible alternatives to promulgating a SNUR.

IV. Persons Subject to SNUR Notice Requirements

Section 5(a)(1)(B) requires persons to submit a SNUR notice to EPA before they manufacture or process a

substance subject to a SNUR for a significant new use. The language of this proposal makes clear that manufacturers, importers and processors are subject to SNUR notice requirements. Since both manufacturers and processors are legally subject to SNUR notice requirements, EPA could require both manufacturers and processors to submit complete SNUR notices. However, this may be unnecessary since it could result in the agency receiving the same information from both parties. Therefore, EPA is proposing to allow manufacturers and processors decide which party should submit what information to EPA so long as all appropriate information is submitted. Thus, manufacturers and processors may decide to submit one joint SNUR notice or to submit separate notices each containing the information uniquely within the purview of the respective party. For example, under this approach, the processor may submit a notice containing such information as likely exposures and releases from processing, while the manufacturer may submit a notice containing information such as the projected market potential for the substance. Both the manufacturer and processor would submit test data in their sole possession or control and the parties would determine who is responsible for submitting test data that they both possess or control. Alternatively, manufacturers and processors could decide to submit one joint notice containing information from both parties.

Another approach would be to require only the person who actively develops and markets the substances for the significant new use to submit a SNUR notice because this person is likely to know the most about exposure from the significant new use and to have the most information about the market potential for the substance in the new use. The other party or parties technically subject to the notice requirements would at least initially be excused from this responsibility. For example, if a person manufactures the substances for use in oil well service lines but a processor formulates the substances for use in metalworking fluids, increased and different exposures would occur only from the actions of the processor. In such a case, the processor is the person who actively develops the substances for a significant new use, and who should have information on potential exposure and the market potential for the product. Therefore, under this approach, the processor would submit the SNUR notice. On the other hand, if a person intends to manufacture the

substances for use in metalworking fluids, that person is developing and marketing the substance for a significant new use, and is the person who is most likely to have information about potential new uses and likely exposures. Therefore, under this approach, the manufacturer would submit the SNUR notice. However, EPA would reserve the right to require the party that did not submit a SNUR notice to submit necessary information. For example, if the manufacturer submitted a SNUR notice, but only the processor had certain exposure information, EPA would require the processor to submit that information.

The Agency specifically requests comment on these various approaches.

V. Uses That May Be Subject to SNUR Notice Requirements

EPA recognizes that when chemical substances proposed to be subject to this SNUR are added to the Inventory they may be manufactured or processed for "significant new uses" as defined in this proposal before promulgation of the rule. The statute and its legislative history do not make clear whether uses occurring after proposal but before promulgation are to be considered "new uses" subject to SNUR notification. However, EPA believes that the intent of section 5(a)(1)(B) can be best served by determining whether a use is "new" or "existing" as of the proposal date of the SNUR. If EPA considered uses commenced during the proposal period to be "existing" rather than "new" uses, it would be almost impossible for the Agency to establish SNUR notice requirements since any person could defeat the SNUR by initiating the proposed significant new use before the rule becomes final. This is contrary to the general intent of section 5(a)(1)(B).

Thus, under this statutory interpretation, if the substances are manufactured or processed between proposal and promulgation for proposed "significant new uses," the Agency will still consider such uses to be "new" if they are retained in the final rule. EPA recognizes that this interpretation may disrupt commercial activities of persons who commenced manufacture or processing for a "significant new use" during the proposal period. The Agency specifically requests comment on ways to minimize this disruption.

VI. Procedures for Informing Persons of the Existence of This Significant New Use Rule

The final rule will be published in the Federal Register and codified in the Code of Federal Regulations (CFR). While this will provide legal notice of

the rule, EPA is exploring additional ways of informing potential SNUR notice submitters of the existence of the rule.

EPA intends to publish information concerning final SNUR's in the TSCA Chemicals-in-Progress Bulletin, published by the Industry Assistance Office of EPA's Office of Toxic Substances. EPA may also use the TSCA Chemical Substance Inventory to inform persons of the existence of final SNUR's through footnotes by the chemical identities of substances subject to SNUR's. The Footnotes could refer to an Inventory Appendix which would give a Federal Register or CFR citation of the SNUR. As a variation of this approach, the Agency is considering publishing a list of substances subject to SNUR's as an Inventory Appendix.

Any person who intends to manufacture or import a substance for the first time should check the Inventory to determine if the substance is listed. If a person finds that the substance is on the Inventory, but subject to a SNUR, he can determine whether he would be subject to reporting by contacting EPA or reviewing the rule. EPA believes that manufacturers and importers will generally know the identities of the substances they manufacture and import and therefore can follow this procedure.

EPA recognizes that some processors may not know the identity of substances they process and therefore may not know they are required to submit a SNUR notice. Therefore, EPA has identified two ways of ensuring that processors are aware that substances are subject to a SNUR.

First, EPA could hold manufacturers and importers responsible if any of their customers process a substance subject to this rule for a significant new use without submitting a SNUR notice even if the manufacturer did not know that the customer intended to process the substance for a significant new use. However, manufacturers and importers could avoid this problem by informing their customers in writing that the substances are subject to a SNUR. Even if a manufacturer or importer provides such information to a processor, if the manufacturer or importer has reason to believe that the processor is commencing a significant new use before submitting a SNUR notice, the manufacturer or importer should submit a SNUR notice and cease sales to the processor for that use to avoid further liability. In addition, the manufacturer or importer may wish to contact EPA enforcement authorities to mitigate any liability stemming from sales made prior to the discovery by the manufacturer or importer that a customer was processing

the substance for a significant new use without submitting a SNUR notice.

Second, EPA could hold processors responsible if they process substances for a significant new use without submitting a SNUR notice, even if they did not know the identity of the substances or that the substances were subject to a SNUR. However, processors could avoid this problem by asking their suppliers whether the substances are subject to a SNUR. EPA believes that many processors ask suppliers to certify that chemical substances of unknown identity are on the Inventory. Therefore, the Agency believes that processors can similarly ask suppliers whether substances are subject to SNUR notice requirements.

The Agency specifically requests comment on these two approaches as well as on other approaches to ensure that SNUR notice requirements are followed.

VII. Required Information

EPA is not proposing a special form for SNUR notices at this time. Instead, the Agency will encourage SNUR notice submitters to use the premanufacture notice form published in the Federal Register of May 13, 1983 (48 FR 21722). SNUR notices must comply with section 5 of TSCA. The Agency interpreted section 5 requirements in the PMN final rule referenced above. However, because only certain, specific information would be required for this SNUR, manufacturers and processors should focus on the following information: (1) Chemical identity; (2) description of processing and use; (3) exposures relating to processing and use; and (4) test data.

If the SNUR becomes final, EPA would encourage SNUR notice submitters to provide detailed information on human exposure that will result from the significant new use. In addition, EPA would encourage persons to submit information on potential benefits of the substances including information on risks posed by the substances compared to risks posed by their substitutes.

VIII. Test Data

EPA recognizes that under TSCA section 5, a person is not required to develop any particular test data before submitting a notice. Rather, a person is required only to submit test data in his possession or control and to describe any other data known to or reasonably ascertainable by him. However, in view of the potential health risk that may be posed by the proposed significant new use of P-80-289 and P-80-290, EPA encourages possible SNUR notice

submitters to test the substances under various simulated use conditions to identify and quantify the level of nitrosamines formed in metalworking fluids. Consideration should be given to pH and temperatures during use and any other factors that might influence nitrosamine formation (Ref. 7). If a SNUR notice is submitted for use in metalworking fluids without such test data, EPA may take action under section 5(e).

As part of an optional prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the chemicals. During prenotice consultation, EPA will also discuss information that will be particularly useful to the Agency in reviewing these chemicals. EPA encourages persons to consult with the Agency before selecting a protocol for testing the substances.

IX. EPA Review of Notice

EPA generally intends to review SNUR notices the same way it reviews premanufacture notices. EPA will publish a summary of each notice in the *Federal Register* under section 5(d)(2). The review period for the notice will run 90 days from EPA's receipt of the notice. Under section 5(c) this period may be extended up to an additional 90 days for good cause. The submitter may not manufacture, import, or process the substances for a significant new use until the review period, including extensions, has expired.

The Agency may regulate the substance during the review period. If a significant new use notice is submitted for a chemical substance without information sufficient to judge the toxicity and exposure potential of the substances, EPA may issue a section 5(e) order limiting or prohibiting the new use until sufficient information is developed. In addition, section 5(f) authorizes EPA to prohibit a significant new use that presents or will present an unreasonable risk to health or the environment. Section 4(a) authorizes EPA to require testing on substances to develop data on health or environmental effects. EPA may also refer information in a SNUR notice to other EPA offices and other Federal agencies. If EPA does not take action under sections 4, 5, 6, or 7 to control a substance on which it has received a significant new use notice, section 5(g) requires the Agency to explain in the *Federal Register* its reasons for not taking action.

X. Modification of Reporting Requirements

EPA is not proposing a sunset provision that would terminate these

significant new use reporting requirements on a certain date. However, the Agency believes that there may be circumstances that will lead to modification of the proposed requirements.

When a significant new use notice is submitted, EPA will review the use to determine whether any regulatory action is necessary. If after review, EPA allows the use to occur, the use arguably should not be subject to further reporting. EPA will amend the SNUR to eliminate notice requirements for the use if the Agency decides that further notice of that use under a SNUR is not warranted. EPA may also amend the SNUR to eliminate notice requirements for other uses if it determines based on new data that the substances no longer present health or environmental concerns for those uses.

EPA will amend a SNUR through a rulemaking. When EPA revises a SNUR by eliminating notice requirements for a single, narrow use of the substance, the Agency may dispense with notice and comment if it for good cause finds that notice and comment is impracticable, unnecessary, or contrary to the public interest. However, EPA will completely revoke or substantially alter a SNUR only after notice and an opportunity for comment.

XI. Proposed Rule Language

This proposed rule is structured as follows. The chemicals and defined significant new use are described in paragraph (a). In paragraph (b), EPA proposes definitions applicable for the section, most of which have been used in other TSCA rules. Paragraph (c) describes the persons who must report. In this proposal, EPA also makes clear that the "principal importer" in an import transaction must be the party that submits the SNUR notice. (An explanation of the principal importer concept appeared in EPA's clarification of its proposed premanufacture notification requirements published in *Federal Register* of September 23, 1980 (45 FR 63006)). The notice requirements and procedures for reporting under this rule are stated in paragraph (d).

Paragraph (e) clarifies that the exemptions of TSCA section 5(h) apply in SNURs with the exception of the section 5(h)(4) exemption provisions which apply only to new chemical substances. Thus, substances may be manufactured in small quantities solely for research and development without a SNUR notice being submitted. Paragraph (f) describes enforcement provisions applicable to this rule.

EPA invites comments on all aspects of this proposed rule language.

XII. Enforcement

It is unlawful for any person to fail or refuse to comply with any provision of section 5 or any rule promulgated under section 5. Manufacture or processing of chemical substances for a significant new use, as defined by rule, without submission of a SNUR notice, would be a violation of section 15.

Section 15 of TSCA also makes it unlawful for any person to:

1. Use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of a SNUR.
2. Fail or refuse to permit entry or inspection as required by section 11.
3. Fail or refuse to permit access to or copying of records, as required by TSCA.

Violators may be subject to various penalties and to both criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of a SNUR may be subject to penalties calculated as if they never filed their notices. Under the penalty provision of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to \$25,000 for each violation. Each day of operation in violation could constitute a separate violation. Knowing or willful violations of a SNUR could lead to the imposition of criminal penalties of up to \$25,000 for each day of violation and imprisonment for up to one year. Other remedies are available to EPA under sections 7 and 17 of TSCA, such as seeking an injunction to restrain violations of a SNUR and the seizure of chemical substances manufactured or processed in violation of a SNUR.

Individuals, as well as corporations, could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals as well as companies. In particular, EPA may proceed against individuals who report false information or cause it to be reported.

XIII. Analyses and Assessments

A. Economic Analysis

The Agency has evaluated the potential costs of establishing significant new use reporting requirements for PMN 80-289 and PMN 80-290. This evaluation is summarized below.

Persons who intend to manufacture or process the substances for a significant

new use, as defined in this rule, would be required to submit a SNUR notice with the information required by statute. The cost of submitting a SNUR notice can be estimated from the cost of submitting a PMN, which has been estimated to range between \$1,375 and \$7,950 per substance.

In addition, although the SNUR would not require that persons submitting notices perform additional testing, EPA expects that some additional test data will be developed. EPA recommends that the substances be tested to evaluate the potential for the formation of nitrosamines during use as a metalworking fluid additive. The direct cost of such a test would be about \$2,300 per substance. Costs could range from \$1,600 to \$3,000 (Ref. 19). EPA recommends that persons considering using the PMN substances for a significant new use contact EPA prior to conducting any testing.

The SNUR may also result in delay costs. The delay caused by the preparation of a SNUR notice and the statutory notice review period could reduce the value of future profits. EPA estimates that these delay costs could range from \$0 to \$15,054 (Ref. 19).

Total direct costs, including notification, testing, and delay would be from \$2,975 to \$16,004 per substance. If the original PMN submitter also intends to distribute the substances for the new use, the direct costs would add from less than 0.2 percent to 10 percent to the estimated price of the substances (Ref. 19).

EPA has not estimated any indirect costs that may result from this SNUR. These indirect costs may result from decisions not to manufacture or process these substances because of uncertainty about possible Agency regulatory action or due to the magnitude of the direct costs. The cost of this impact would be whatever profits or benefits to users that use of the substances would have generated. In addition, EPA has not estimated the potential public benefits gained through the avoidance of potential health and environmental problems. Such benefits include the avoidance of costs such as the medical treatment of exposed persons. While the Agency acknowledges that indirect costs and benefits exist, it is impossible at this time to estimate their extent precisely.

As a regulatory alternative, EPA considered proposing reporting requirements under section 8(a) rather than a SNUR. Therefore, the Agency also assessed the costs and benefits of a section 8(a) rule. Unlike a SNUR, a section 8(a) rule would not cause delay costs. The direct costs of a section 8(a)

rule would range from \$1,810 to \$10,950, including \$210 to \$7,950 for form submission and \$1,600 to \$3,000 for the recommended testing. The direct costs of the section 8(a) rule would add from less than 0.2 percent to 8.8 percent to the estimated price of the substances.

The primary advantage of a SNUR over a section 8(a) rule is that the substances cannot be used in metalworking fluids until EPA has reviewed a SNUR notice and has had the opportunity to take action under section 5(e). These advantages are significant here since the potential risk is carcinogenic effects.

A more complete economic analysis of this SNUR and other regulatory options is included in the rulemaking record and is available for public review. EPA invites comments on this economic analysis.

B. Regulatory Assessment Requirements

1. *Executive Order 12291.* Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "Major Rule" because it does not have an effect on the economy of \$100 million dollars or more and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the annual cost of this rule, EPA believes that the cost will be low. Even if EPA received 25 SNUR notices, and each submitter performed the recommended testing, the direct cost of the rule would be under one million dollars. In addition, because of the nature of the rule and the substances subject to it, EPA believes that there will be few significant new use notices submitted. Further, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation which has high potential value. Finally, this SNUR may encourage innovation in safe chemical substances or highly beneficial uses.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

2. *Regulatory Flexibility Act.* Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. The Agency has not determined whether other parties affected by this proposed rule are likely to be small businesses. However, EPA believes that the number of small businesses affected by this rule

would not be substantial even if all the potential new uses were developed by small companies. EPA expects to receive few SNUR notices for the substances. The Agency expects that one of the first notice submitters will test the substances as suggested earlier. With these data, EPA would be able to evaluate the risks posed by the substances in this use and, if necessary, take action to control those risks. At that time, the Agency presumably would repeal the SNUR. Therefore, even if all SNUR notices are submitted by small businesses, only a few small businesses will be directly affected by the rule. In addition, the cost of the testing that may be encouraged by this rule should not have a major impact on a small business that may want to use these substances in metalworking fluids.

3. *Paperwork Reduction Act.* The reporting provisions of this rule are not subject to the Paperwork Reduction Act, 44 U.S.C. 3501, because this rule is not expected to impose reporting requirements on ten or more persons as defined in 44 U.S.C. 3502(4).

XIV. Rulemaking Record

EPA has established a public record for this rulemaking (docket number OPTS-50503). The complete record is available to the public in the OPTS Reading Room, 8:00 a.m. to 4:00 p.m., Monday through Friday except legal holidays. The Reading Room is located in Rm. E-107, 401 M St., S.W., Washington, D.C.

The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following categories of information:

1. The PMNs for these substances.
 2. The Federal Register notice of receipt of the PMNs.
 3. The Significant New Use Rule for these substances.
 4. The Economic support document for these substances.
 5. The Notice of Commencement of Manufacture for these substances.
- EPA will identify the complete rulemaking record by the date of promulgation. The Agency will accept additional materials for inclusion in the record at any time between this notice and designation of the complete record. The final rule will also permit persons to point out any errors or omissions in the record.

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List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Reporting and recordkeeping requirements, Significant new uses.

(Sec. 5, Pub. L. 94-469, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: July 12, 1983.

William D. Ruckelshaus,
Administrator.

PART 721—[AMENDED]

Therefore, it is proposed that a new § 721.170 be added to proposed 40 CFR Part 721 (48 FR 7142, February 17, 1983) to read as follows:

§ 721.170 Isopropylamines, distillation residues and ethylamine distillation residues.

This section identifies activities with respect to certain chemical substances which EPA has determined are "significant new uses" under the authority of section 5(a)(2) of the Toxic Substances Control Act (TSCA). In addition, it specifies the procedures and the persons subject to the reporting requirements, the information to be reported in a notice, and lists exemptions and exclusions from reporting.

(a) *Chemical substances subject to reporting.* Use in metalworking fluids is a "significant new use" of isopropylamine, distillation residues and ethylamine, distillation residues.

(b) *Definitions.* The definitions in section 3 of TSCA, 15 U.S.C. 2602, apply to this section. In addition, the following definitions apply:

(1) The terms "article," "byproduct," "EPA," and "impurity," have the same meanings as in § 710.2 of this chapter.

(2) "Importer" or "person who intends to import" means anyone who intends to

import any chemical substance, in pure form or as part of a mixture or article, into the Customs territory of the United States and includes:

(i) The person liable for the payment of any duties on the merchandise, or any authorized agent on his behalf (as defined in 19 CFR 1.11).

(ii) The consignee.

(iii) The importer of record.

(iv) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(v) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purpose of this definition the Customs territory of the United States consists of the 50 States, Puerto Rico, and the District of Columbia.

(3)(i) "Manufacture for commercial purposes" means to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer and includes, among other things, such "manufacture" of any amount of a chemical substance or mixture:

(A) For commercial distribution, including for test marketing.

(B) For use by the manufacturer, including use for product research and development, or as an intermediate.

(ii) The term "manufacture for commercial purposes" also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including byproducts and coproducts that are separated from that other substance or mixture, and impurities that remain in that substance or mixture. Byproducts and impurities may not in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical produced for a commercial purpose.

(4) "Person" means any natural person, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity, any state or political subdivision thereof, any municipality, any interstate body, and any department, agency, or instrumentality of the Federal government.

(5) "Principal importer" means the importer who, knowing that a chemical substance will be imported, specifies the chemical substance and the amount to

be imported. Only persons who are incorporated, licensed, or doing business in the United States may be principal importers.

(6) "Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce with the purpose of obtaining an immediate or eventual commercial advantage for the processor. Processing of any amount of a chemical substance or mixture is included. If a chemical or mixture containing impurities is processed for commercial purposes, then those impurities are also processed for commercial purposes.

(7) "Small quantities solely for research and development" (or "small quantities solely for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including such research or analysis for the development of a product") means quantities of a chemical substance manufactured, imported or processed or proposed to be manufactured, imported or processed solely for research and development that are not greater than reasonably necessary for such purposes.

(8) "Technically qualified individual" means a person or persons: (i) Who, because of education, training, or experience, or a combination of these factors, is capable of understanding the health and environmental risks associated with the chemical substances which are used under his or her supervision, (ii) who is responsible for enforcing appropriate methods of conducting scientific experimentation, analysis, or chemical research to minimize such risks, and (iii) who is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substances as may be appropriate or required within the scope of conducting a research and development activity.

(9) "Metalworking fluid" means a liquid of any viscosity or color containing intentionally added water and is used in machining operations for the purpose of cooling or lubricating.

(c) *Persons who must report.* Any person who intends to manufacture, import (other than as part of an article), or process the substance listed in paragraph (a) of this section for the significant new uses defined in that paragraph must submit a notice to the EPA Office of Toxic Substances in Washington, D.C. under the provisions of section 5(a)(1)(B) of TSCA and this section. Any notice of import must be submitted by the principal importer.

(d) *Notice requirements and*

procedures. Each person who is required to submit a significant new use notice under this section must submit the notice at least 90 calendar days before commencing an activity with respect to that use. The submitter must comply with any applicable requirement of section 5(b) of TSCA, and the notice must include the information and test data specified in section 5(d)(1).

(e) *Exemptions and exclusions.* The chemical substances and categories of chemical substances listed in Subpart B of this Part are not subject to the notification requirements of this Part if they meet any of the applicable exemption requirements of TSCA section 5(h), including the exemptions of subsection 5(h)(1) for test marketing substances and subsection 5(h)(3) for substances manufactured only in small quantities solely for research and development.

(f) *Enforcement.* (1) Failure to comply with any provision of this part is a violation of TSCA section 15 (15 U.S.C. 2614).

(2) Using for commercial purposes a chemical substance or mixture which a person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of a Significant New Rule is a violation of section 15 of TSCA (15 U.S.C. 2614).

(3) Failure or refusal to permit access to or copying of records, as required by TSCA, is a violation of TSCA section 15 (U.S.C. 2614).

(4) Failure or refusal to permit entry or inspection, as required by TSCA section 11, is a violation of section 15 of TSCA (15 U.S.C. 2614).

(5) Violators may be subject to the civil and criminal penalties in TSCA section 16 (15 U.S.C. 2615) for each violation. Persons who submit materially misleading or false information in connection with the requirement of any provision of a Significant New Use Rule may be subject to penalties calculated as if they never filed their notices.

(6) EPA may seek to enjoin the manufacture or processing of a chemical substance in violation of a Significant New Use Rule or act to seize any chemical substance manufactured or processed in violation of a Significant New Use Rule or take other actions under the authority of TSCA section 7 or 17 (15 U.S.C. 2606 or 2616).

[FR Doc. 83-23199 Filed 8-23-83; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

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

MTS and WATS Market Structure; Establishment of Physical Connections and Through Routes Among Carriers, et al.; Order Extending Time for Filing Comments

Correction

In FR Doc. 83-22427, appearing on page 37235, in the issue of Wednesday, August 17, 1983, the CFR heading should read as it appears above.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 210

[Docket No. RNE-2; Notice No. 1]

Railroad Noise Emission Compliance Regulations

Correction

In FR Doc. 83-21711 beginning on page 36487 in the issue of Thursday, August 11, 1983, make the following corrections:

On page 36492, in the table:

(1) Wherever "L₉₀" appears (six places), it should read "L₅₀";

(2) In the 3rd, 4th, and 5th columns, the seventh line should be even with the twelfth line in the 2nd column;

(3) In the second column, sixteenth line, "Rail Care" should read "Rail Cars"; and

(4) In the 3rd, 4th, and 5th columns, fifteenth line should be even with the twenty-third line of the 2nd column.

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. No. 30623-113]

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Proposed rule and notice of availability of plan.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, has initially approved the Fishery Management Plan

for the Reef Fish Resources of the Gulf of Mexico (FMP). NOAA announces that copies of the FMP are available; issues this proposed rulemaking to implement the FMP, and requests comments on the FMP and implementing regulations. The FMP and proposed implementing regulations would: (1) Establish limitations on the use of certain gear in specified fishing areas, (2) establish construction requirements and maximum size and numerical limits for fish traps, (3) require those using fish traps to obtain permits and mark their vessels and gear, (4) establish a minimum size limit for red snapper, and (5) prohibit the taking of reef fish with poisons or explosives. The regulations are designed to rebuild the declining reef fish stocks.

DATES: Comments on FMP and proposed rule must be received on or before October 11, 1983.

ADDRESS: Comments and requests for copies of the FMP and the regulatory impact review/initial regulatory flexibility analysis should be sent to Jack T. Brawner, Regional Director, Southeast Region, National Marine Fisheries Service (NMFS), 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813-893-3141.

SUPPLEMENTARY INFORMATION: The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP) on June 3, 1983, under the authority of the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). These proposed regulations implement the FMP which was prepared by the Gulf of Mexico Fishery Management Council (Council).

The FMP addresses the reef fish resources through out the fishery conservation zone (FCZ) in the Gulf of Mexico (Gulf). The reef fish fishery generally has targeted on numerous species of grouper, snapper, and sea bass. Certain tilefish, amberjacks, triggerfish, hogfish, grunts, porgies, and sand perches are taken incidental to directed fishing effort. Historically, the fishery has been conducted within waters shallower than 100 fathoms, the approximate outer edge of the continental shelf in the Gulf. The Gulf reef fish fishery began in northern Florida in the early 1850's and gradually expanded with the introduction of larger vessels and improved ice-making technology. The chief target of this hook and line fishery was the red snapper. Because of the strong demand for red snapper, the fishery spread throughout

the Gulf and into Mexican waters. Grouper and other related species that were originally sold as low value, incidental catch became more important as red snapper catches stabilized.

Commercial reef fish landings in the Gulf from 1957-1976 ranged from 16 millions pounds (1958) to a maximum of 24.7 million pounds in 1965. Since the early 1970's, landings have been relatively stable at about 17-18 million pounds. The value has increased steadily over the period 1957-1976 and peaked at \$10.6 million in 1976. In 1974 there were an estimated 1,705 commercial fishermen in the fishery, with Florida residents accounting for over half that number. Residents of all five Gulf States are represented in the fishery. The dominant gear is baited hooks on lines operated with manual or electric reels. Information received since the FMP was prepared indicates the number of hook-and-line vessels increased by 58 percent between 1970 and 1977. Additional commercial effort is expected as U.S. vessels are forced to leave foreign waters (e.g., Mexico). In light of this increased effort, commercial and recreational catches of red snapper have declined appreciably since 1975.

Shrimp trawlers capture reef fish as an incidental catch. About four percent of the reef fish landings are by shrimpers but only the larger, more valuable fish are retained; the rest are discarded at sea, few of which survive.

The trap fishery is conducted in the Gulf primarily off the west coast of Florida. The use of this gear has been a minor component of the fishery during the 1960's and 1970's. Fishermen in other fisheries (e.g., stone crab fishery) began to diversify and use baited, wire fish traps as energy-efficient harvesting devices in response to changing economic conditions (e.g., rapidly rising vessel fuel costs). This shift in gear-use provoked strong opposition from commercial hook-and-line fishermen and recreational fishermen who claimed interference with their accustomed fishing activities, depletion of reef fish populations, and damage to reef habitat. Recent studies indicate traps are generally set adjacent to, rather than on reefs, thus minimizing physical damage to the reef environment. Trap fishing can be highly efficient when traps are emptied and rebaited every few days.

Recently, some fishermen have begun to use longlines with many baited hooks which are fished on the bottom. Also, some vessels operating in areas of irregular bottom equip their trawls with large rollers that allow a trawl to harvest fish despite such obstructions. These relatively new elements of the fishery are undoubtedly contributing

additional pressure of those species already experiencing some degree of overfishing.

The recreational fishery normally occurs in nearshore waters due to the limited capacity of recreational boats to withstand offshore sea conditions and the longer time and additional fuel required to make more distant fishing trips. Reef fish are a major target of charter boats and party or head boats. Such boats are an integral part of the recreational and tourism industries, especially in Florida. From 50 to 95 percent of recreational fishermen fish for reef fish, depending on seasonal availability of other species such as tarpon or king mackerel. Information received since the FMP was prepared indicated that the number of recreational fishermen increased by 286 percent between 1970 and 1979.

As a result of analyses of records for U.S. commercial and recreational catches and the Cuban fishery that existed prior to 1977, the Council concluded that some snapper and grouper species are overfished in the nearshore waters and red snapper are overfished throughout the management area. The form of overfishing is "growth overfishing," which means that the fish are being harvested before reaching their optimum harvest size; this results in a decreased yield from the fishery. The causes are directed fishing by recreational fishermen, who are the primary users, commercial fishermen, and incidental catches in other fisheries. Many commercial fishermen have shifted their efforts into the offshore waters, beyond the range of most recreational vessels, in order to maintain profitable catches of large reef fish. The fish harvested by those commercial fishermen are generally of a size at or above that consistent with achieving maximum sustainable yield from the fishery. Except for red snapper, there is no growth overfishing in offshore waters.

Data that have been compiled by NMFS after the Council submitted the FMP indicate a further decline in reported catch of snappers. This trend suggests that growth overfishing has become more pronounced in recent years; however, there are sufficient adults in the population to provide for sustained reproduction and recruitment into the fishery.

The following comprise the FMP's management regime for the reef fish fishery in the Gulf.

1. Optimum Yield

The FMP establishes maximum sustainable yields (MSYs) and optimum

yields (OYs) only for reef fish taken in the directed fishery; these species are considered to be the management unit. Data were insufficient to allow specification of MSYs for reef fish taken incidentally in the directed fishery (e.g., tilefish, jacks, triggerfish, hogfish, grunts, porgies, and sand perches).

The FMP estimates MSY as 51 million pounds for all species of snapper and grouper combined, and 0.5 million pounds for sea basses (three species). The council established optimum yield (OY) for snappers and groupers at 45 million pounds, six million pounds less than MSY, with the intention that the management regime will facilitate the rebuilding of the inshore reef fish populations and eventually allow OY to be raised to the MSY level. The OY for sea bass is set equal to MSY because, given the limited information available, there was no reason to establish a different harvest level.

Snappers and groupers are treated as a unit because they occur together on the fishing grounds and are subject to capture by the recreational and commercial fishing gear historically and currently used. Identification by species is difficult and poorly documented in landings.

It is anticipated OY will be harvested by domestic fishermen; therefore, there is no surplus available for foreign fishing.

2. Prohibited Gear in Stressed Areas

Concentrated fishing occurs in certain areas, particularly the nearshore waters that are fished principally by recreational fishermen. The Council has designated these locations as stressed areas. Prohibition of the use of fish traps, roller trawls, and power heads in these areas to harvest reef fish is proposed to reduce fishing mortality on stocks in the stressed areas and, at the same time, to minimize the potential for conflicts among users in areas of concentrated effort.

Fish traps could seriously reduce the catch per unit effort for persons using traditional (hook-and-line) fishing gear and aggravate resource-user conflicts. Roller trawls have the potential to be highly effective for taking reef fish and are non-selective of species harvested. Prohibiting fish traps and roller trawls would prevent the imposition of relatively new fisheries with more efficient gear on stressed reef fish populations in nearshore waters. These prohibitions would help in rebuilding declining stocks only marginally, except in some areas such as off the south coast of Florida; however, the restrictions would prevent further decline in most of the overfished areas.

Power heads can selectively take the largest spawning individuals of many species. These large specimens do not constitute a significant portion of the harvest, but because fecundity increases with size the large individuals contribute relatively more to the spawning capacity of the stocks. Power heads are used almost exclusively by divers who dive in water depths not usually in excess of 50 to 100 feet, which generally is the water depth of the outer boundary of the stressed area. Hence, it is much more probable than not that a person in a stressed area with a power head and mutilated reef fish in his possession would have taken the reef fish in the stressed area, rather than in the deeper waters seaward of the stressed area. No prohibition is proposed on the use of power heads as a protection device against sharks and other predators; however, their use in taking reef fish in the stressed area will be prohibited.

3. Harvest Restrictions

The FMP prohibits, with certain exceptions, the possession of red snappers less than 12 inches in fork length. This size limitation will result in an estimated 14 to 32 percent increase in potential yield and some red snappers of this size will spawn before being harvested. This restriction will rebuild the red snapper population which has been identified as the major stressed species in the reef fish fishery. The minimum size requirement will be enforced by prohibiting the possession of undersized red snapper (subject to the exceptions specified below). The prohibition will apply to fishermen, processors, and dealers with respect to red snapper, without regard to where the undersized red snapper were taken. This prohibition is considered necessary and appropriate since very few red snapper are harvested in State waters and because it will permit dockside monitoring of the minimum size limit and eliminate the necessity for burdensome and expensive at-sea enforcement. Because such possession prohibitions are a relatively new type of measure under the Magnuson Act, public comment on this proposed measure is particularly encouraged.

The FMP provides three exceptions from the prohibition against possessing undersized red snapper. First, an allowance of five undersized fish is provided. This allowance will prevent waste of incidentally taken fish that are dead or will probably die. Second, vessels fishing trawls, with the exception of roller trawls in the stressed area, are exempt from the red snapper size limitation. This exception takes into

consideration the following factors: (a) Virtually all the vessels fishing trawls are not directed toward capture of reef fish, but take them incidentally; (b) reef fish are usually dead when taken by trawls and returning undersized red snapper to the water does not promote conservation; (c) some vessels (e.g., groundfish vessels) do not sort their catch at sea and may be in technical violation of a possession limit when landing the catch; and (d) because of the small size of the majority of specimens taken as incidental catch, they are not acceptable as human food. Third, imported red snapper will not be subject to the minimum size limit if accompanied by documentation indicating that such fish were harvested beyond the FCZ.

4. Gear Limitations and Requirements

The use of poisons or explosives is prohibited for the taking of reef fish except those explosives in power heads used outside the stressed area. This will prevent habitat damage and waste of reef fish.

Fish traps may be used in the FCZ beyond the stressed areas, providing that the applicable requirements have been met. All vessels fishing traps and all individuals fishing traps from fixed structures are required to have a permit issued by the Regional Director. The collection of information involved in the permit application process has been approved by the Office of Management and Budget (OMB) under the provisions of Paperwork Reduction Act and has been assigned the OMB control #0648-0097; the approval is effective through March 31, 1986. The vessels and structures must display the assigned number and color code. Each trap must have a tag, issued with the permit, permanently affixed. In addition, buoys must be identified by the assigned color code. This vessel and gear marking will be utilized by the NMFS as an identification and enforcement aid. All deployed gear not properly identified may be seized. It should be noted that not all the procedures required to administer the gear identification (number and color code) system have been developed. In the event that they are not developed in a timely manner, § 641.6 will be reserved in the final regulations.

Each vessel is limited to fishing a maximum of 200 traps in the FCZ, and those traps fished within the 300-foot contour are limited to a maximum volume of 33 cubic feet. These measures will allow for a viable commercial enterprise while providing a reasonable limitation on the total fishing effort in

waters that border the "stressed areas." Currently, vessels utilize around 25 fish traps; therefore, the limit of 200 traps will have no initial impact on individual fishermen.

All fish traps must be equipped with a degradable panel or a door with a degradable hinging device. This will allow fish to escape from traps that have been abandoned or lost. One year after implementation of these regulations, all fish traps in use will be required to be constructed of a material with a mesh size of 1 inch \times 2 inches or larger, and to have a minimum of two 2 \times 2-inch escape windows on each of two sides of the trap.

The FMP requires that reef fish be harvested from traps only between sunrise and sunset and prohibits the pulling of another person's traps without the written consent of that person. These measures have been included to reduce conflicts within the fishery and to aid in the enforcement of the regulations.

5. Procedures for Modifying the Management Regime

The FMP contains two framework measures which permit modification of the management regime without having to amend the FMP. Both of these measures entail regulatory amendment, meaning that rules will be proposed and the requisite regulatory, environmental, and other analyses will be performed at the time that some change becomes appropriate.

(a) Modification of fishing gear measures

NMFS and the Council will periodically review and assess information which pertains to the selectiveness of and mortality associated with various mesh sizes of traps. NMFS and the Council will determine whether to implement regulations to adjust trap mesh size, or construction features, or both, when information demonstrates (1) a level of mortality occurring to reef fish which may adversely affect recruitment to the adult population; (2) a level of mortality to species taken incidentally to the directed fishery that may adversely limit the abundance of that species; (3) that the fishing effectiveness of traps is not adversely affected by larger meshes; or (4) that there is excessive mortality of juvenile fish confined in lost traps.

The NMFS and the Council will also monitor statistical information collected through implementation of the FMP and that provided from other surveys and research to assess the effect of each type of gear on reef fish stocks and reef fish habitat. NMFS and the Council will

determine whether additional regulations are necessary to correct the situation when information demonstrates: (1) The use of any gear is resulting in an increase in growth overfishing; (2) an adverse impact on historical users of the resource; (3) persistent user-group conflicts; (4) excessive mortality of reef fish or species incidentally harvested to the directed fishery; (5) major destruction to reef habitat; or (6) that catch is expected to exceed OY before the end of the calendar year. These additional regulations may modify use of a gear; require changes in gear construction; limit the size and number of gear units that may be used; require permits and more detailed statistical information from participants using gear which has adverse effects on stocks; or prohibit the use of a gear from a specific area.

If modification of fishing gear measures becomes necessary on the basis of any of the criteria identified above, the Council Chairman may schedule meetings of the Advisory Panel and Scientific and Statistical Committee for advice. Public hearings will also be scheduled. If NMFS finds that the recommended modification is necessary, the Secretary of Commerce will propose rules to implement the modification.

(b) Adjustments when OY is exceeded

After the end of the fishing year, if analysis of catch data indicates that the harvest of reef fish exceeded OY, the Secretary will impose one or more management measures by regulatory amendment, following public hearings as appropriate. These measures may include size limits, bag limits, closed areas, and closure of the entire fishery to assure that OY is not exceeded in subsequent fishing years.

6. Statistical Reporting

Information is needed for effective management of the reef fish fishery. Currently, statistics on commercial landings are based only on data obtained through fish dealers. This method understates actual landings because it fails to account for that portion of the catch that is sold directly by fishermen and thus bypasses fish dealers. Another weakness of the present system is that effort data are collected by point of landing and do not identify areas fished. This makes it difficult to assess accurately the catch per unit of effort and the MSY for the U.S. fishery.

Obtaining complete, detailed biological, social, and economic data from each user would be prohibitively expensive. Therefore, NMFS is

developing a mandatory reporting system that utilizes sampling methods whenever a sample will provide adequate information. The Center Director, Southeast Fisheries Center, NMFS, Miami, Florida, will determine the appropriate number of individuals selected, the reporting interval, and the duration of reporting based on the data required for specific management needs.

Because this system has not been completely developed and forms have not yet been prepared, the proposed regulations reserve § 641.5, "Recordkeeping and reporting requirements." It is anticipated that the mandatory reporting system will be proposed as soon as sampling procedures and reporting forms are developed and approved. Those forms will be submitted on OMB for clearance under provisions of the Paperwork Reduction Act.

7. Fish Trap Abandonment Procedures

The regulations provide abandonment procedures for unmarked fish trap gear and for fish traps being fished in the "stressed area." These procedures authorize the disposition of the traps by the Secretary of Commerce or an authorized officer. The procedures supplement the procedures provided for seizure, forfeiture, and disposal in 50 CFR Part 219. Special characteristics of the trap fishery necessitate this additional method of abandonment and disposal of unmarked fish trap gear and traps being fished in the "stressed area." First, the traps are heavy and bulky, which makes them difficult to handle without proper equipment. Currently, this equipment is not available to law enforcement officers. Second, limited resources, both in terms of time and money, make it impracticable, if not impossible, for authorized enforcement officers to haul all illegal traps to shore and to store them for the one-year time period required by 50 CFR 219.29 before the traps can be destroyed. Finally, improper trap marking makes it difficult to determine ownership. The notification process of Part 219, therefore, cannot be effectively applied to the reef fish trap fishery. The procedure of abandonment and destruction provided in these regulations will discourage fishing with illegal fish trap gear.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that the FMP's management measures are necessary and appropriate for conservation and management of the fishery and are consistent with the national standards and other provisions

of the Magnuson Act, and other applicable law.

The adoption and implementation of the FMP is considered to be a major Federal action that will have a significant impact on the quality of the human environment under the National Environmental Policy Act and NOAA Directive 02-10. A draft environmental impact statement (EIS) was filed with the Environmental Protection Agency, and a notice of its availability was published on March 24, 1980.

The Administrator, NOAA, has determined that these proposed regulations are not major under Executive Order 12291. However, these regulations will have significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. A regulatory impact review (RIR), which includes the requirements of an initial regulatory flexibility analysis, has been prepared. That document, summarized here, analyzes the expected benefits and costs of the regulatory action. Potential benefits are significantly greater than expected costs. Benefits are expected from increases in reef fish landings and in the productivity of vessels fishing reef fish. Benefits expected to accrue from the FMP include the prevention of overfishing and the conservation of the reef fish stocks in general and the red snapper stocks in particular. The latter will result from the 12-inch minimum size limit for red snapper and the possession limit of five fish less than 12 inches. This measure will allow the red snapper stocks to rebuild from past overfishing and increase the potential yield between 14 and 32 percent. Using 1981 exvessel value, the prevention of overfishing and conservation of the red snapper stock is estimated to be worth from \$4.1 to \$13.8 million to the commercial sector and an unknown but significant amount to the recreational sector over the next four years. The measures relating to the stressed area will prevent further overfishing and decline of stocks in these nearshore waters, and will reduce the potential for user group conflicts. The major portion of expected costs is the cost incurred by the Federal government in managing the fishery (including enforcement). Compliance with the regulations will impose minimal burdens on the user groups since the FMP is designed to maintain the status quo in the fishery while allowing the stocks to rebuild.

Regulations presently being proposed contain a collection of information requirement for purposes of the Paperwork Reduction Act; this collection relates to the permit

requirement for trap fishermen. OMB has already approved this collection (see discussion under "4. Gear limitations and requirements," above). A comprehensive statistical reporting system contemplated by the FMP will not be implemented at this time. Prior to implementation of that system, forms will be submitted to OMB for approval.

The coastal zone management offices for each State adjoining the Gulf of Mexico (except the State of Texas, which does not have an approved program under the Coastal Zone Management Act), were provided copies of the FMP for review as to consistency with their coastal zone management programs. Additionally, a consistency determination has been sent to each of those offices, pursuant to 15 CFR 930.39. That determination concluded that, to the maximum extent practicable, the Agency action is consistent with the applicable provisions of the coastal zone management programs of those States.

List of Subjects in 50 CFR Part 641

Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 18, 1983.

Carmen J. Blondin,

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

For the reasons set forth in the preamble, Chapter VI of 50 CFR is proposed to be amended by adding a new Part 641, to read as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

Subpart A—General Provisions

- Sec.
- 641.1 Purpose and scope.
- 641.2 Definitions.
- 641.3 Relationship to other laws.
- 641.4 Permits.
- 641.5 Recordkeeping and reporting requirements. [Reserved]
- 641.6 Vessel and gear identification.
- 641.7 Prohibitions.
- 641.8 Facilitation of enforcement.
- 641.9 Penalties.

Subpart B—Management measures

- 641.20 Fishing year.
- 641.21 Harvest limitations.
- 641.22 Area limitations.
- 641.23 Size restrictions.
- 641.24 Gear limitations.
- 641.25 Effort limitations.
- 641.26 Specifically authorized activities.

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

Subpart A—General Provisions

§ 641.1 Purpose and scope.

(a) The purpose of this part is to implement the Fishery Management Plan for the Reef Fish Resources of the

Gulf of Mexico, prepared by the Gulf of Mexico Fishery Management Council under the Magnuson Act.

(b) This part regulates fishing for reef fish by fishing vessels of the United States within that portion of the FCZ in the Gulf of Mexico.

§ 641.2 Definitions.

In addition to the definitions in the Magnuson Act, and unless the context requires otherwise, the terms used in this part have the following meanings:

Authorized officer means:

- (a) Any commissioned, warrant, or petty officer of the U.S. Coast Guard;
- (b) Any special agent of NMFS;
- (c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the U.S. Coast Guard to enforce the provisions of the Magnuson Act; or
- (d) Any U.S. Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

Fish trap means any trap and the component parts thereof, used for or capable of taking finfish, regardless of the construction material, except those traps historically used in the directed fisheries for crustaceans (blue crab, stone crab, and spiny lobster).

Fishery conservation zone (FCZ) means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

Fishing means any activity, other than scientific research conducted by a scientific research vessel, which involves:

- (a) The catching, taking, or harvesting of fish;
- (b) The attempted catching, taking, or harvesting of fish;
- (c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish;
- (d) Any operations at sea in support of, or in preparation for, any activity described in paragraph (a), (b), or (c) of this definition.

Fishing vessel means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for:

- (a) Fishing; or
- (b) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply,

storage, refrigeration, transportation, or processing.

Fork length means the distance from the tip of the snout to the rear center edge of the tail (caudal fin).



Figure 1. Method of measuring fork length

Magnuson Act means the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*)

Management area means that area of the FCZ subject to the authority of the Gulf of Mexico Fishery Management Council.

NMFS means the National Marine Fisheries Service.

Official number means the documentation number issued by the U.S. Coast Guard or the registration number issued by a State or the U.S. Coast Guard for undocumented vessels.

Operator, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

Owner, with respect to any fishing vessel, means:

- (a) Any person who owns that vessel in whole or in part;
- (b) Any charterer of the vessel, whether bareboat, time or voyage;
- (c) Any person who acts in the capacity of a charterer, including, but not limited to, parties to a management agreement, operating agreement, or other similar arrangement that bestows control over the destination, function, or operation of the vessel; or
- (d) Any agent designated as such by any person described in paragraphs (a), (b), or (c) of this definition.

Person means any individual (whether or not a citizen of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local, or foreign government or any entity of any such government.

Power head means any device with an explosive charge, usually attached to a speargun, spear, pole, or stick, which fires a projectile upon contact.

Reef fish refers to fish in the following two categories:

(a) **Management unit**—species in the directed fishery include the following:

Snapper—Lutjanidae Family

Queen snapper—*Etelis oculatus*
Mutton snapper—*Lutjanus analis*
Schoolmaster—*Lutjanus apodus*
Blackfin snapper—*Lutjanus buccanella*
Gulf red snapper—*Lutjanus campechanus*
Cubera snapper—*Lutjanus cyanopterus*
Gray (mangrove) snapper—*Lutjanus griseus*
Dog snapper—*Lutjanus jocu*
Mahogany snapper—*Lutjanus mahogoni*
Lane snapper—*Lutjanus synagris*
Silk snapper—*Lutjanus vivanus*
Yellowtail snapper—*Ocyurus chrysurus*
Wenchman—*Pristipomoides aquilonaris*
Voraz—*Pristipomoides macrophthalmus*
Vermillion snapper—*Rhomboplites aurorubens*

Groupers—Serranidae Family

Rock hind—*Epinephelus adscensionis*
Speckled hind—*Epinephelus drummondhayi*
Yellowedge grouper—*Epinephelus flavolimbatus*
Red hind—*Epinephelus guttatus*
Jewfish—*Epinephelus itajara*
Red grouper—*Epinephelus mario*
Misty grouper—*Epinephelus mystacinus*
Warsaw grouper—*Epinephelus nigritus*
Snowy grouper—*Epinephelus niveatus*
Nassau grouper—*Epinephelus striatus*
Black grouper—*Mycteroperca bonaci*
Yellowmouth grouper—*Mycteroperca interstitialis*
Gag—*Mycteroperca microlepis*
Scamp—*Mycteroperca phenax*
Yellowfin grouper—*Mycteroperca venenosa*

Sea Basses—Serranidae Family

Southern sea bass—*Centropomus melano*
Bank sea bass—*Centropomus ocyurus*
Rock sea bass—*Centropomus philadelphicus*

(b) **Fishery**—species in the reef fishery that are taken incidental to the directed fishery for reef fish include the following:

Tilefishes—Branchiostegidae Family

Great northern tilefish—*Lopholatilus chamaeleonticeps*
Tilefish—*Caulolatilus* spp.

Jacks—Carangidae Family

Amberjacks—*Seriola* spp.

Triggerfishes—Balistidae Family

Gray triggerfish—*Balistes capricornis*

Wrasses—Labridae Family

Hogfish—*Lachnolaimus maximus*

Grunts—Haemulidae Family

Tomtate—*Haemulon aurolineatum*
White grunt—*Haemulon plumieri*
Pigfish—*Orthopristis chrysoptera*

Porgies—Sparidae Family

Grass porgy—*Calamus arcifrons*
Jolthead porgy—*Calamus bojonado*
Knobbed porgy—*Calamus nodosus*
Littlehead porgy—*Calamus proridens*
Pinfish—*Lagodon rhomboides*
Red porgy—*Pagrus sedecim*

Sand Perches—Serranidae Family

Dwarf sand perch—*Diplectrum bivittatum*
Sand perch—*Diplectrum formosum*

Regional Director means the Regional Director (or a designee), Southeast Region, NMFS, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702; telephone 813-893-3141.

Roller trawl means a trawl net equipped with rollers on a separate cable or line with spacers connecting the cable or line to the footrope, which makes it possible to fish the gear over rough bottom, i.e., in areas unsuitable for fishing conventional shrimp trawls. Rigid-framed trawls adapted for shrimping over uneven bottom, and in wide use along the west coast of Florida, are not considered roller trawls.

Secretary means the Secretary of Commerce or a designee.

U.S.-harvested fish means fish caught, taken, or harvested by vessels of the United States within any fishery regulated under the Magnuson Act.

Vessels of the United States means:

- (a) Any vessel documented under the laws of the United States;
- (b) Any vessel numbered in accordance with the Federal Boat Safety Act of 1971 and measuring less than 5 net tons; or
- (c) Any vessel numbered under the Federal Boat Safety Act of 1971 and used exclusively for pleasure.

§ 641.3 Relationship to other laws.

(a) Persons affected by these regulations should be aware that other Federal and State statutes and regulations may apply to their activities.

(b) Certain responsibilities relating to data collection or enforcement may be performed by authorized State personnel under cooperative agreements entered into by the State, the U.S. Coast Guard, and the Secretary.

§ 641.4 Permits.

(a) **Applicability.** Fishing vessels from which fish traps are deployed and individuals fishing fish traps from fixed structures are required to obtain a permit.

(b) **Application for permits.** An application for a fish trap permit must be submitted and signed by the owner or operator of the vessel or by the person fishing traps from a structure. The application must be submitted to the Regional Director 45 days prior to the date on which the applicant desires to have the permit made effective.

(1) Permit applicants fishing from vessels must provide all the following information:

- (i) Name, mailing address including zip code, and telephone number of the owner of the vessel;
- (ii) Name of the vessel;
- (iii) The vessel's official number;
- (iv) Home port or principal port of landing, gross tonnage, radio call sign, and length of the vessel;
- (v) Engine horsepower and year the vessel was built;
- (vi) Approximate fish hold capacity of the vessel;
- (vii) Number, dimensions and estimated cubic volume of the fish traps that will be fished;
- (viii) Any other information concerning vessel and gear characteristics requested by the Regional Director; and
- (ix) A statement that the applicant will allow authorized officers reasonable access to his property (vessel and dock) to inventory fish traps for compliance with these regulations.

(2) Applicant's fishing from fixed structures must provide the following information:

- (i) Applicants name, mailing address, and telephone number;
- (ii) Name and number of the oil or gas structure or the most descriptive identification for other types of structures.
- (iii) Approximate location of the structure in miles offshore and direction from principal port or latitude and longitude of the structure;
- (iv) Number, dimensions, and estimated cubic volume of the fish traps that will be fished; and
- (v) A statement that the applicant will allow authorized officers reasonable access to his property (structure) to inventory fish traps for compliance with these regulations.

(3) Any change in the information specified in paragraph (b) of this section must be submitted in writing to the Regional Director by the permit holder within 15 days of any such change. Failure to notify the Regional Director of any change in the required information will result in a rebuttable presumption that the information is still accurate and current.

(c) *Issuance.* The Regional Director will issue a permit and numbered tag(s) to the applicant not later than 30 days from the date of receipt of a completed application and will designate a color code to be used for identification of vessels fishing fish traps and buoys used by such vessels.

(d) *Fees.* No fee will be assessed for any permit issued under this section.

(e) *Duration.* Permits will remain valid unless revoked, suspended, or modified.

(f) *Transfer.* A permit issued under this section is not transferable or

assignable. A permit is valid only for the fishing vessel and owner, or the person fishing traps from a structure, for which it is issued.

(g) *Display.* A permit issued under this section must be carried on board the fishing vessel or on the fixed structure at all times. The operator of a fishing vessel, or the person fishing fish traps from a structure, must present the permit for inspection upon request of any authorized officer.

(h) *Sanctions.* Subpart D of 50 CFR Part 621 governs the imposition of sanctions against a permit issued under this section. As specified in Subpart D of that part, a vessel permit may be revoked, modified, or suspended if the permitted fishing vessel is used in the commission of an offense prohibited by the Magnuson Act or this part; or if a civil penalty or criminal fine imposed under the Magnuson Act, and pertaining to such a vessel, is not paid.

(Approved by the Office of Management and Budget under Control Number 0648-0097).

§ 641.5 Recordkeeping and reporting requirements. [Reserved]

§ 641.6 Vessels and gear identification.

(a) Vessels and fixed structures from which fish traps are fished must identify, in conformance with this paragraph, the vessel or structure, fish traps and buoys by the number and/or color code issued by the Regional Director under § 641.4(c) of this part.

(1) *Vessels or structures.* Vessels or structures must permanently and conspicuously display the number and color code in a manner as to be readily identifiable from the air and water; such color representation must be in the form of a circle at least 20 inches in diameter and the identification number must be at least 10 inches high.

(2) *Fish traps.* Each fish trap must have affixed to it permanently a metal or plastic identification tag supplied by the Regional Director, which displays the assigned vessel (or structure) and fish trap number.

(3) *Buoys.* Each fish trap, or the opposite ends of a string of fish traps, must be marked by a floating buoy or by a buoy designed to be submerged and automatically released after a certain time. All buoys used to mark fish traps must display the assigned color code so as to be easily distinguished, seen, and located.

(b) Fish traps fished in the FCZ will be presumed to be the property of the most recently documented owner. This presumption will not apply with respect to reef fish traps which are lost or sold if the owner of such traps reports the loss

or sale within 15 days to the Regional Director.

(c) Unmarked reef fish traps deployed in the FCZ are illegal and may be disposed of in any appropriate manner by the Secretary (including an authorized officer). If owners of the unmarked traps can be ascertained, those owners remain subject to appropriate civil penalties.

§ 641.7 Prohibitions.

It is unlawful for any person to:

(a) Fish for reef fish with fish traps without a valid permit, as required by § 641.4;

(b) Fish for reef fish with fish traps without a valid vessel (or structure) number, or possess on board a fishing vessel (or structure) unmarked fish traps or buoys, or falsify, or fail to affix and maintain vessel (or structure) or gear markings as required by § 641.6;

(c) Pull or tend fish traps except during the hours specified in § 641.21(a);

(d) Willfully tend, open, pull, or otherwise molest or have in one's possession aboard a fishing vessel another person's fish traps except as provided in § 641.21(b);

(e) Use power heads to fish for reef fish or use fish traps or roller trawls, in the stressed area, as specified in § 641.22;

(f) Possess red snapper under the minimum size limit specified in § 641.23(a), except as specified in § 641.23(b);

(g) Possess in the FCZ or land red snapper harvested from waters shoreward of the seaward delimitation of the FCZ without the head and fins intact, as specified in § 641.23(c);

(h) Fish for reef fish with poisons or explosives, as specified in § 641.24(a);

(i) Fish in the FCZ in areas other than the stressed area with fish traps unless constructed as specified in § 641.24(b);

(j) Fish in the FCZ with more than 200 fish traps per vessel, as specified in § 641.25;

(k) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, land, or export any fish taken or retained in violation of the Magnuson Act, this part, or any other regulation under the Magnuson Act;

(l) Fail to comply immediately with enforcement and boarding procedures specified in § 641.8;

(m) Refuse to permit an authorized officer to board a fishing vessel subject to such person's control or structure for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation or permit issued under the Magnuson Act;

(n) Forcibly assault, resist, oppose, impede, intimidate threaten, or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (m) of this section;

(o) Resist a lawful arrest for any act prohibited by this part;

(p) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing that such other person has committed any act prohibited by this part;

(q) Transfer directly or indirectly, or attempt to so transfer, any U.S.-harvested reef fish to any foreign fishing vessel, while such vessel is in the FCZ, unless the foreign fishing vessel has been issued a permit under Section 204 of the Magnuson Act which authorizes the receipt by such vessel of U.S.-harvested reef fish; or

(r) Violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

§ 641.8 Facilitation of enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an authorized officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record, if any, and catch for purposes of enforcing the Magnuson Act and this part.

(b) *Signals.* Upon being approached by a U.S. Coast Guard vessel or aircraft or other vessel or aircraft authorized to enforce the Magnuson Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The VHF-FM

radiotelephone is the normal method of communicating between vessels. However, visual methods or loudhailer may be used if the radio does not work. The following signals, extracted from U.S. Hydrographic Office publication H.O. 102 International Code of Signals, may be communicated by flashing light or signal flags:

(1) "L", meaning "You should stop your vessel instantly;"

(2) "SQ3", meaning "You should stop or heave to, I am going to board you;"

(3) "AA AA AA etc.", meaning "Call for unknown station or general call," to which the operator should respond by identifying his vessel by radio, visual signals, or illumination of his official number; and

(4) "RY-CY", meaning "You should proceed at slow speed, a boat is coming to you."

(c) *Boarding.* The operator of a vessel signaled to stop or heave to for boarding must—

(1) Stop immediately and lay to or maneuver in such a way so as to permit the authorized officer and the boarding party to come aboard; and

(2) Provide a ladder, illumination, and safety line, and take other actions when necessary or requested by the authorized officer to facilitate boarding and inspection.

§ 641.9 Penalties.

Any person or fishing vessel found to be in violation of this part will be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Magnuson Act, and to 50 CFR Part 620 (Citations), 50 CFR Part 621, and 15 CFR Part 904 (Civil

Procedures), and other applicable law.

Subpart B—Management Measures

§ 641.20 Fishing year.

The fishing year for reef fish begins on January 1 and ends on December 31.

§ 641.21 Harvest limitations.

(a) Reef fish traps may be pulled or tended only during the period from official sunrise to official sunset.

(b) Reef fish traps may be tended only by persons (other than Authorized officers) aboard the fish trap owner's vessel(s), or aboard another vessel if such vessel has on board written consent of the fish trap owner.

§ 641.22 Area limitations.

The stressed area is that portion of the management area shoreward of and encompassed by the discontinuous line connecting the points listed in Table 1 (also see Figure 2).

(a) The stressed area is closed to the use of powerheads for the taking of reef fish. The possession of a power head and mutilated reef fish from the management unit while in the stressed area will constitute prima facie evidence that reef fish were taken with a power head in the stressed area.

(b) The stressed area is closed to the use of roller trawls and fish traps. Fish traps in the stressed area will be considered unclaimed or abandoned property and may be disposed of according to § 641.6(c).

BILLING CODE 3510-22-M

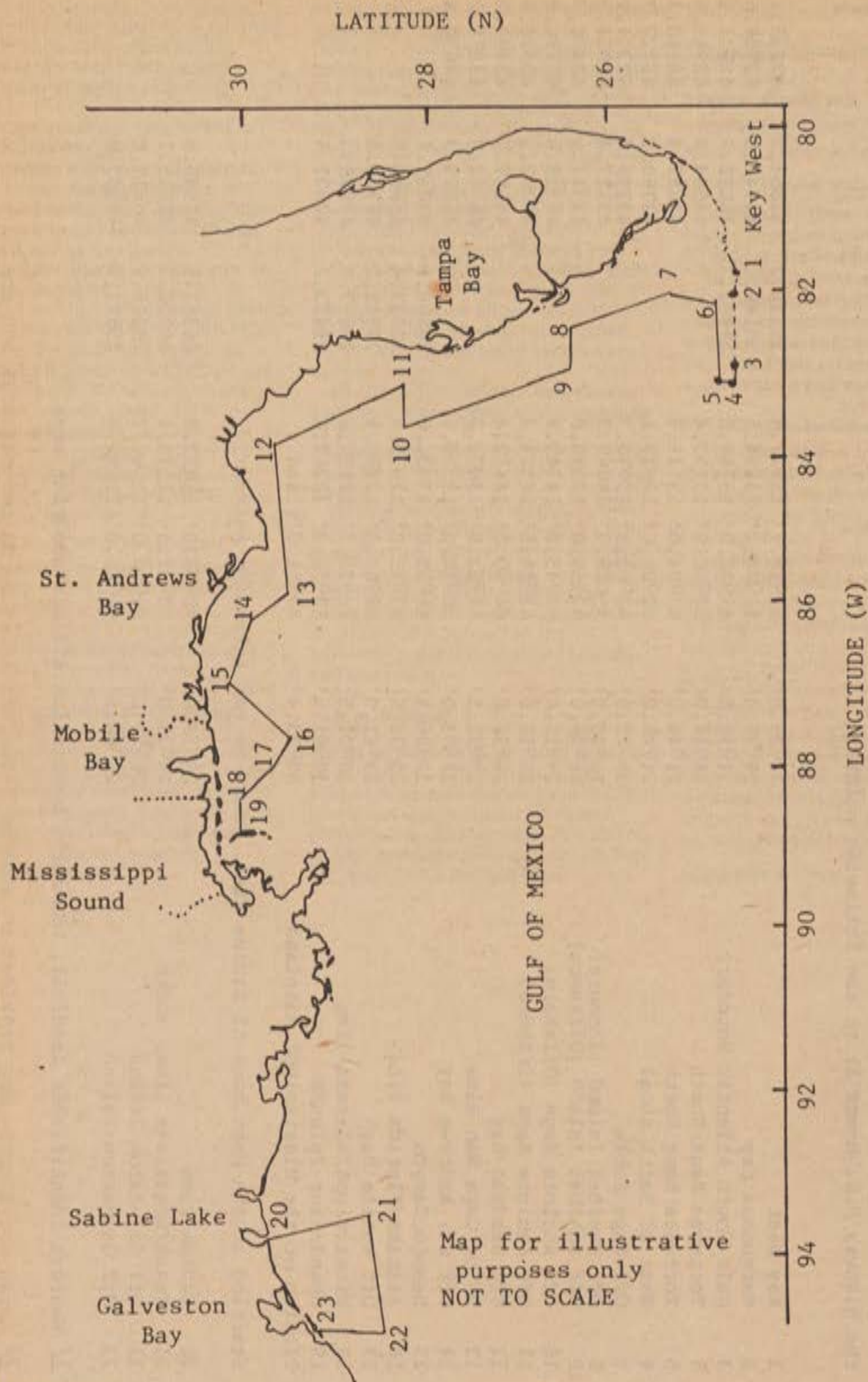
Table 1. Points for the Discontinuous Line Delineating the Stressed Area

Point No.	Reference Location ^{1/}	Latitude (North)	Longitude (West)	Loran C Coordinates ^{2/}		
				X	Y	Z
Starting at the mainland of Florida at the Dade/Monroe county line and proceeding down the Florida Keys Island chain (as delineated by the highway U.S. Route 1) to the following points:						
1	Key West	24°33.0'	81°48.7'	30238.2	43654.2	62655.1
2	Marquesas Key	24°35.0'	82°06.2'	30189.2	43748.8	62726.6
3	Gulf/South Atlantic Boundary	24°35.0'	83°00.0'	29992.2	44049.2	62941.1
4	Tortugas Bank South	24°36.0'	83°06.0'		44084.4	62965.5
5	Tortugas Bank North	24°44.0'	83°04.0'		44087.4	62960.3
6	West of Smith Shoal	24°48.0'	82°06.5'		43760.2	62727.7
7	Off Cape Sable	25°15.0'	82°02.0'		43759.8	62704.9
8	Off Sanibel Island (Inshore)	26°26.0'	82°29.0'		43117.4	62824.3
9	Off Sanibel Island (Offshore)	26°26.0'	82°59.0'		43347.6	62970.7
10	Off Anclote Keys (Offshore)	28°10.0'	83°45.0'		45328.0	63266.8
11	Off Anclote Keys (Inshore)	28°10.0'	83°14.0'		45092.0	63086.4
12	Off Deadman Bay	29°38.0'	84°00.0'		45167.7	63442.2
13	SW of Cape San Blas	29°30.5'	85°52.0'		46702.0	63976.2
14	Off St. Andrews Bay	29°53.0'	86°10.0'		46922.3	64050.8
15	Desoto Canyon	30°06.0'	86°55.0'	30600.6	47045.8	
16	Alabama/Florida line	29°34.5'	87°38.0'	30023.4	46886.0	
17	Off Mobile Bay	29°41.0'	88°00.0'	29841.2	46930.9	
18	Mississippi/Alabama line	30°01.5'	88°23.7'	29697.7	47029.3	
19	Chandeleur Islands	30°01.5'	88°51.0'	29422.2	47028.6	
Closing at the Mississippi Mainland						
		30°23.4'	88°51.0'; and			

^{1/} Nearest identifiable landfall, boundary, navigation aid or submarine area.

^{2/} Loran coordinates are provided to aid the fishermen affected by the measures and are subject to local variations due to atmospheric conditions, therefore, are not used as part of the legal description of the stressed area.

FIGURE 2. MAP OF THE STRESSED AREA



§ 641.23 Size restrictions.

(a) The minimum size limit for the possession of red snapper harvested in waters shoreward of the seaward delimitation of the FCZ is 12 inches (fork length), except as specified in paragraph (b) of this section.

(b) Exceptions.

(1) An incidental catch of five red snappers under 12 inches (fork length) per fisherman is allowed.

(2) Domestic vessels lawfully fishing trawls in the FCZ are exempt from the minimum size limit for red snapper.

(3) Imported red snapper accompanied by a proper bill of lading or other proof indicating lawful harvest outside the FCZ are excluded from the 12-inch minimum size limitation.

(c) All red snapper harvested in waters shoreward of the seaward delimitation of the FCZ must be landed with the head and fins intact.

§ 641.24 Gear limitations.

(a) Poisons or explosives may not be used in the taking of reef fish in the

management unit; however, explosives in power heads may be used outside the stressed area.

(b) Fish traps fished in the FCZ in areas other than the stressed area are subject to the following requirements and limitations:

(1) Fish traps are required to have panels or access doorhinging devices and door fasteners which will degrade or self-destruct and which must be constructed of one of the following degradable materials: (i) Untreated hemp, jute, or cotton string of 3/16-inch diameter or smaller; (ii) magnesium alloy, time float releases (pop-up devices) or similar magnesium alloy fasteners; or (iii) ungalvanized or uncoated iron wire at 0.55-inch diameter or smaller;

(2) The opening covered by the degradable panel or access door must be 144 square inches or larger, with one dimension of the area equal to or larger than the largest interior axis of the trap's throat (funnel);

(3) One degradable panel or access

door must be located opposite each of the sides of the trap that has a funnel;

(4) Effective [insert date one year after effective date of final rules], the minimum mesh size for all fish traps within the FCZ will be 1x2 inches, and a minimum of two 2x2 inch escape windows will be required on each of two sides of the trap; and

(5) The maximum allowable size for fish traps fished shoreward of the 300-foot contour is 33 cubic feet in volume. There is no size limitation for fish traps fished seaward of the 300-foot contour.

§ 641.25 Effort limitations.

The maximum number of fish traps that may be fished by a vessel in the FCZ is 200.

§ 641.26 Specifically authorized activities.

The Secretary may authorize, for the acquisition of information and data, activities otherwise prohibited by these regulations.

[FR Doc. 83-23099 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

August 19, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 447-6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB

Desk Officer of your intent as early as possible.

Revised

- Animal and Plant Health Inspection Service
7 CFR 322, Honeybees and Honeybee Semen
PPQ-368

On occasion

Farms, Business: 30 responses; 8 hours; not applicable under 3504(h)

Phillip Lima, (301) 436-8393

- Animal and Plant Health Inspection Service

7 CFR 319.76, Exotic Bee Diseases and Parasites

PPQ-368

On occasion

Farms, Businesses: 15 responses; 5 hours; not applicable under 3504(h)

Phillip Lima, (301) 436-8393

- Economic Research Service
Soil Conservation Targeting Survey
Non-recurring

Farms: 720 responses; 630 hours; not applicable under 3504(h)

Jim Nielson, (503) 420-4807

- Animal and Plant Health Inspection Service

Gypsy Moth—Outside Household Articles

On occasion

Individuals and households: 163,310 responses; 27,257 hours; not applicable under 3504(h)

N. E. Bedessem, (301) 436-5533

Revised

- Forest Service
Youth Conservation Corps (YCC)
Application
FS-1800-18

On occasion

Individuals or households: 25,000 responses; 1,250 hours; not applicable under 3504(h)

- Wayne Bell, (202) 382-1690

Extension

- Forest Service
Youth Conservation Corps—Medical History
ES-1800-3

On occasion

Individuals or households: 2,500 responses; 1,250 hours; not applicable under 3504(h)

Wayne Bell, (202) 382-1690

Agricultural Marketing Service

- Food Facility Survey

MRD-1, MRD-2

Federal Register

Vol. 48, No. 165

Wednesday, August 24, 1983

On occasion

Businesses: 625 responses; 375 hours; not applicable under 3504(h)
R.K. Overheim, (202) 344-2805

Dewayne E. Hamilton,

Acting Department Clearance Officer.

[FR Doc. 83-23202 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Upper Locust Creek Watershed, Iowa, Missouri; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

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 being prepared for the Upper Locust Creek Watershed, Wayne and Appanoose Counties, Iowa, Putnam and Sullivan Counties, Missouri.

FOR FURTHER INFORMATION CONTACT: Paul F. Larson, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone 314/875-5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul F. Larson, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection and flood prevention. Alternatives under consideration to reach these objectives include systems for conservation land treatment, nonstructural measures, earth dams, channel improvement, and floodways.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal

jurisdiction, or interest in the preparation of the draft environmental impact statement. Further information on the proposed action, or project scoping may be obtained from Paul F. Larson, State Conservationist, at the above address or telephone 314/875-5214.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention 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)
August 16, 1983.

Paul F. Larson,
State Conservationist.

[FR Doc. 83-2330 Filed 8-23-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Application of American Central Airlines, Inc.; for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (83-8-79).

SUMMARY: The Board is proposing to find American Central Airlines, Inc. fit, willing, and able and to issue a certificate of public convenience and necessity authorizing it to provide scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate shall file, and serve upon all persons listed below no later than September 6, 1983 a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Objections to the issuance of a final order should be filed in Docket 41505 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. (202) 673-5088.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-8-79 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send

a postcard request for Order 83-8-79 to that address.

By the Civil Aeronautics Board: August 17, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-23249 Filed 8-23-83; 8:45 am]

BILLING CODE 6320-01-M

Marco Island Airways, Inc.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Application of Marco Island Airways, Inc., in Docket 41486 for certificate authority under section 401 of the Federal Aviation Act to offer scheduled air transportation of persons, property, and mail between the United States and the Bahama Islands. Order 83-8-80.

SUMMARY: The Board has tentatively found and concluded that (1) the award of scheduled air transportation of persons, property, and mail between the United States and the Bahama Islands is consistent with the public convenience and necessity, and (2) that Marco Island Airways, Inc., is fit, willing, and able to provide such service. The complete text of Order 83-8-80 is available as noted below.

DATES: Objections to the Board's tentative findings and conclusions shall be filed by September 6, 1983. Answers to objections shall be filed by September 15, 1983.

ADDRESS: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41486.

FOR FURTHER INFORMATION CONTACT: Nicholas Lowry, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. (202) 673-5203.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83-8-80 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-8-80 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 17, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-23250 Filed 8-23-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Georgia 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 Georgia Advisory Committee to the Commission will convene at 3:30 pm and will end at 6:30 pm, on September 30, 1983, at the Holiday Inn Downtown, International Room, 175 Piedmont Avenue, Atlanta, Georgia. The purpose of the meeting is to hear reports on the National Chairpersons' Conference and the status of the project on women and minorities in the media.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clayton Sinclair, Jr., 301 Equitable Building, 100 Peachtree Street, Atlanta, Ga 30303, (404) 681-0797; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, GA 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 18, 1983.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 83-23210 Filed 8-23-83; 8:45 am]

BILLING CODE 6335-01-M

Kansas 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 Kansas Advisory Committee to the Commission will convene at 10:00 am and will end at 3:00 pm, on September 23, 1983, at the Federal Building, Room 201, 444 SE Quincy, Topeka, Kansas. The purposes of this meeting are to orient new members, and discuss program plans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Jaclyn Gossard, 148 N. Fountain, Wichita, Kansas 67208, (316) 686-6803; or the Central States Regional Office, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106, (816) 759-5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23211 Filed 8-23-83; 8:45 am]

BILLING CODE 6335-01-M

Mississippi 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 Mississippi Advisory Committee to the Commission will convene at 4:00 pm and will end at 6:30 pm, on September 23, 1983, at the Sheraton Regency Convention Center, Camellia Room, 750 North State Street, Jackson, Mississippi. The purposes of the meeting are to hear a report on the National Chairpersons' Conference and discuss a possible project on disadvantaged women and their children.

Persons desiring additional information on planning a presentation to the Committee, should contact the Chairperson, Ms. Mary L. Ramberg, 1514 Gay Street, Jackson, Mississippi 39211, (601) 355-1175; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23213 Filed 8-23-83; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island 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 Rhode Island Advisory Committee to the Commission will convene at 5:00 pm and will end at 6:30 pm, on September 20, 1983, at the Urban League of Rhode Island, 246 Prairie Avenue, Providence, Rhode Island. The purposes of this meeting are to review the draft report on reapportionment, and hear a progress report on plans for the affirmative action project.

Persons desiring additional information on planning a presentation to the Committee, should contact the Chairperson, Ms. Dorothy D. Zimmering, 12 Chapin Road, Barrington, Rhode Island 02806, (401) 245-3515; or the New England Regional Office, 55 Summer

Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 17, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23212 Filed 8-23-83; 8:45 am]

BILLING CODE 6335-01-M

Tennessee 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 Tennessee Advisory Committee to the Commission will convene at 3:30 pm and will end at 6:30 pm, on September 16, 1983, at the Ramada Inn Downtown, Levee Room, 160 Union Avenue, Memphis, Tennessee. The purposes of the meeting are to hear a report on the National Chairpersons' Conference and discuss a possible project on the effects of rising energy costs upon minorities.

Persons desiring additional information on planning a presentation to the Committee, should contact the Chairperson, Mrs. Mattie P. Crossley, 351 Fay Avenue, Memphis TN 38109, (901) 276-4461; or the Southern Regional Office, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, N.E., Atlanta, GA 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 18, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-23209 Filed 8-23-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Oleoresins From India; 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 oleoresins from India. The review covers the period

January 1, 1980 through December 31, 1982.

As a result of the review, the Department has preliminarily determined the net subsidy to be 8.06 percent *ad valorem* for 1980 and 1981, and 6.68 percent *ad valorem* for 1982. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT:

Bernard Carreau or Joseph Black, Office of Compliance, Room B-099, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 9, 1979, the Department of the Treasury ("Treasury") published in the *Federal Register* (T.D. 79-103, 44 FR 21009) an affirmative final countervailing duty determination regarding oleoresins from India. The notice stated that the Government of India had provided bounties or grants on the manufacture, production or exportation of such merchandise within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act").

On July 18, 1979, the International Trade Commission ("the ITC") published its determination of no injury or likelihood of injury to an industry in the United States by reason of the importation of oleoresins from India entering duty-free under the Generalized System of Preferences ("the GSP"). However, approximately 1.7 percent of the entries of such merchandise during the period of our review did not satisfy the conditions for GSP treatment. Therefore, the current review covers only those dutiable entries.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980 the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has now conducted an administrative review of the order on oleoresins from India.

On December 30, 1982, the ITC notified the Department that the Indian government, pursuant to section 104(b) of the Trade Agreements Act of 1979, had requested an injury determination.

for the merchandise remaining under this order.

Scope of the Review

Imports covered by the review are shipments of Indian oleoresins, which are determined by the Customs Service to be ineligible for duty-free treatment under GSP. Oleoresins are flavoring extracts, fruit flavors, essences, esters, and oils not containing alcohol, and not in ampules, capsules, tablets, or similar forms. Such merchandise is currently classifiable under item numbers 450.2010, 450.2015, 450.2025, and 450.2040 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1980 through December 31, 1982, and the following programs: (1) The Cash Compensatory Support Program ("CCS"), (2) a preferential pre-shipment export loans program, (3) tax deductions through the Export Market Development Allowance; and (4) grants under the Market Development Assistance Program.

Analysis of Programs

(1) *CCS Program.* The Indian government introduced the CCS program (referred to as the "Export Cash Assistance Program" in Treasury's affirmative final countervailing duty determination) in 1966 for the primary purpose of rebating upon exportation indirect taxes on merchandise. It is calculated as a percentage of the f.o.b. invoice price.

Although the Indian government rebates upon export many types of indirect taxes through the CCS program, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs which are physically incorporated in the exported product (see Annex 1.1 of part 355 of the Commerce Regulations); and (2) indirect taxes levied at the final stage (see Annex 1.2 of part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

The Indian government set the CCS rate for oleoresins at 12.5 percent for the period January 1, 1980 through September 30, 1982. Effective October 1, 1982, the Indian government lowered the CCS rate to 7 percent. The Indian government provided in 1980 a study of the tax incidence on oleoresins. Based on that report, the Department preliminarily finds the requisite linkage between indirect taxes and the CCS rate for oleoresins, and preliminarily finds

that the net subsidy attributable to this program is 5.57 percent for 1980 and 1981. After October 1, 1982, we preliminarily find that the overrebate was reduced to 0.07 percent, so that the weighted-average benefit for all of 1982 is 4.19 percent *ad valorem*.

(2) *Pre-shipment Export Loans.* The Reserve Bank of India, through commercial banks, provides pre-shipment credit to exporters, allowing them to purchase raw materials, packing materials, etc., based on presentation of a confirmed order or letter of credit. These loans have a sliding scale interest rate that varies with the amount of time the loan is outstanding. In general, the loans are granted for a period of 90 to 180 days. The Government of India provided no response to our questions regarding the pre-shipment export loans program. We have therefore used, as the best information available, interest rates obtained for such loans in 1980, and have applied these rates to 1981 and 1982 as well. Those rates are 11 percent for the first half of 1980 and 11.85 percent for the second half. The average comparable commercial rate during the same period was 18.5 percent. Using the average differential between these rates for loans granted on a quarterly basis, and assuming full utilization of principal, we preliminarily find a net subsidy of 1.77 percent *ad valorem* in 1980, 1981, and 1982.

(3) *Tax Deductions Under the Export Markets Development Allowance.* Under Article 35B of the Finance Act, the Government of India allows exporters to deduct 133 percent of certain expenses for market development. However, because the Indian government allows deductions of 100 percent of such expenses for non-export sales, we focus on the remaining 33 percent as the benefit. The Indian government provided no response to our questions regarding the use of this program. We have therefore used, as the best information available, the rate determined for 1980 in another Indian case, certain iron-metal castings, and applied this rate to 1981 and 1982 as well. This rate is 0.69 percent *ad valorem*.

(4) *Market Development Assistance Grants (MDA).* The Indian government provides grants to exporters to offset expenses for foreign market study teams and promotional publications. The Indian government provided no response to our questions regarding the use of this program. We have therefore used, as the best information available, figures obtained during the recent verification in India of certain iron-metal castings to determine the benefit. These include total Indian exports and

the total payments made by the Indian government under this program during the review period. We have assumed that Indian exporters of oleoresins have received the average aggregate benefit to all Indian exporters under the MDA program, as expressed by the ratio of total payments to total exports. Based on this calculation, we preliminarily determine the net subsidy attributable to this program to be 0.03 percent *ad valorem* for calendar years 1980, 1981, and 1982.

Preliminary Results of the Review

As a result of the review, we preliminarily determine the aggregate net subsidy to be 8.06 percent *ad valorem* for the period January 1, 1980 through December 31, 1981, and 6.68 percent *ad valorem* for the period January 1, 1982 through December 31, 1982. The Department intends to instruct the Customs Service to assess countervailing duties of 8.06 percent of the f.o.b. invoice price on any shipments of non-GSP Indian oleoresins entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1981, and of 6.68 percent for shipments exported on or after January 1, 1982 and entered on or before December 29, 1982.

On December 30, 1982, the International Trade Commission ("the ITC") notified the Department that the Indian government had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties in the amount of the prevailing deposit rate at the time of entry on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 30, 1982 and through the date of the ITC's notification to the Department of its determination.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 2.56 percent of the f.o.b. invoice price on all shipments of non-GSP Indian oleoresins entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this 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: August 13, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-23206 Filed 8-23-83; 6:45 am]

BILLING CODE 3510-25-M

[A-588-049]

Calcium Pantothenate From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On June 8, 1983, the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke in part the antidumping finding on calcium pantothenate from Japan. The review covers the 22 known manufacturers and/or exporters and 17 of the 19 third-country resellers of this merchandise to the United States currently covered by the finding and generally the period January 1, 1981 through December 31, 1981.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke in part. We received no comments. Based on our analysis, the final results of review are the same as the preliminary results.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or David Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923/5255.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1983, the Department of Commerce ("the Department")

published in the Federal Register (48 FR 26495-6) the preliminary results of its last administrative review and tentative determination to revoke in part the antidumping finding on calcium pantothenate from Japan (39 FR 2086, January 17, 1974). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of calcium pantothenate, a member of the B-complex vitamin family, which is produced in two grades: D-Cal Pan (USP Grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL-Cal Pan (Feed Grade, which is used as a food supplement for swine and poultry. Both grades of calcium pantothenate are currently classifiable under item 437.8225 of the Tariff Schedules of the United States Annotated.

The review covers the 22 known Japanese manufacturers and/or exporters and 17 of the 19 known third-country resellers of Japanese calcium pantothenate to the United States currently covered by the finding. The review generally covers the period January 1, 1981 through December 31, 1981.

SUPPLEMENTARY INFORMATION:

Final Results of the Review

Interested parties were invited to comment on the preliminary results and tentative determination to revoke in part. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as the preliminary results and we determine that the following margins exist:

	Time period	Margin (percent)
Manufacturer/Exporter:		
Agropol Limited.....	1/1/81-12/31/81	14.27
Alps Pharmaceutical Ind. Co.....	1/1/81-12/31/81	0.43
Byron Chemical Co.....	1/1/81-12/31/81	16.30
Eisal Co., Ltd.....	1/1/81-12/31/81	1.0
First Enterprise Inc.....	1/1/81-12/31/81	16.89
Helm Japan, Ltd.....	1/1/81-12/31/81	1.0
Ichimaru Co., Ltd.....	1/1/81-12/31/81	13.98
Isho Incorporation.....	1/1/81-12/31/81	10.49
Iwaki & Co.....	1/1/81-12/31/81	1.0
Kamisagi Chemical Co., Ltd.....	1/1/81-12/31/81	1.0
Kamiyama Corp.....	1/1/81-12/31/81	18.57
Kanematsu-Gosho, Ltd.....	1/1/81-12/31/81	16.89
Marubeni Corp.....	1/1/81-12/31/81	13.98
Maruzen Chemicals Co.....	1/1/81-12/31/81	19.57
Mitsui & Co.....	1/1/81-12/31/81	18.87
Nagase & Co.....	1/1/81-12/31/81	1.0
Nippon Roche, K.K.....	1/1/81-12/31/81	1.0
Sanki Pharmaceutical Co.....	1/1/81-12/31/81	18.87
Sankyo Company.....	1/1/81-12/31/81	13.98
Toho Bussan Co.....	1/1/81-12/31/81	18.87
Toyo Menka Kaisha.....	1/1/81-12/31/81	1.87
Yamanouchi Pharmaceutical Co., Ltd.....	1/1/81-12/31/81	1.0

	Time period	Margin (percent)
Third-Country Reseller (Country):		
Amik Italia SRL (Italy).....	1/1/81-12/31/81	3.98
Agripharm, Ltd. (U.K.).....	1/1/81-12/31/81	0
Biembel Gebrüder (W. Germany).....	1/1/81-12/31/81	1.0
BMP-Bulk Medicines & Pharmaceutical GmbH (W. Germany).....	4/1/81-12/31/81	0
Chemeta BV (Netherlands).....	1/1/81-12/31/81	3.98
Chemical & Feeds, Ltd. (U.K.).....	1/1/81-12/31/81	18.87
Deutsch-Norwegische Vitamin Gesellschaft GmbH (W. Germany).....	1/1/81-12/31/81	0
H.G. u C. Blau (W. Germany).....	1/1/81-12/31/81	0.26
J.H.C. Schmidt (W. Germany).....	1/1/81-12/31/81	0
Lenk Chemicals Corp. (Netherlands).....	1/1/81-12/31/81	18.87
M. Gurvey & Berry Co., Inc. (Canada).....	1/1/81-12/31/81	0.89
Mersing & Co., Ltd. (Denmark).....	1/1/81-12/31/81	18.87
Peak Int'l Products BV (Holland).....	7/1/81-12/31/81	1.0
Seimsgluss A.G. (Switzerland).....	1/1/81-12/31/81	18.87
Seimsgluss & Sohn (W. Germany).....	1/1/81-12/31/81	18.87
R.W. Unwin & Co., Ltd. (U.K.).....	1/1/82-6/30/82	0
Vitafor S.A. (Belgium).....	1/1/81-12/31/81	3.98

¹ No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all entries with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of calcium pantothenate from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for Alps Pharmaceutical Ind. Co., Isho Incorporation, and H.G. u C. Blau are less than 0.5 percent and, therefore, *de minimis* for deposit purposes, the Department waives the deposit requirement for these firms. For future entries from a new exporter not covered in this or prior reviews, whose first shipments occurred after December 31, 1981 and who is unrelated to a covered firm, a cash deposit of 3.98 percent shall be required. These deposit requirements and waivers shall remain in effect until publication of the final results of the next administrative review.

The Department intends to begin immediately the next administrative review. The Department encourages

interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 19, 1983.

[FR Doc. 83-23254 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-25-M

[A-568-056]

Melamine in Crystal Form From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping finding.

SUMMARY: On May 26, 1983, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on melamine in crystal form from Japan. The review covered the five known manufacturers and/or exporters of this merchandise to the United States and the period February 1, 1982 through January 31, 1983.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT:

Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-1130.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 23683) the preliminary results of its last administrative review of the antidumping finding on melamine in crystal form from Japan (42 FR 6866, February 2, 1977). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of melamine in crystal form, a fine white crystalline powder used to manufacture melamine formaldehyde resins, currently classifiable under item 425.1020 of the Tariff Schedules of the United States Annotated.

The review covers the five known manufacturers and/or exporters of Japanese melamine to the United States and the period February 1, 1982 through January 31, 1983. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist for the period February 1, 1982 through January 31, 1983:

Manufacturer/Exporter	Margin (percent)
C. Itoh & Co., Ltd.	160
Mitsui Toatsu Chemical, Inc.	170.22
Nichimen Co., Ltd.	160
Nissan Chemical Industries, Ltd.	160
Nosewa & Co., Ltd.	160

¹ No shipments during the period.

As provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese melamine from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For future entries from a new exporter not covered in this or prior administrative reviews, whose first shipment occurred after January 31, 1981, and who is unrelated to any covered firm, a cash deposit of 70.22 percent shall be required. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C.

1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 19, 1983.

[FR Doc. 83-23253 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-25-M

[A-337-001]

Sodium Nitrate From Chile; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Early Determination of Antidumping Duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of sodium nitrate from Chile entered, or withdrawn from warehouse, for consumption from November 15, 1982 through March 15, 1983. The determination will also be the basis for the cash deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On March 25, 1983, the Department of Commerce ("the Department") published in the Federal Register (48 FR 12580) an antidumping duty order on sodium nitrate from Chile. In accordance with the order, the Department directed Customs officers to require a cash deposit of estimated antidumping duties on entries of the merchandise pending liquidation.

On April 1, 1983, Sociedad Quimica y Minera de Chile S.A. ("SQM"), the one known exporter of this merchandise to the United States, requested that the Department waive the cash deposit requirement and make an early determination of antidumping duty. On May 6, 1983, we announced in the Federal Register (48 FR 20464-5) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price, for all entries of Chilean industrial grade sodium nitrate from the date of our preliminary affirmative determination of sales at

less than fair value to the date of the International Trade Commission's final affirmative injury determination, within 90 days after the date of publication of the order. We waived the cash deposit of estimated antidumping duties pending the early determination of duty. After expiration of the 90-day period, having not completed the section 736(c) determination, we reimposed the cash deposit requirement. We have now completed the section 736(c) determination.

Scope of the Determination

Imports covered by the determination are shipments of industrial grade sodium nitrate (98 percent or more pure), currently classifiable under item 480.2500 of the Tariff Schedules of the United States Annotated.

We investigated all imports of Chilean industrial grade sodium nitrate entered, or withdrawn from warehouse, for consumption during the period November 15, 1982 through March 15, 1983.

United States Price

In calculating United States price the Department used exporter's sales price, as defined in section 772 of the Tariff Act. Exporter's sales price was based on the f.o.b. packed or unpacked price to an unrelated purchaser in the United States. Where applicable, deductions were made for foreign inland freight, marine insurance, U.S. brokerage charges, ocean freight, and U.S. direct and indirect selling expenses. An adjustment for credit expense was not allowed because it was inadequately quantified. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used the price to purchasers in a third country (Brazil), as defined in section 773 of the Tariff Act, because insufficient quantities of such or similar merchandise were sold in the home market at or above the cost of production. We found sufficient quantities of such merchandise were sold to Brazil at or above the cost of production to constitute a viable market.

Third-country price was based on the f.o.b. or c&f packed price to the first unrelated Brazilian purchaser with adjustments, where applicable, for indirect selling expenses and commissions up to the amount of U.S. indirect selling expenses. We made further adjustments for differences in packing costs, Chilean inland freight, loading charges, and ocean freight. We disallowed an adjustment claimed for

infusions into a bad debt reserve, since this was not the actual expense for bad debt incurred on sales during the period of investigation. Although credit expenses were substantiated on sales to Brazil, corresponding U.S. credit expenses were inadequately quantified. Because we were unable to ascertain the amount of the difference, we disallowed the claimed adjustment for differences in credit expenses. No other adjustments were claimed or allowed.

Analysis of Comments Received

We gave interested parties an opportunity to submit written or oral comments. At the request of the petitioner, Olin Corporation, the Department held a public hearing on June 10, 1983. The petitioner and SQM submitted comments.

Comment 1: Olin questions the timeliness and accuracy of SQM's submission, specifically SQM's failure to identify in its submission five types of transactions with related parties. Further, Olin contends that, because of the failure to disclose the true nature of related party transactions, SQM failed to provide Commerce with information sufficient to verify the cost of production. In response, SQM argues that all information (except regarding one category, purchases of drinking water) was fully disclosed.

Department's Position: We agree with the petitioner that the narrative portion of the submission did not explain all of the relationships between SQM and its raw materials suppliers or between SQM and its customers. However, through the financial statements and other documentation, we knew of all five types of related transactions. At the verification we examined each of the five relationships and are satisfied that the relationships have been fully disclosed and accurately described by SQM.

Comment 2: Olin argues that SQM's reported method of allocation of production costs (some on the basis of sales value and others on the basis of sales volume) results in an understatement of its costs to produce industrial grade sodium nitrate. Olin suggests that all cost allocations be made on the basis of sales value because the use of volume ratios allocates a disproportionate share of total costs to agricultural grade nitrate, a product not covered by the order. SQM argues that the cost allocation methods are in accordance with generally accepted accounting principles.

Department's Position: We agree with Olin that SQM should not use different allocation methods for its direct costs of

production. On the other hand, we disagree with Olin's suggestion that costs be allocated on the basis of sales value because either of SQM's reported allocation methods could distort the cost for industrial nitrates. As a result, we have reallocated all of the direct costs on a production value basis, and we have allocated the indirect costs, i.e., the general, selling, and administrative expenses, on the basis of sales value.

Comment 3: Olin argues that SQM appears to have understated the production cost because SQM failed to include bad debt projections to reduce the interest income used in the cost of production.

Department's Position: We determined that the bad debt expense was in fact included in SQM's calculation of interest earned in the cost of production. Further, we have now recalculated the interest expense on the basis of sales value. This has resulted in an upward adjustment to the cost of production.

Comment 4: Olin suggests that the section 736 determination be terminated because SQM failed to provide sufficient information.

Department's Position: We determined that the data submitted by SQM for this determination were sufficient.

Comment 5: SQM argues that yearly cost of production data should be used rather than quarterly data for this review and subsequent section 751 reviews, because they are more reliable and meaningful. Olin advocates the use of quarterly data because of the high inflation in Chile.

Department's Position: We agree with Olin to the extent that, because of the unstable economic situation in Chile during the review period, we should use quarterly cost of production data as the most reliable data. Whether we will use yearly or quarterly data for subsequent reviews will depend on the economic situation in Chile at that time.

Comment 6: SQM argues that data collection and processing expenses are really invoicing, credit processing, and collection expenses and should be included in the ESP offset as indirect selling expenses on home market sales. Conversely, Olin argues that these expenses are general administrative expenses.

Department's Position: This is a moot point because we have not used home market sales for comparison with U.S. sales.

Comment 7: SQM claims that the cost of production calculation should not include voluntary severance pay and

medical expenses, as they are not incurred in the ordinary course of business and should be treated as extraordinary expenses. Olin argues against the exclusion of these expenses from the cost of production.

Department's Position: We consider the medical expenses as incurred in the ordinary course of business. The medical expense is a recurring expense. The severance pay was the result of negotiations with a union to avoid a strike. There is no guarantee that this situation will not occur in the future. Because this expense has the potential for being a recurring expense we have included it in the cost of production.

Early Determination

As a result of our comparison of United States price to foreign market value, we determine that the weighted-average margin for industrial grade sodium nitrate manufactured by SQM and entered during the period November 15, 1982 through March 15, 1983, is 2.05 percent.

The Department shall determine, and the Customs Service shall assess, antidumping duties on shipments of Chilean industrial grade sodium nitrate manufactured by SQM and entered, or withdrawn from warehouse, for consumption on or after November 15, 1982 through March 15, 1983. Individual differences between United States price and foreign market value may vary from the above percentage. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 2.05 percent shall be required on shipments of Chilean industrial grade sodium nitrate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this early determination. This deposit requirement shall remain in effect until publication of the final results of the first administrative review. The Department intends to conduct its first administrative review by the end of March 1985.

This notice is published pursuant to section 7369(c)(3) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

August 19, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-23252 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Marine Mammal Permit Applications; Dr. James R. Gilbert; Issuance of Permit

On July 6, 1983, notice was published in the *Federal Register* (48 FR 31062) that an application had been filed with the National Marine Fisheries Service by Dr. James R. Gilbert, Division of Wildlife, University of Maine, Orono, Maine 04469, to collect dead specimens of up to 500 harbor seals and 1,250 harbor porpoises taken incidental to commercial fishing operations in New England waters or as otherwise available.

Notice is hereby given that on August 15, 1983, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to Dr. James R. Gilbert 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, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 15, 1983.

Richard B. Roe,

Acting Director, National Marine Fisheries Service.

[FR Doc. 83-23069 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-22-M

Availability of Marine Mammal Annual Report

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of availability of 1982/83 Marine Mammal Annual Report.

SUMMARY: On August 11, 1983, the Secretary of Commerce sent to the Congress the annual report on the administration of the Marine Mammal Protection Act of 1972 as required by Section 103(f) of the Act. This report covers the period April 1, 1982 to March 31, 1983. The Assistant Administrator for Fisheries, National Marine Fisheries Service, informs the public that the report is available and that any interested individual may obtain a copy by requesting it from the Service.

ADDRESS: A copy may be obtained from the Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Editor, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235; (202) 634-7529.

SUPPLEMENTARY INFORMATION: The Marine Mammal Protection Act of 1972 assigns responsibility for marine mammals of the Order Cetacea (whales and dolphins) and the Suborder Pinnipedia (seals and sea lions), except walrus, to the Department of Commerce. Under authority delegated to it, the National Marine Fisheries Service carries out those responsibilities.

This report reviews the progress made in the past decade under the Act, the permit program for scientific research and public display of marine mammals and the incidental take of these animals in commercial fisheries, the marine mammal stranding networks, international activities, legal actions, and enforcement of the Act. It includes a discussion of the management and research programs for bowhead whales, gray whales, humpback whales, north Atlantic whales and dolphins, bottlenose dolphins, Dall's porpoises involved in the Japanese salmon fishery, porpoises involved in the tuna purse-seine fishery, and seals and sea lions in Hawaii, the Channel Islands National Park, California, the Pribilof Islands, Alaska, and the north Atlantic area. The appendix includes the estimated population numbers of pinnipeds and cetaceans of interest to the United States.

Dated: August 18, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-23207 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Salmon Advisory Subpanel and Salmon Plan Development Team; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Salmon Advisory Subpanel and a Salmon Plan Development Team, which will meet to

discuss the draft framework plan for managing the ocean salmon fisheries off the coasts of Washington, Oregon and California. The purpose of the meeting is to provide the salmon advisors an opportunity to question the salmon team regarding the framework plan and to prepare comments for submission to the Council for its review at the September 28-29, 1983, meeting in San Diego. Members of the public will be permitted to submit oral or written statements regarding these matters and time is scheduled for public comment at 3 p.m.

Time and date: The public meeting will take place at the Oregon Department of Fish and Wildlife, 506 S.W. Mill Street, Chinook Room Portland, Oregon, on Monday, September 12, 1983, at 10 a.m.

Further information: Pacific Fishery Management Council, 526 S. W. Mill Street, Portland, Oregon 97201, Telephone (503) 221-6352.

Dated: August 19, 1983.

Ann D. Terbusch,

*Acting Chief, Operations Coordination Group,
National Marine Fisheries Service.*

[FR Doc. 83-23271 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Adjusted Limit for Certain Cotton Textile Products From Hong Kong

August 19, 1983.

ACTION: On August 2, 1983 a notice was published in the *Federal Register* (48 FR 35003) announcing limits established during consultations held July 14 and 15, 1983 between the Governments of the United States and Hong Kong for a number of cotton and man-made fiber textile products, including cotton sheeting in Category 313. The purpose of this notice is to announce that, as a result of a reconciliation of U.S. and Hong Kong trade statistics, the agreed limit for Category 313 is being raised from 50,288,529 square yards to 51,516,694 square yards for the 1983 agreement year.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230; (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-23232 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Bilateral Textile Consultations With Taiwan and Korea to Review Trade in Categories 643 and 669 pt.

August 19, 1983.

ACTION: On August 12, and August 16, 1983 the American Institute in Taiwan requested consultations with the Coordination Council for North American Affairs concerning exports from Taiwan in Category 643 (men's and boys suits) and 669 pt. (only T.S.U.S.A. 386.1105 and 389.6210). On August 12, 1983 the United States also requested consultations with the Government of the Republic of Korea with respect to Category 669 pt. (only T.S.U.S.A. 386.1105 and 389.6210). These requests were made on the basis of the agreement of November 18, 1982, concerning trade in cotton, wool, and man-made fiber textiles and textile products from Taiwan, and on the basis of the Agreement of December 14, 1982 between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool and man-made fiber textiles and textile products.

SUMMARY: The purpose of this notice is to advise the public that if no solution is agreed upon in consultation with Taiwan and Korea, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 643 and 669 pt., produced or manufactured in Taiwan and Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on these categories as defined in the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, with Taiwan and the Government of Korea.

Any party wishing to comment or provide data or information regarding the treatment of Categories 643 and 669 pt. from Taiwan and 669 pt. from Korea under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, or any other aspect thereof, or to comment on domestic production or availability of textile products included in these categories, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the

consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-23233 Filed 8-23-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Date Change of Advisory Committee Meeting

The meeting of the Defense Science Board Task Force on Fire Support for Amphibious Warfare scheduled for 8-9 September 1983 in Washington, D.C. as published in the *Federal Register* (Vol. 48, No. 138, Monday, July 18, 1983, FR Doc. 83-19348) has been changed to 22-23 September 1983. In all other respects the original notice remains the same.

August 19, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

[FR Doc. 83-23263 Filed 8-23-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Contract Audit Agency

Membership of the Defense Contract Audit Agency (DCAA), Performance Review Board

AGENCY: Defense Contract Audit Agency, Department of Defense.

ACTION: Notice of membership of the Defense Contract Audit Agency Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Contract Audit Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance, appraisals and makes recommendations regarding performance and performance awards to the Director, Defense Contract Audit Agency.

EFFECTIVE: Upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Roger D. Kriesch, Personnel Management Specialist, Office of the Director of Personnel, Defense Contract Audit Agency, Department of Defense, Cameron Station, Alexandria VA, (202) 274-5798 or 274-5799.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been reappointed to serve as members of the Performance Review Board. They will serve a one-year term, effective upon publication of this notice.

Mr. Robert G. Bordley, Chief,
Accounting and Finance Division,
Office of the Comptroller, Defense
Logistics Agency;
Mr. John J. Quill, General Counsel,
Defense Legal Service;
Mr. Raymond E. Schmidt, Director,
Audit Policy, Office of the Assistant
Secretary (Comptroller), Office of the
Secretary of Defense.

John van Santen,
Assistant Director, Resources.
[FR Doc. 83-23195 Filed 8-23-83; 8:45 am]

BILLING CODE 3620-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Training Personnel for the Education of the Handicapped Program

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Date for Transmittal of Fiscal Year 1984 Noncompeting Continuation Applications.

SUMMARY: Applications are invited for noncompeting continuation projects under the Training Personnel for the Education of the Handicapped program.

Authority for this program is contained in Sections 631, 632, and 634 of Part D of the Education of the Handicapped Act. (20 U.S.C. 1431, 1432, and 1434)

Applications may be submitted by State educational agencies, institutions of higher education, and other nonprofit institutions or agencies.

The purpose of the program is to improve the quality and increase the supply of special educators and support personnel.

The Secretary published final regulations for the Training Personnel for the Education of the Handicapped program on May 24, 1983 (48 FR 23206). The effective date of these regulations was July 20, 1983.

Closing date for transmittal of applications: To be assured of consideration for funding, applications for noncompeting continuation awards should be mailed or hand delivered on or before September 30, 1983. If a noncompeting continuation application is late, the Department of Education may lack sufficient time to review it 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 Priority Number), Washington, D.C. 20202.

An application 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 the 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, S.W., 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.

Available funds: Since fiscal year 1984 appropriation levels have not been determined yet, accurate estimates of funding under each priority are not available. It is expected that funding will be available to award noncompeting continuation grants at the funding levels indicated below under the application notice for each priority.

These estimates of funding levels do not bind the Department to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Notices

84.029AH—Handicapped—Preparation of Special Educators—Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for preparation of special educator grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029CH—Handicapped—Preparation of Leadership Personnel— Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for doctoral and post-doctoral personnel preparation grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029EH—Handicapped—Preparation of Related Services Personnel— Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for the preparation of related services personnel grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029GH—Handicapped—State Educational Agency Programming— Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for unique State-wide training grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029JH—Handicapped—Special Projects—Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for special projects grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029LH—Handicapped—Specialized Training of Regular Educators—Noncompeting Continuations

Program information: This priority supports the continued second budget period funding, for preparation of regular educators grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029NH—Handicapped—Preparation of Trainers of Volunteers, Including Parents—Noncompeting Continuations

Program information: This priority supports the continued second budget period funding for the preparation of trainers of volunteers' grants that were awarded initially in 1983, for two or three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029QH—Training Personnel for the Education of the Handicapped—Program Assistance Grants—Noncompeting Continuations

Program information: This priority supports the continued third budget period funding for grants other than Special Projects that were awarded initially in 1982, for three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

84.029RH—Handicapped—Special Projects—Noncompeting Continuations

Program information: This priority supports the continued third budget period funding for Special Project grants that were awarded initially in 1982, for three budget periods.

Available funds: Awards will be funded at about the same level as in fiscal year 1983.

Application forms: Application forms and program information packages will be mailed to grantees that 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 application package. The program information is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competitions. The Secretary urges that the narrative portion of the application not exceed 30 pages in length. The Secretary further urges applicants to submit only the information that is requested.

Applicable regulations: Regulation applicable to this program announcement include the following:

- (a) Regulations governing the Training Personnel for the Education of the Handicapped (34 CFR Part 318); and
- (b) The Education Department of General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, and 78).

FOR FURTHER INFORMATION CONTACT:

Dr. Herman Saettler, Acting Director, Division of Personnel Preparation, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., Donohoe Building, Room 4805, Washington, D.C. 20202. Telephone: (202) 245-9886.

(20 U.S.C. 1431, 1432, 1434)

(Catalog of Federal Domestic Assistance No. 84.029, Training Personnel for the Education of the Handicapped Program)

Dated: August 19, 1983.

Madeleine Will,

Assistant Secretary.

[FR Doc. 83-23256 Filed 8-23-83; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education**Special Needs Program; Extension of Closing Dates for Applications for New Awards Under the Fiscal Year 1982 Supplemental Competition for Historically Black Institutions and the Regular Fiscal Year 1983 Competition**

The Secretary extends to (insert the 14th day after date of publication), the closing dates for applications for new awards for historically black institutions under the Special Needs Program under the: (1) Fiscal Year 1982 supplemental competition for historically black institutions, and (2) regular Fiscal Year 1983 competition. The Secretary is extending these closing dates so that historically black institutions can receive the funds made available to them for Fiscal Year 1983 under section 347(e) of the Higher Education Act of 1965 as amended (HEA).

The Special Needs Program is authorized by sections 321-324 and 341-347 of the HEA, 20 U.S.C. 1060-1064 and 1066-1069.

Section 347(e) of the HEA provides that the Secretary shall assure that in each fiscal year \$27,035,000 appropriated for the Special Needs Program shall be made available to "institutions with special needs that historically serve substantial numbers of black students," i.e., historically black institutions. Approximately \$2 million of this amount remains available. Accordingly, the Secretary is extending the closing date for the receipt of applications for new development awards under the Special Needs Program for any institution that qualified in Fiscal Year 1983 as an institution with special needs that historically serves substantial numbers of black students that was not selected for a grant under the Fiscal Year 1982 supplemental competition for historically black institutions or the regular Fiscal Year 1983 competition under that program. In addition, the Secretary is extending the closing date for historically black institutions that were selected for new Special Needs Program grants under the Fiscal Year 1982 supplemental competition for historically black institutions or under the regular Fiscal Year 1983 competition to permit those applicants to amend their applications to request additional funds.

Additional requests for funds for the latter group of institutions are limited to funds to carry out activities that have been approved as part of the institution's original grant application. The applicant may request funds to expand the scope of one or more of these activities or to accelerate the timetable for completing one or more activities. The Secretary encourages applicants to request additional funds in the area of developing the institution's overall management and administration.

The Secretary anticipates awarding approximately \$28,000 to each institution that submits an amendment to its original application. However, the maximum grant an institution may receive may not exceed \$800,000.

Extended Closing Date for Transmittal of Applications

An application for a development grant or an amended application for a development grant must be mailed or hand-delivered by (insert the 14th day after date of publication).

Application Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of

Education, Application Control Center, Attention: 84.031B, 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 proof 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. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Street, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturday, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Application Forms

Application forms and program information packages for new applications have already been provided to all eligible applicants. Applicants are advised that applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that: (1) the individual parts of the application not exceed the page limitations identified in the application materials, and (2) applicants not submit information that is not requested.

Institutions amending their applications do not need special forms to amend their applications. However, the proposed amendments must include in detail the activities to be undertaken and the budget for those activities.

Applicable Regulations

Regulations applicable to this program include the following:

- (a) The regulations in 34 CFR Part 624;
- (b) The regulations in 34 CFR Part 626; and
- (c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78 except that 34 CFR 75.128(a)(2) and 34 CFR 75.129(a) do not apply to cooperative arrangements.

Further Information. For further information contact: Dr. W. A. Butts, Director, Division of Institutional Development, U.S. Department of Education, Room 3066, Regional Office Building 3, 400 Maryland Avenue, SW., Washington, D.C. 20202-3311. Telephone 245-2715, 245-9091, or 245-9585.

(20 U.S.C. 1060-1063, 1066-1069c)
(Catalog of Federal Domestic Assistance No. 84-031B—Special Needs Program)

Dated: August 19, 1983.

Edward M. Elmendorf,
Assistant Secretary for Postsecondary Education.

[FR Doc. 83-23305 Filed 8-23-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Final Action on Short-Term Sale of Nonfirm Energy to Utilities for Irrigation Loads

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of final action.

SUMMARY: On April 20, 1983, BPA offered to sell nonfirm energy to Northwest utilities through October 31, 1983, for increases in their irrigation loads. The sale is designed to provide low-cost energy to serve regional irrigation loads which would have otherwise not operated, to utilize energy that would have otherwise been spilled, and to increase BPA revenues.

Twenty-seven utilities have accepted BPA's short-term offer. These utilities have agreed to purchase nonfirm energy

under the short-term contract and make it available to irrigator customers with no more than a minimal markup. The short-term sale of nonfirm energy to the utilities is effective through October 31, 1983.

ADDRESSES: Copies of the short-term irrigation sale contract are available from the BPA Public Involvement Office, P.O. Box 12999, Portland, Oregon 97212. Copies of comments received from the public on this subject are also available from the Public Involvement Office.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna L. Geiger, Public Involvement Manager, at the above address, 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048. Information may also be obtained from:

Mr. George Gwinnett, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Fredric D. Rettenmund, Boise District Manager, Owyhee Plaza Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9138.

SUPPLEMENTARY INFORMATION:

I. Background

In the April 7, 1983, *Federal Register* (48 FR 15178), BPA announced a proposal to offer nonfirm energy to utilities for irrigation loads through October 31, 1983. BPA's primary objectives in making this proposal were to provide low-cost energy to serve regional irrigation loads which would

have otherwise not operated, to utilize energy that would have otherwise been spilled, and to increase BPA revenues. Energy made available under this proposal was intended to be used only for pumping water for crop irrigation in amounts exceeding that which might otherwise be used.

BPA requested comments from the public on the proposed sale. Comments were accepted through April 14, 1983. BPA received comments from 36 parties. The comments were analyzed and addressed, as appropriate, in revising the offer to the utilities. Many comments led directly to contract revisions which are reflected in the terms of the sale.

On April 20, 1983, BPA offered a short-term contract for the sale of nonfirm energy to BPA requirements customer utilities for increases in their irrigation loads. The offer closed on June 21, 1983. At the end of this time, 27 utilities had accepted the offer. Acceptance by each of the utilities and closure of the offer constituted BPA's final action on this sale. The utilities are presently being served with nonfirm energy for increases in their irrigation loads.

The participating utilities by state are:

In California: Surprise Valley Elec. Corp.

In Idaho: Fall River Elec. Coop., Inc.; Kootenai Elec. Coop., Inc.; Lost River Elec. Coop., Inc.; Northern Lights, Inc.; Prairie Power Coop., Inc.; Raft River Rural Elec. Coop., Inc.; Riverside Elec. Co.; Rural Elec. Co.; Salmon River Elec. Coop., Inc.; South Side Elec. Lines, Inc.; Unity Light & Power Co.

In Montana: Flathead Elec. Coop., Inc.; Glacier Elec. Coop., Inc.; Lincoln Elec. Coop., Inc.; Missoula Elec. Coop., Inc.; Ravalli Co. Elec. Coop., Inc.; Vigilante Elec. Coop., Inc.

In Oregon: Columbia Basin Elec. Coop., Inc.; Consumers Power, Inc.; Coos-Curry Elec. Coop., Inc.; the City of McMinnville; Midstate Elec. Coop., Inc.

In Washington: Ferry Co. PUD #1; Inland Power & Light Co.; Ohop Mutual Light Co.

In Wyoming: Lower Valley Power & Light Co.

The short-term nonfirm energy sale will be in effect through October 31, 1983, the day prior to the effective date of BPA's 1983 rates.

II. Surplus Energy Available

BPA's offer of short-term nonfirm energy to utilities was made after review of BPA studies which confirmed that BPA will have substantial amounts of surplus firm and nonfirm energy available through October 31, 1983. With Columbia River system reservoirs operating at flood control levels throughout the spring, 1982-83 has been an exceptional water year. Under these conditions BPA expects to spill energy—to have more hydroelectric energy available for sale than markets can absorb—through July 31, 1983, and possibly into August. BPA has also determined the availability of large amounts of firm surplus energy through operating year 1983-84.

III. Terms of Irrigation Sale

Copies of the BPA Irrigation Sale contract are available from the BPA Public Involvement office. Key terms of the agreement include the following:

—Nonfirm energy is available at the contract nonfirm energy rate of 11.2 mills under BPA's current rate schedule from May 1, 1983, to October 31, 1983, subject to availability of nonfirm energy.

—Requests for nonfirm energy are met to the extent that a utility's estimated 1983 irrigation load exceeds 80 percent of the utility's 1982 irrigation load. Allowance is made for a lower base level where circumstances warrant.

—In order to ensure that maximum benefit under this agreement is passed through to irrigating consumers, a retail

markup of up to 2 mills per kilowatt-hour has been established. Allowance is made for a higher markup where costs to the utility associated with the proposal are greater than 2 mills.

—BPA rejected the possibility of extending this contract offer to those utilities with a present ability to purchase BPA nonfirm energy for whatever purpose.

Issued in Portland, Oregon on August 12, 1983.

Robert E. Ratcliffe,
Acting Administrator.

[FR Doc. 83-23180 Filed 8-23-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-250 et al.]

Chrysler Corp. et al.; Certifications of Eligible Use of Natural Gas to Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the applications, was published in the *Federal Register* and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility location	Date filed	Docket No.	FEDERAL REGISTER notice of application
Chrysler Corp., Kokomo Plant, Kokomo, Ind.	July 5, 1983	83-CERT-250	46 FR 35096, Aug. 5, 1983.
Dana Corp., Spicer Transmission Div., Toledo Plant, Toledo, Ohio	July 21, 1983	83-CERT-270	Do.
A. E. Staley Manufacturing Co., Galesburg Plant, Galesburg, Ill.	do	83-CERT-271	Do.
Inmont Corp., Cincinnati Plant, Cincinnati, Ohio	do	83-CERT-272	Do.
Sharon Steel Corp., Sharon Plant, Sharon, Pa.	do	83-CERT-273	Do.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44

FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on August 18, 1983.

James W. Workman,
Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-23236 Filed 8-23-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-Cert-260 et al.]

Koppers Co. et al.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification

of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the applications, was published in the Federal Register and an opportunity for public comment was provided for a period of ten calendar days from the

date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	FEDERAL REGISTER notice of application
Koppers Co., Inc., Follensbee, W. Va.	July 13, 1983	83-CERT-260	48 FR 34796, Aug. 1, 1983.
National Forge Co., Warren County, Pa., Erie, Pa.	.....do	83-CERT-261	Do.
Cargill, Inc., Chesapeake, Va.	July 14, 1983	83-CERT-262	Do.
United States Gypsum Co., Norfolk, Va.	.....do	83-CERT-263	Do.
Trumbull Asphalt, Medina, Ohio	July 15, 1983	83-CERT-264	Do.
Just Born, Inc., Bethlehem, Pa.	.....do	83-CERT-265	Do.
Siemens-Albis, Inc., Norwood, Ohio	.....do	83-CERT-266	Do.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the applications satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

Issued in Washington, D.C., on August 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-23237 Filed 8-23-83; 9:45 am]

BILLING CODE 8450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-107-000, et al.]

Boundary Gas, Inc. and Tennessee Gas Pipeline Co.; Intent To Prepare Environmental Impact Statement for Canadian Import Project, Request for Comments on Environmental Issues and Scope of Those Issues, and Cancellation of Prior Environmental Impact Statement Notice

August 22, 1983.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has determined that approval of the project proposed in the following applications would constitute a major Federal action significantly affecting the quality of the human environment: Niagara Interstate Pipeline System (NIPS), Docket No. CP-170-001, Southern Segment; Algonquin Gas Transmission Company (Algonquin),

Docket No. CP82-119-002;

Transcontinental Gas Pipe Line Corporation (Transco), Docket No. CP82-385-002; ANR Storage Company (ANR Storage), Docket No. CP82-420-001; Texas Eastern Transmission Corporation (Texas Eastern), Docket No. CP82-446-002; ANR Michigan Storage Company (ANR Michigan), Docket No. CP82-478-001; and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), Docket No. 81-296-003. Therefore, pursuant to § 2.82(b) of the Commission's Rules of Practice and Procedure (18 CFR 2.82(b)), an environmental impact statement (EIS) will be prepared. The draft EIS evaluating the Canadian Import Project will deal only with the facilities proposed in these applications. It will also address alternatives to the proposed project, including no action, route deviations, and system design modifications, where feasible. In addition, the draft EIS will compare the Canadian Import Project as proposed with any other feasible alternatives, as appropriate.

In total, the applicants are seeking certificates of public convenience and necessity, under section 7(c) of the Natural Gas Act, authorizing construction and operation of 427.8 miles of pipeline and 41,560 horsepower of compression and transportation and storage service. Gas would be imported from Canada on the international boundary near Niagara Falls, New York, and transported through existing and proposed facilities for sale to customers in the eastern United States.¹

¹ Other filings before the Commission related to these applications which do not propose facility construction are:

1. Algonquin, Texas Eastern, and Transco, Docket No. CP82-40-002 (import);

Background

On April 22, 1981, and August 9, 1982, Tennessee filed applications in Docket Nos. CP81-296-000 and CP81-296-001 before the FERC to construct and operate 256.75 miles of pipeline loop, 36,465 horsepower of compression, and appurtenant metering and regulating facilities at various locations in New York, Pennsylvania, Massachusetts, New Jersey, New Hampshire, and Connecticut. On February 18, 1983, the Environmental Protection Agency published in the Federal Register a notice of availability (48 FR 7298) for the FERC's Tennessee/Boundary Looping Project: Final Environmental Impact Statement.

In 1981 and 1982, a second independent Canadian import project was filed with the FERC. The Trans-Niagara Import Project sought authorization to construct and operate a total of 556 miles of pipeline and 176,480 horsepower of compression. Seven interstate natural gas transmission companies proposed these facilities at various locations in New York, Pennsylvania, New Jersey Connecticut,

¹ Other filings before the Commission related to these applications which do not propose facility construction are:

1. Algonquin, Texas Eastern, and Transco, Docket No. CP82-40-002 (import);
2. Michigan Consolidated Gas Company, Docket No. CP82-502-001 (transportation, storage, continued exemption of certain facilities);
3. Texas Eastern, Docket Nos. CP82-326-001 (import) and CP82-423-001 (import);
4. Transco, Docket Nos. CP82-385-001 (supplement), CP82-503-001 (storage), CP82-308-000 (import), and CP83-314-000 (import);
5. NIPS, Docket No. CP83-249-000 (presidential permit).

Great Lakes Gas Transmission Company (Great Lakes) has not amended its application in Docket No. CP82-428-000. Great Lakes has indicated informally to the staff that it will now only need to expand the existing Belle River Mills/St. Clair Meter Station in Michigan.

Massachusetts, and Michigan. A notice of intent to prepare an EIS for the Trans-Niagara Import Project was published in the *Federal Register* on September 28, 1982 (47 FR 42619).

On January 27, 1983, the National Energy Board of Canada issued a decision that authorized a total export of only up to 1,266 million cubic feet per day (cf) of natural gas for these projects instead of the proposed volume of 2,312 million cfd. Consequently, the sponsors of the independent projects had to modify their proposals.

On January 25, 1983, and March 25, 1983, the NIPS project was filed with the FERC that effectively replaced these portions of the independent projects that were duplicative. Since this joint project is now before the FERC, the notice of intent to prepare an EIS for the Trans-Niagara Import Project is cancelled.

On May 2, 1983, Tennessee filed a Firm Initial Service proposal that would transport 40 million cfd of gas starting in November 1984 for four distribution companies that predict a substantial need for additional gas in the winter of 1984-85. The Firm Initial Service involves a total of 41.4 miles of pipeline looping and 4,500 horsepower of temporary compression. Because the issues related to the Firm Initial Service could be separated from the rest of the joint project, the presiding Administrative Law Judge has adopted a trial schedule that would examine this service in advance of the remainder of the project. Most of the facilities proposed Tennessee to transport the Firm Initial Service gas were analyzed in the February 1983 EIS. The Commission staff is presently preparing an environmental assessment on related temporary facilities necessary for and alternatives to the Firm Initial Service. This environmental assessment should be completed by September 1, 1983. A notice summarizing the environmental assessment will be issued in the *Federal Register*.

The environmental analysis of the joint project will consist of three parts. The first part, *Tennessee/Boundary Looping Project: Final Environmental Impact Statement*, was prepared and released on February 7, 1983. The second part, the environmental assessment for the Firm Initial Service, will be available in September. The third part, the *Canadian Import Project: Draft EIS*, will address all proposed facilities that have not been analyzed in either the final EIS or the environmental assessment for the Firm Initial Service.

The Proposals in Detail

For the Southern Segment, NIPS proposes (Docket No. CP83-107-001) to

construct 112.7 miles of 42-inch diameter pipeline and two meter stations in New York and Pennsylvania. In addition, NIPS proposes to install 11,600 horsepower of compression at a new compressor station in Clinton County, Pennsylvania.

In Docket No. CP82-385-002, Transco proposes to construct 188.69 miles of 10-, 12-, 16-, 24-, 30-, and 36-inch diameter pipeline loop in eight segments adjacent to its existing pipeline in Pennsylvania and New Jersey. The applicant would also install 3,900 horsepower of compression at an existing compressor station in Lycoming County, Pennsylvania, and a new meter station in Somerset County, New Jersey.

Texas Eastern requests authorization in Docket No. CP82-446-002 to phase the construction of its proposed facilities in Pennsylvania. In phase one, Texas Eastern would construct 8.25 miles of 30-inch diameter pipeline loop in four segments adjacent to its existing pipelines in Pennsylvania and expand the existing Lambertville Meter Station in Hunterdon County, New Jersey. In phase two, the applicant would construct 93.5 miles of 24- and 30-inch diameter pipeline in five segments in Pennsylvania. In addition, Texas Eastern would also install 4,000 horsepower of compression at its existing Lambertville Compressor Station in Hunterdon County, New Jersey. The phase one facilities would be used in an alternative to Tennessee's Firm Initial Service; they will be addressed in the staff's forthcoming environmental assessment. The phase two facilities will be analyzed in *Canadian Import Project: Draft EIS*.

In Docket No. CP82-119-002, Algonquin proposes to construct 17.9 miles of 30-inch diameter pipeline and 1.7 miles of 6-inch diameter pipeline in New Jersey and Connecticut, respectively. Algonquin further proposes to install a total of 7,660 horsepower of compression at two existing compressor stations in New York and Connecticut. Algonquin would also install two new regulator stations in Massachusetts and an interconnection with Transco near Centerville, New Jersey. On July 5, 1983, Algonquin proposed in Docket No. CP82-119-003 to phase construction of its pipeline in New Jersey. Algonquin proposes to prebuild 3.5 miles of its 17.9-mile long pipeline as part of an alternative to Tennessee's Firm Initial Service. The rest of the facilities would be constructed in a second phase. The staff will address the prebuild facilities in the environmental assessment for the Firm Initial Service and the second phase facilities in *Canadian Import Project: Draft EIS*.

In phase two of its project in Docket No. CP81-296-003, Tennessee now proposes to construct a 7,000-horsepower compressor previously in Sussex County, New Jersey. This facility had not been previously proposed or discussed in the *Tennessee/Boundary Looping Project: Final Environmental Impact Statement*. It will be analyzed in *Canadian Import Project: Draft EIS*.

In Docket No. CP82-420-001, ANR Storage proposes to construct 15.7 miles of 20-inch diameter pipeline adjacent to existing pipeline rights-of-way, one meter station, and a 2,000-horsepower compressor station in Kalkaska and Grand Traverse Counties, Michigan.

Finally, in Docket No. CP82-478-001, ANR Michigan proposes to construct 1.1 miles of 12-inch diameter pipeline and a 5,400-horsepower compressor station. The applicant would also develop and operate the Whitewater 36/36A fields for underground storage by rehabilitating 2 existing wells and drilling 10 new wells. All of these facilities would be in Grand Traverse County, Michigan.

To allow sufficient space for construction of the pipelines, construction rights-of-way up to 80 feet wide would be required. After construction, new 25- to 50-foot wide permanent rights-of-way would be maintained.

A copy of this notice and additional technical information about the proposed project have been distributed to Federal, state, and local environmental agencies, parties to the proceeding, and the public. The additional information includes general facility location maps and an indication of what is proposed for each county affected. These groups are invited to comment on anticipated environmental problems associated with the proposed project. Comments will be used by the FERC staff to identify the issues which require in-depth environmental analysis. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Recommendations that the EIS address specific issues should be supported by detailed rationale or a showing of the need to consider those issues. Written comments should be submitted by September 28, 1983, and reference Docket No. CP81-107-000, *et al.*

Additional information about the proposals is available from Mr. Kenneth Frye, Project Manager, Environmental Evaluation Branch, Office of Pipeline

and Producer Regulation, telephone (202) 357-9039.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-2329 Filed 8-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 3891-999, et al.]

East Fork Irrigation District, et al.; Public Meeting

August 19, 1983.

The Federal Energy Regulatory Commission has before it a number of applications for hydropower development in the Hood River Basin. In response to petitions to the Commission to consider the cumulative environmental effects of hydropower in the basin, the Commission staff will hold a public meeting at 8:00 a.m.-12 noon on September 27, 1983, in the Auditorium of the Bonneville Power Administration Building at 1002 N.E. Holiday Street, Portland, Oregon.

The purpose of the meeting will be to determine the scope and validity of the issues involved. Emphasis will be upon technical verification of the various contentions. For example, what resource would be impacted by cumulative effects, where, how, and to what extent? Participants should be prepared to file written comments at the meeting or within two weeks thereafter. Written comments should be sent to Mr. Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. In order to coordinate the meeting and ensure that all verbal presentations are heard, all interested persons who wish to speak longer than 10 minutes should notify David Boergers at (202) 357-8492 at least seven days prior to the meeting.

For further information please contact David Boergers, (202)357-8492; Joseph Vasapoli, (202)357-5630; or Ron McKittrick, (202)376-9061.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-23240 Filed 8-23-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-2420-6]

Region VI; Final Agency Action on a RCRA Permit for IT Corporation

Notice is hereby given that on August 15, 1983, the Environmental Protection Agency, Region VI, (EPA) issued a final permit decision regarding the Resource

Conservation and Recovery Act (RCRA) permit number LAD000757385-1 for IT Corporation.

On December 30, 1982, EPA Region VI, issued a RCRA permit to IT Corporation for is proposed hazardous waste management facility in Ascension Parish, Louisiana. This permit was to be effective on February 8, 1983. On February 7, 1983, the EPA received a petition for review of the permit. This action stayed the effective date of the permit pending final agency action. On July 11, 1983, EPA Administrator William D. Ruckelshaus issued a Denial of Petition for Review. Pursuant to the Administrator's determination, Region VI Regional Administrator Dick Whittington issued the final permit decision and established a new permit effective date of August 15, 1983. Notice of the final permit decision and new effective date has been served on Stephen M. Irving, Attorney for the petitioners, and on representatives of IT Corporation.

Information regarding permit LAD000757385-1 is available for public inspection upon request at: U.S. Environmental Protection Agency, Region VI, Hazardous Materials Branch, 1201 Elm Street, 28th Floor, Dallas, Texas 75270, or by calling Craig Campbell at (214) 767-2763.

FOR FURTHER INFORMATION CONTACT: Craig Campbell at the above Region VI address or by telephone at (214) 767-2763.

Dated: August 15, 1983.

Frances E. Phillips,

Acting Regional Administrator, Region VI.

[FR Doc. 83-23200 Filed 8-23-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83M-0236]

**Asahi Chemical Industry America, Inc.;
Premarket Approval of Plasmaflo™
AP-05H Asahi Plasma Separator**

Correction

In FR Doc. 83-22022, beginning on page 36659, in the issue of Friday, August 12, 1983, the docket line in the heading should read as it appears above.

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1281]

Privacy Act of 1974; Amendment to Existing System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act system of records: HUD/H-5, Single Family Computerized Homes Underwriting Management System (CHUMS).

DATE: The amendment shall become effective without notice 30 calendar days from the publication date of this notice (September 23, 1983), unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer, Telephone 202-755-5320. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD is proposing a new program involving direct underwriting of insured single family mortgage loans by approved mortgage lenders. Under this new program, a lender would be permitted to underwrite, close and submit loans to HUD for insurance endorsement without prior HUD commitment. The Computerized Homes Underwriting Management System (HUD/H-5) will be expanded to monitor the performance of mortgagees participating in the program. The categories of individuals covered by the system will be expanded to include mortgagee staff appraisers and mortgagee staff underwriters. The categories of records contained in the system will be expanded to include the name and identifying number of each mortgagee staff appraiser and staff underwriter with corresponding territory and workload. The record source categories will be expanded to include mortgagee staff appraiser and mortgagee staff underwriters. The prefatory statement containing General Routine Uses applicable to the Department's systems of records was published at 47 FR 34322 (August 6, 1982). Appendix A, which lists the addresses of HUD's Field Offices, was published previously at 47

FR 34331 (August 6, 1982). Previously, the system was published at 46 FR 54907 (November 4, 1981). The notice is published below in its entirety, as amended. A report of the Department's intention to amend this system was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on June 21, 1983.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3533(d)))

Issued at Washington, D.C., August 15, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

HUD/H-5

SYSTEM NAME:

Single Family Computerized Homes Underwriting Management System (CHUMS).

SYSTEM LOCATION:

Headquarters and Field Offices. For a complete listing of these offices, with addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in the HUD/FHA single-family underwriting process (builders, fee appraisers, fee mortgage credit examiners, fee inspectors, mortgagees, mortgage staff appraisers, mortgage staff underwriters) and HUD employees involved in the single family underwriting process (Directors, Deputy Directors of Housing Divisions, Service Office Supervisors, staff appraisers, staff mortgage credit examiners, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks).

CATEGORIES OF RECORDS IN THE SYSTEM:

Case binders and automated files contain name, address, social security number or other identification number, and minority data (including racial/ethnic background, Minority Business Enterprise (MBE) Code, and sex for statistical tracking purposes) of the builder and mortgagor. These records also contain the name, address, social security number or other identification number, territory, workload, and minority data (including racial/ethnic background, Minority Business Enterprise (MBE) Code, and sex, for statistical tracking purposes) of fee appraisers, fee mortgage credit examiners, and fee inspectors. These records will further contain the name and identifying number of each mortgagee staff appraiser and each mortgagee staff underwriter and the territory and workload of those individuals.

Additionally, the automated files contain identification (name and social security or other identifying number) of HUD employees involved in the single family underwriting process (Directors, Deputy Directors of Housing Divisions, Service Office Supervisors, staff appraisers, staff mortgage credit examiners, architectural employees, receiving clerks, assignment clerks, commitment clerks, records clerks, and closing clerks).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 203, National Housing Act, Pub. L. 73-479.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In case binders and on magnetic tape/disc/drum.

RETRIEVABILITY:

Name, social security number or other identification number.

SAFEGUARDS:

Manual files are kept in lockable cabinets or rooms; automated records are maintained in secured areas. Access to either type of record is limited to authorized personnel.

RETENTION AND DISPOSAL:

Manual records of insured cases are retained for 36 years and rejected cases are retained for one year. Computerized records of insured cases are retained for 10 years and rejected cases are retained for 3 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Single Family Housing, HSS, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location in accordance with 24 CFR Part 16. A list of all locations is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer

at the appropriate location. A list of all locations is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A; (ii) in relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

RECORD SOURCE CATEGORIES:

Mortgagees, Appraisers, Inspectors, Mortgage Credit Examiners, Builders, Mortgage Staff Appraisers, Mortgage Staff Underwriters, and HUD Employees.

[FR Doc. 83-23220 Filed 8-23-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1280]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notification of a new system of records.

SUMMARY: The Department is giving notice of a system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective without further notice 30 calendar days from the publication date of this notice (September 23, 1983), unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer (202) 755-5320. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The records in this system will consist of information derived from the submission of data by practicing members of the bar who wish to be placed on the register described herein. Attorneys may apply to be listed on the Government National Mortgage Association's (GNMA)

register of attorneys to perform foreclosure work required for GNMA-held, single-family mortgage loans. The following information is required for registration: Name of applicant (firm or individual); business address and telephone number; bar membership (where and when admitted); and experience in mortgage foreclosures. GNMA requires its designated servicers to utilize only attorneys registered with GNMA. At the request of mortgage servicer, GNMA advises the servicer of an attorney on the register in the same jurisdiction or the nearest jurisdiction to the court where the action may be instituted. The Government National Mortgage Association is the owner and holder of a large number of single family mortgages acquired under various programs authorized by the Congress. Servicing of these mortgages is carried out on behalf of GNMA by designated financial institutions and mortgage companies. The need for legal work in connection with servicing activities is limited almost entirely to foreclosure actions. In the event of a foreclosure, GNMA bears all of the costs of the action and is liable for any and all shortfalls for conventional mortgages and those shortfalls not covered by claim payments under the FHA and VA programs.

GNMA requires its designated mortgage servicers to utilize only attorneys registered with GNMA for foreclosure actions. Since June 23, 1978, listing on that register has been by open application (see 43 FR 27246).

A new system report was filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget on May 12, 1983. Appendix A, which lists the addresses of HUD's offices, was published at 47 FR 34331 (August 6, 1982).

HUD/DEPT-78

SYSTEM NAME:

Government National Mortgage Association (GNMA) Registry of Foreclosure Attorneys.

SYSTEM LOCATION:

Headquarters Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and law firms that have voluntarily submitted the information contained in the record system.

CATEGORIES OF RECORD IN THE SYSTEM:

Name, firm name, address, and telephone numbers; date and place of bar membership; and experience in foreclosures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title III, Section 309 of the National Housing Act authorizes GNMA to do the following: To enter into and perform contracts with any person or firm; to sue and be sued, and to complain and defend in any court of competent jurisdiction; to select and appoint or employ attorneys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To GNMA servicers—to permit the servicer to obtain the services of a registered attorney.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records stored in locable file drawers located in lockable rooms. Access limited to authorized personnel.

RETRIEVABILITY:

Name and address.

SAFEGUARDS:

Manual records stored in lockable file cabinets in secured areas. No computer records will be maintained. Access to records is limited to authorized personnel.

RETENTION AND DISPOSAL:

Records on attorneys are kept for at least three years. Attorneys must reapply within the three year period. Failure to reapply will result in deletion from the Registry.

SYSTEM MANAGER AND ADDRESS:

Assistant General Counsel for Finance, Department of Housing and Urban Development, Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If

additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the Headquarters location. This location is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington D.C. 20410

RECORD SOURCE CATEGORIES:

Subject individuals.

(5 U.S.C. 552, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., August 15, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-23221 Filed 8-23-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Projects; Operation and Maintenance Charges; Fort Belknap Indian Irrigation Project, Montana

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to change the annual per acre assessment rate for the operation and maintenance of the irrigation facilities on the Fort Belknap Indian Irrigation Project to properly reflect the actual costs for labor, materials, equipment and services. The change is from \$5.17 to \$12.50 per irrigable acre for non-Indian owned land and Indian owned land leased to non-Indians, and from \$2.65 to \$6.50 per irrigable acre for Indian owned land farmed and operated by Indians.

EFFECTIVE DATE: This notice shall be effective on and retroactive to February 5, 1982.

FOR FURTHER INFORMATION CONTACT: Elmer M. Main, Superintendent, Bureau of Indian Affairs, Fort Belknap Agency, Harlem, Montana 59526.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3.

The operations and maintenance rate at the Fort Belknap Indian Irrigation Project has not been changed since 1969 when it was fixed at \$5.17 per irrigable acre.

The costs of labor, materials, power and energy have continued to increase each year until costs now exceed revenue from current charges.

An analysis of the cost of operation and maintenance of the Fort Belknap Indian Irrigation Project was discussed with the individual farmers and three irrigation districts representatives. Comments received were carefully considered in arriving at the new rate.

The notice will read as follows:

Fort Belknap Indian Irrigation Project, Montana

Annual Operation and Maintenance Charges

Charges

The basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the Fort Belknap Indian Irrigation Project (including lands under pumping contracts with the Fort Belknap Indian Irrigation Project) are hereby fixed at \$6.25 per acre against lands in Indian ownership not under lease to a non-Indian, and at \$12.50 per acre against lands in non-Indian ownership and lands in Indian ownership under lease to a non-Indian.

Payment

The annual charges shall become due on April 1 of each year and are payable on or before that date. Any assessment remaining unpaid after the due date shall stand as a first lien against the land.

Delivery

The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the Superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the Superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year. Written statements to that effect will be furnished the

Superintendent by the Indian owner on or before the due date.

In any instance where the Superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the Superintendent stating that such Indian is not financially able to pay such charges and copies thereof forwarded to the Deputy Assistant Secretary of Indian Affairs for approval or rejection.

In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

Water Users Responsible for Water After Delivery

It is the duty of the Bureau of Indian Affairs to furnish available water for beneficial irrigation use only. It is the duty of all water users of the project to aid in the prevention of the waste of water and of damage to adjacent lands. The water users are responsible for the water after it has been delivered to their lands, and are required to have their field ditches of proper capacity and in suitable condition for the economical use of water.

Norris M. Cole,
Area Director.

[FR Doc. 83-23329 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[C-28560, C-28562, C-28564, C-28565]

Colorado; Proposed Continuation of Withdrawals of Lands

August 15, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management is reviewing possible continuation of Public Land Orders 459, 565, 698, and 779, as amended, which are existing withdrawals established for use of the United States Atomic Energy Commission in its domestic uranium program.

Colorado [C-28560]

Public Land Order 459 of March 25, 1948, as amended by Public Land Order 698 of February 12, 1951, Public Land Order 939 of February 8, 1954, Public Land Order 1223 of September 13, 1955, and Public Land Order 1398 of March 15, 1957, withdrew public lands and the

minerals reserved to the United States in the patented lands, subject to valid existing rights and existing withdrawals. The following lands are currently proposed for withdrawal continuation:

New Mexico Principal Meridian

T. 48 N., R. 17 W.,

Sec. 1, lots 2, 3, 4, 6, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and including that portion of patented MS 20207 in SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 12, lot 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and excluding that portion of patented MS 20207 in NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 47 N., R. 17 W.,

Sec. 5, lots 2, 3, 5, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and excluding that portion of patented MS 20273 in NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 6, lots 10, 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and excluding that portion of unpatented MS 19731A in SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 20, lot 23, E $\frac{1}{2}$ NE $\frac{1}{4}$, and excluding those portions of patented MS 20454 and MS 20662 in NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, lots 1, 3, 4, 5, 7, 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding those portions of patented MS 19799, MS 20182, MS 20449, and MS 20454 in SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 27, lot 1, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, and excluding that portion of patented MS 20196 in NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 35, lots 2, 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$, excluding that portion of patented MS 20194 in SW $\frac{1}{4}$ SW $\frac{1}{4}$, and including that portion of unpatented MS 20194 in SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 48 N., R. 17 W.,

Sec. 32, lots 1, 2, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and excluding those portions of patented MS 20271 and MS 20272 in E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 43 N., R. 18 W., Sec. 32.

T. 43 N., R. 19 W.,

Sec. 8, S $\frac{1}{2}$, excluding acquired MS 20647 in SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 10;

Sec. 11, S $\frac{1}{2}$;

Sec. 14, N $\frac{1}{2}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 15, N $\frac{1}{2}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 18;

Sec. 17, excluding acquired MS 20646 and MS 20647 in NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 18, lots 2, 3, 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, and excluding acquired MS 20645 and MS 20646 in SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 28, W $\frac{1}{2}$, excluding acquired MS 20641 in W $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 29, E $\frac{1}{2}$, excluding acquired MS 20641 in E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 44 N., R. 19 W.,

Sec. 22, SE $\frac{1}{4}$, excluding acquired MS 20640 in SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, S $\frac{1}{2}$, excluding acquired MS 20640.

The area described aggregates approximately 7,952.14 acres in Montrose and San Miguel Counties. Acreages withdrawn in the original Public Land Order erroneously included lands patented prior to the order and lands patented without a reservation of uranium minerals to the United States. Lands

which contain unpatented mineral surveys and valid mining claims are included in the continuation of the withdrawal until such time as vested rights attach.

Colorado [C-28562]

Public Land Order 565 of February 25, 1949, as amended by Public Land Order 1092 of March 11, 1955, and Public Land Order 1398 of March 15, 1957, withdrew public lands and the minerals reserved to the United States in the patented lands, subject to valid claims and existing withdrawals. Any tract or tracts of land to which valid claims have attached under the public land laws prior to the date of the order are excluded from the reservation, provided that upon abandonment or extinguishment of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein. The following lands are currently proposed for withdrawal continuation:

New Mexico Principal Meridian

- T. 46 N., R. 17 W.,
 Sec. 16, lots 1, 2, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, and excluding that portion of patented MS 20221 in S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 17, lots 2, 3, 4, 5, and excluding those portions of patented MS 20225 and MS 20233 in SW $\frac{1}{4}$;
 Sec. 18, lots 15, 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding those portions of patented MS 20231 and MS 20233 in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$ (all);
 Sec. 20, lots 1, 2, 3, 4, 5, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, and excluding those portions of patented MS 20225 and MS 20226 in NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$, and including that portion of unpatented MS 20474 in NE $\frac{1}{4}$;
 Sec. 21, lots 1, 2, 3, 4, 5, 6, 7, 8, S $\frac{1}{2}$, excluding those portions of patented MS 20133, MS 20219, MS 20221, MS 20222, and MS 20226 in N $\frac{1}{2}$;
 Sec. 22, lots 1, 2, 3, 4, 6, 7, 8, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding those portions of patented MS 20219 and MS 20086A in NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates approximately 2,616.85 acres in Montrose County. Acreages withdrawn in the original Public Land Order erroneously included lands patented prior to the order. Lands which contain valid mining claims are included in the continuation of the withdrawal until such time as vested rights attach.

Colorado [C-28564]

Public Land Order 698 of February 12, 1951, as amended by Public Land Order 939 of February 8, 1954, Public Land Order 981 of July 9, 1954, and Public Land Order 1398 of March 15, 1957, withdrew public lands and the minerals reserved to the United States in the patented lands, subject to valid claims and existing withdrawals. Any tract or tracts of land to which valid claims have

attached under the public land laws prior to the date of the order are excluded from the reservation, provided that upon abandonment or extinguishment of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein. The following lands are currently proposed for withdrawal continuation:

New Mexico Principal Meridian

- T. 47 N., R. 17 W.,
 Sec. 16, S $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 22, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 36, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 48 N., R. 17 W.,
 Sec. 18, lots 1, 2, 3, 4, E $\frac{1}{2}$, and E $\frac{1}{2}$ W $\frac{1}{2}$ (all);
 Sec. 19, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding those portions of patented MS 19608 and MS 20263 in S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 20, lots 1, 2, 3, N $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding that portion of patented MS 20262 in NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 21, lots 1, 7, E $\frac{1}{2}$ SE $\frac{1}{4}$, and excluding that portion of patented MS 20264 in W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 22, lots 9, 10, 11, 12, 13, 14, 15, and 16;
 Sec. 26, lots 10, 11, 12, and including those portions of tracts 37 and 38 in former W $\frac{1}{2}$ SW $\frac{1}{4}$ (33.64 acres of surface estate subject to State Indemnity Application, C-35774);
 Sec. 27, lots 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, excluding those portions of patented MS 20265, MS 20266, and MS 20267 in SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, and including that portion of tract 37 in former lot 3 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of tract 38 in former S $\frac{1}{2}$ SE $\frac{1}{4}$ (24.50 acres of surface estate subject to State Indemnity Application, C-35774);
 Sec. 28, lots 19, 20, 26, 27, 28, and excluding those portions of patented MS 20264, MS 20265, and MS 20267 in NE $\frac{1}{4}$.
 T. 48 N., R. 18 W.,
 Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 24, lots 4, 5, 6, 7, 8, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and excluding those portions of patented MS 19607 and MS 20263 in SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates approximately 3,972.31 acres in Montrose County. Acreages withdrawn in the original Public Land Order erroneously included lands patented prior to the order. Lands which contain valid mining claims and which are subject to State Indemnity Application are included in the continuation of the withdrawal until such time as vested rights attach.

Colorado [C-28565]

Public Land Order 779 of December 29, 1951, as amended by Public Land Order 825 of May 13, 1952, Public Land Order 1295 of April 26, 1956, and Public Land Order 1398 of March 15, 1957,

withdrew public lands and the minerals reserved to the United States in the patented lands, subject to valid claims and existing withdrawals. Any tract or tracts of land to which valid claims have attached under the public land laws prior to the date of the order are excluded from the reservation, provided that upon abandonment or extinguishment of such claims for any cause, the reservation shall immediately become effective as to such tract or tracts and the minerals therein. The following lands are currently proposed for withdrawal continuation:

New Mexico Principal Meridian

- T. 46 N., R. 17 W.,
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 30.
 T. 45 N., R. 18 W.,
 Sec. 14, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 15, NW $\frac{1}{4}$.

The area described aggregates 1,200 acres in Montrose and San Miguel Counties. Lands which contain valid mining claims are included in the continuation of the withdrawal until such time as vested rights attach.

The Department of Energy proposes continuation of the withdrawals for 20 years. The purpose of the withdrawals is to stimulate mining and development of uranium ore for purchase by the Federal Government through a leasing program.

The Bureau of Land Management manages the surface resources of these withdrawals through an interagency agreement with the Department of Energy. The subsurface minerals remain under direct Department of Energy supervision. The custody of the property is vested in the Department of Energy. The withdrawals closed the lands to all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. No change in the segregative effect or use of the land would be affected by the continuations.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuations. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 90 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal

continuations may present their views in writing to the undersigned authorized officer of the BLM within 90 days of the date of publication of this notice.

The authorized officer of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawals will be published in the *Federal Register*. The existing withdrawals will continue until such final determination is made.

All communications in connection with these proposed withdrawal continuations should be addressed to the undersigned officer, Bureau of Land Management, Colorado State Office, 1037-20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-23228 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-84-M

Salmon District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held at 10:00 a.m., Monday, October 3, 1983.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Pub. L. 92-463 and 94-579. The primary purpose of the meeting will be to discuss proposed projects for FY 84.

The meeting is open to the public. Anyone may make oral statements to the Board or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by September 26, 1983.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection within 30 days following the meeting.

Dated: August 16, 1983.

Jerry W. Goodman,
Acting District Manager.

[FR Doc. 83-23225 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-84-M

Regional Leasing Target; Modification

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice is to inform the public that on July 5, 1983, the Secretary adopted a modified leasing target of 300 to 400 million tons of Federal recoverable coal reserves for the San Juan River Federal coal production region. On April 27, 1983, the San Juan River Regional Coal Team (RCT) met in Albuquerque, New Mexico, and discussed recommending changes to the regional leasing target. The original leasing target was 1.2 to 1.5 billion tons of Federal in-place reserves. The team recommended to the Secretary the leasing target be reduced to 800 to 900 million tons of Federal in-place reserves. This recommended leasing target is approximately 300 to 400 million tons of Federal recoverable coal reserves.

The Secretary's decision was based on all available information including extensive consultation with the Governors of New Mexico and Colorado. The adopted change is a direct result of recommendations from the regional coal team and the New Mexico State Governor. The regional leasing target will serve as the basis for proposed action alternative in the regional lease sale environmental impact statement to be prepared for the scheduled coal sale in 1984.

FOR FURTHER INFORMATION CONTACT: Project Manager, San Juan River Region, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501; (505-988-6460), or Chief, Division of Solid Mineral Leasing, Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240; (202-343-4636).

Dated: August 12, 1983.

James M. Parker,
Acting Director.

[FR Doc. 83-23223 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council

Notice: The Council will meet September 21 at 7:00 p.m. in the City Council Chambers, 55 West Williams, Fallon, Nevada. The agenda will focus on the concerns miners have in relation to the Bureau. The meeting will be open to the public, and anyone may appear before the Council at 9:00 p.m.

For further information contact: Steve Weiss, Public Affairs Officer, BLM, 1050 E. William St., Suite 335, Carson City, NV 89701; (702) 882-1631.

Dated: August 15, 1983.

Thomas J. Owen,
District Manager.

[FR Doc. 83-23227 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80369]

Wyoming; Conveyance Sale of Public Land in Park County, Wyoming

Notice is hereby given that pursuant to Section 303 of the Act of October 21, 1976; 43 U.S.C. 1713 (1976), Michael C. and Shauna Paulsen have purchased and received a patent for the following described public land in Park County, Wyoming.

Sixth Principal Meridan

T. 51 N.; R. 104 W.,

Sec. 1, lot 19.

Containing 2.5 acres.

James L. Edlefsen,

Chief, Branch of Land Resources.

[FR Doc. 83-23226 Filed 8-23-83; 8:45 am]

BILLING CODE 4310-84-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-146]

Certain Canape Makers; Commission Decision not to Review Initial Determination; Deadline for Filing Written Submissions on Remedy, the Public Interest, and Bonding; Vacation of Initial Determination on Temporary Relief

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination that there is a violation of section 337 in the above-captioned investigation. The parties to the investigation and interested Government agencies are requested to file written submissions on the issues of remedy, the public interest, and bonding.

In view of its decision not to review the presiding officer's initial determination of July 21, 1983, that there is a violation of section 337, the Commission has vacated as moot the presiding officer's initial determination on temporary relief issued on July 15, 1983.

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) as amended by 48 FR 20225 (May 5, 1983) and 48 FR 21115 (May 11, 1983); to be codified at 19 CFR 210.53-56).

SUPPLEMENTARY INFORMATION: On July 21, 1983, the presiding officer issued an initial determination that there is violation of section 337 in the unauthorized importation and sale of certain canape makers. No petitions for review of the initial determination were filed by any party and no written comments were filed by any Government agency. Consequently, the initial determination has become the Commission determination on violation of section 337 in this investigation.

Written Submissions: Inasmuch as the Commission has found 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 receiving written submissions which address the form of relief, if any, which should be ordered.

If the Commission 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. The Commission is therefore interested in receiving written submissions concerning the effect, if any, that granting relief would have on the public interest.

If the Commission 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 receiving written submissions concerning the amount of bond, if any, which should be imposed.

The parties to the investigation and interested Government agencies are

requested to file written submissions on the issues of remedy, the public interest, and bonding. The 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 remedy, the public interest, and bonding must be filed not later than the close of business on September 6, 1983.

Commission Hearing: The Commission does not plan to hold a public hearing in connection with final disposition of this investigation.

Additional Information: Persons submitting written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadline 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 to the Commission and must include a full statement of the reasons 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 April 27, 1983, (48 FR 19086).

Copies of the presiding officer's initial determination of July 21, 1983, 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: Clarence E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-3395.

Issued: August 16, 1983.
By order of the Commission.
Kenneth R. Mason,
Secretary.

[FR Doc. 83-23267 Filed 8-23-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-158; Order No. 1]

Certain Plastic Light Duty Screw Anchors; Import Investigation

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the *Federal Register*.

Issued: August 15, 1983.
Donald K. Duvall,
Chief Administrative Law Judge.
[FR Doc. 83-23266 Filed 8-23-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-159]

Certain Poultry Cut Up Machines; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 14, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Foodcraft Equipment Company, Inc., Route 322, Box 9, New Holland, Pennsylvania 17557. The complaint alleges unfair methods of competition and unfair acts in the importation of certain poultry cut up machines into the United States, or in their sale, by reason of: (a) Infringement of claims 17-21 and 43-46 of U.S. Letters Patent 4,016,624, and (b) infringement of claims 1-8 and 11 of U.S. Letters Patent 4,385,421; (c) common law trademark infringement; (d) false representation; (e) passing off; (f) failure to mark country of origin; and (g) false advertising. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S.

International Trade Commission, on August 9, 1983, ordered that:

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain poultry cut up machines into the United States, or in their sale, by reason of (a) infringement of claims 17-21 and 43-46 of U.S. Letters Patent 4,016,624 and (b) infringement of claims 1-8 and 11 of U.S. Letters Patent 4,385,421; (c) common law trademark infringement; (d) false representation; (e) passing off; (f) failure to mark country of origin; and (g) false advertising, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

FoodCraft Equipment Company Inc.,
Route 322, Box 9, New Holland,
Pennsylvania 17557

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Pritchard Sales Company, Division of
Cagle's, Inc., 1155 Hammond Drive,
Atlanta, Georgia 30328

Jacobus Eliza Hazenbroek, Burg de
Zeeuwstraat 52, Numansdorp, The
Netherlands

Systemate B.V., Burg de Zeeuwstraat 52,
Numansdorp, The Netherlands

Systemate International Ltd., P.O. Box
857, Georgetown, Grand Caymen,
British West Indies

Numafa B.V., Industrie Straat 3,
Numansdorp, The Netherlands

(c) Wilhelm A. Zeitler, Esq., Unfair
Import Investigations Division, U.S.
International Trade Commission, 701 E
Street NW., Room 126, Washington, D.C.
20436, shall be the Commission
investigative attorney, a party to this
investigation; and

(3) For the investigation so instituted,
Donald K. Duvall, Chief Administrative
Law Judge, U.S. International Trade
Commission, shall designate the
presiding officer.

Responses must be submitted by the
named respondents in accordance with
§ 210.21 of the Commission's Rules of
Practice and Procedure (19 CFR 210.21).
Pursuant to §§ 201.16(d) and 210.21(a) of
the rules, such responses will be
considered by the Commission if
received not later than 20 days after the
date of service of the complaint.

Extensions of time for submitting a
response will not be granted unless good
cause therefor is shown.

Failure of a respondent to file a timely
response to each allegation in the
complaint and in this notice may be
deemed to constitute a waiver of the
right to appear and contest the
allegations of the complaint and this
notice, and to authorize the presiding
officer and the Commission, without
further notice to the respondent, to find
the facts to be as alleged in the
complaint and this notice and to enter
both an initial determination and a final
determination containing such findings.

The complaint, except for any
confidential information contained
therein, is available for inspection
during official business hours (8:45 a.m.
to 5:15 p.m.) in the Office of the
Secretary, U.S. International Trade
Commission, 701 E Street NW., Room
156, Washington, D.C. 20436, telephone
202-523-0471.

FOR FURTHER INFORMATION CONTACT:
Wilhelm A. Zeitler, Esq., Unfair Import
Investigations Division, U.S.
International Trade Commission,
telephone 202-523-0390.

Issued: August 15, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-23265 Filed 8-23-83; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Commission Decision Not To Review Initial Determination Terminating Respondent

AGENCY: International Trade
Commission.

ACTION: Notice is hereby given that the
Commission has determined not to
review the presiding officer's initial
determination (Order No. 21) granting a
joint motion (Motion No. 145-26) by
complainant Qume Corporation (Qume)
and respondent NEC Corporation (NEC)
to terminate the above-captioned
investigation as to NEC on the basis of a
settlement agreement.

Authority: Section 337 of the Tariff Act of
1930 (19 U.S.C. 1337) and §§ 210.53(c) and
210.53(b) of the Commission's Rules of
Practice and Procedure (47 FR 25134, June 10,
1982, and 48 FR 20225, May 5, 1982; to be
codified at 19 CFR 210.53(c) and (b)).

SUPPLEMENTARY INFORMATION: On April
13, 1983, the Commission voted to
institute investigation No. 337-TA-145,
Certain Rotary Wheel Printers, on the
basis of a complaint filed by Qume on

March 16, 1983, under section 337 of the
Tariff Act of 1930. Notice of the
investigation was published in the
Federal Register on April 20, 1983, 48 FR
16975. The purpose of this investigation
is to determine whether there is a
violation of section 337 in the
unauthorized importation and sale of
certain rotary wheel printers by virtue of
their alleged infringement of claims 1, 8,
and 11 of U.S. Letters Patent 4,118,129
(the '129 patent). There are presently
nine respondents in addition to NEC.

On June 21, 1983, complainant Qume
and respondent NEC filed a joint motion
(Motion No. 145-26) to terminate this
investigation as to NEC on the basis of a
settlement agreement, which became
effective as of June 10, 1983. On July 20,
1983, the presiding officer issued an
initial determination (Order No. 21)
granting Motion No. 145-26.

Notice of the joint motion to terminate
NEC as a respondent, seeking public
comments, was published in the *Federal
Register* on July 25, 1983, 48 FR 33760. No
comments or petitions for review have
been received.

Copies 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:
Jane Albrecht, Esq., Office of the
General Counsel, U.S. International
Trade Commission, telephone 202-523-
1627.

Issued: August 19, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-23268 Filed 8-23-83; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decision; Decision-Notice

*Motor Common and Contract Carriers
of Property (except fitness-only); Motor
Common Carriers of Passengers (public
interest); Freight Forwarders; Water
Carriers; Household Goods Brokers.* The
following applications for motor
common or contract carriers of property,
water carriage, freight forwarders, and
household goods brokers are governed
by Subpart A of Part 1160 of the
Commission's General Rules of Practice.

See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register*, December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the *Federal Register* on November 24, 1982 at 47 FR 53271. For compliance procedures see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Person wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorization is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception to those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary findings with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section

10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment for a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note: All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications, for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-433

Decided: August 16, 1983.

By the Commission, Review Board Members Joyce, Fortier, and Carleton.

MC 88363 (Sub-61), filed July 29, 1983. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, MO 64030. Representative: Jake Markel (same address as applicant), (816) 763-2700. Transporting *household goods*, between points in the U.S., under continuing contract(s) with persons as defined in Section 10923 of the Motor Carriers Act of 1980, who are individual shippers, commercial shippers, or government bill of lading shippers.

MC 125649 (Sub-3), filed July 5, 1983. Applicant: HOOVER WRECKER SERVICE, INC., Route 2, Box 120, Broadway, VA 22815. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 48685-0801, (616) 941-5313. Transporting *transportation equipment* between points in VA and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168419, filed August 4, 1983. Applicant: MITCHELL TRUCKING COMPANY, Hwy. 82 East, Stamps, AR 71860. Representative: David L. Beatty, Drawer 640, Lewisville, AR 71845, (501) 921-4218. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in AR, LA, TX, OK, MS, AL, GA, FL, KS, MO, TN, and NM.

MC 168909, filed June 27, 1983. Applicant: MAPLEHURST REFRIGERATED EXPRESS SOUTH, INC., 62 Adamson Industrial Blvd., Carrollton, GA 30117. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-6655. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Maplehurst Deli-Bake South, Inc. of Carrollton, GA and Maplehurst Deli-Bake, Inc., and Maplehurst Farms, Inc. both of Indianapolis, IN.

MC 169709, filed August 8, 1983. Applicant: ALUMINUM TRANSPORT, INC., R. 3 Box 286, Rockport, IN 47635. Representative: Richard A. Huser, One Indiana Square, Suite 2120, Indianapolis, IN 46204, 317-639-5534. Transporting *aluminum dross and salt cake*, between points in Spencer County, IN, on the one hand, and, on the other, points in Daviess and McLean Counties, KY.

MC 169738, filed August 8, 1983. Applicant: ATKIN OF INDIANA, INC., Bellefontaine Rd., P.O. Box 58, Hamilton, IN 46742. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885; 219-422-8884. Transporting (1) *machinery*, (2) *pulp, paper and related products*, (3) *rubber and plastic products*, (4) *automotive parts*, (5) *metal articles*, between points in the U.S. (except AK and HI).

Volume No. OPS-434

Decided: August 17, 1983.

By The Commission, Review Board Members Fortier, Dowell and Joyce.

MC 5449 (Sub-3), filed July 11, 1983. Applicant: LARMORE INCORPORATED, P.O. Box 3943, Wilmington, DE 19804. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105 (314) 727-0777. Transporting *general*

commodities (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with United Intermodo, Inc., of Fenton, MO.

MC 13179 (Sub-7), filed August 8, 1983. Applicant: R. C. WILLIAMS, INC., P.O. Box 273, Russell, KS 67665. Representative: R. C. Williams, II (same address as applicant) (913) 483-2101. Transporting *Mercer commodities*, between points in the U.S. (except HI).

MC 25399 (Sub-25), filed August 2, 1983. Applicant: A-P-A TRANSPORT CORP., 2100 88th St., North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234-0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, WV, and DC, on the one hand, and, on the other, points in CA, OR, and WA.

MC 35628 (Sub-455), filed August 5, 1983. Applicant: IMFS, INC., d.b.a. INTERSTATE SYSTEM, 110 Ionia Ave., NW., Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant) (616) 744-0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ford Motor Company, of Dearborn, MI, Agway, Inc., of Syracuse, NY, Cooper Tire & Rubber Co., of Findlay, OH, and Goodyear Tire & Rubber Company, of Akron, OH.

MC 41098 (Sub-123), filed August 8, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006; (202) 833-8884. Transporting *household goods*, between points in the U.S. under continuing contract(s) with Dart & Kraft, Inc., of Northbrook IL and its subsidiaries.

MC 106398 (Sub-1097), filed August 8, 1983. Applicant: NTC OF AMERICA, INC., P.O. Box 3329, Tulsa, OK 74101. Representative: Thomas P. Sciortino, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, IN 46516; (219) 293-3597. Transporting *transportation equipment*, and *buildings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Fleetwood Enterprises, Inc., of Riverside, CA, and its subsidiaries.

MC 118159 (Sub-389), filed August 5, 1983. Applicant: DISTRIBUTION SERVICE SYSTEMS, INC., 2961

Interstate Street, Unit 2, Charlotte, NC 28208. Representative: Thomas E. Vandenberg, P.O. Box 2545, Green Bay, WI 54306; (414) 498-7489. Transporting *such commodities* as are dealt in, or used by, department and home improvement stores, between points in the U.S. (except AK and HI), under continuing contract(s) with department and home improvement stores.

MC 118318 (Sub-65), filed August 5, 1983. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701; (208) 343-3071. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with the J.R. Simplot Company, of Boise, ID and its subsidiaries.

MC 120978 (Sub-37), filed August 8, 1983. Applicant: MAYER TRUCK LINE, INC., 1203 South Riverside Dr., Jamestown, ND 58401. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108; (701) 293-3300. Transporting (1) *general commodities* (except classes A and B explosives and household goods), between points in IL, MN, MT, SD, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *lumber and wood products*, and *building materials*, between points in the U.S. (except AK and HI).

Volume No. OP5-435

Decided: August 17, 1983.

By the Commission, Review Board Members Joyce, Carleton and Fortier.

MC 128648 (Sub-38), filed August 3, 1983. Applicant: TRANS-UNITED, INC., P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144319 (Sub-2(a)), filed August 2, 1983. Applicant: JOHN BRACY, d.b.a. NORTHWEST AGRI SUPPLY, 1056 Willoma Dr., Billings, MT 59105. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, CA, CO, ID, IA, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

Note.—Applicant also seeks fitness-related authority in MC-144319 Sub 2(b), published in this same Federal Register.

MC 146078 (Sub-49), filed August 4, 1983. Applicant: CAL-ARK, INC., 854 Moline, Malvern, AR 72104. Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201, (501) 375-3022. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Continental Group, of Stamford, CT.

MC 169638, filed August 1, 1983. Applicant: STEVEN M. STRUTHERS, MARK S. AND SCOTT LEONARD, d.b.a. ENTERTAINMENT TRANSPORTATION, 5079 Maywood Ave., Los Angeles, CA 90041. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. Transporting (a) *theatrical and entertainment equipment* between points in the U.S. (except AK and HI), and (b) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Los Angeles, CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-347(N)

Decided: August 16, 1983.

By the Commission, Review Board Members Joyce, Dowell, and Carleton.

MC 169639, filed August 2, 1983. Applicant: TERRELL W. COWAN d.b.a. COWAN TRUCKING, 4167 NE Brogren St., Hillsboro, OR 97123. Representative: Terrell W. Cowan (same address as applicant) (503) 648-1236. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Cascade West Transportation Brokers of Laker Oswego, OR.

MC 117201 (Sub-65), filed August 8, 1983. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Aspen Distribution, Inc., of Salt Lake City, UT.

MC 126111 (Sub-12), filed August 5, 1983. Applicant: SCHAEZEL TRUCKING CO., INC., 520 East Sullivan Dr. P.O. Box 1579, Fond du Lac, WI 54935. Representative: Daniel R. Dineen,

710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sicalco, Ltd., of Oak Brook, IL.

MC 150511 (Sub-10), filed August 25, 1983. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting (1) *such commodities* as are dealt in or used by manufacturers, distributors and dealers of bedding, under continuing contract(s) with manufacturers, distributors and dealers of bedding, (2) *such commodities* as are dealt in or used by manufacturers, distributors and dealers of furniture and fixtures, under continuing contract(s) with manufacturers, distributors and dealers of furniture and fixtures, (3) *such commodities* as are dealt in or used by manufacturers, distributors and dealers of food and related products, under continuing contract(s) with manufacturers, distributors and dealers of food and related products, (4) *such commodities* as are dealt in or used by manufacturers, distributors and dealers of musical instruments and recordings, under continuing contract(s) with manufacturers, distributors and dealers of musical instruments and recordings, and (5) *such commodities* as are dealt in or used by retail and wholesale department stores, under continuing contract(s) with retail and wholesale department stores, between points in the U.S.

MC 152261 (Sub-7), filed August 8, 1983. Applicant: M. W. ETINGER, INC., 2711 North Fairview Ave., St. Paul, MN 55113. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with 5-D Truck Leasing, Inc., of New Brighton, MN.

MC 169640, filed August 2, 1983. Applicant: CARIBMAR TRADING LTD., INC., 3500 N.W. 114th St., Miami, FL 33187. Representative: Richard A. Pettigrew, 3200 Miami Center, 100 Chopin Plaza, Miami, FL 33131, (305) 579-0360. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Miami, FL and Palm Beach, FL.

MC 169741, filed August 8, 1983. Applicant: BERNARD SPENCER, 695 S.E. Colfax, Madras, OR 97741.

Representative: Bernard Spencer (same address as applicant), (503) 475-2893. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

Volume No. OP-1-349

Decided: August 16, 1983.

By the Commission, Review Board* Members Dowell, Fortier, and Joyce.

MC 94201 (Sub-209), filed August 8, 1983. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Representative: Gerald D. Colvin, Jr., 601-09 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Goodyear Tire & Rubber Company, Inc., of Akron, OH.

MC 117201 (Sub-64), filed August 8, 1983. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango, S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of paper products, under continuing contract(s) with manufacturers, distributors, or dealers of paper products.

MC 149170 (Sub-24), filed July 29, 1983. Applicant: ACTION CARRIERS, INC., 208 West 9th Street, Box 850, Sioux Falls, SD 57117. Representative: Carl L. Steiner, 135 South LaSalle Street, Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Action Brokers, Inc., of Sioux Falls, SD. Condition: Issuance of a permit in this proceeding is conditioned upon issuance of a Brokers License in MC-169374.

MC 153610 (Sub-6), filed July 26, 1983. Applicant: LEASWAY TRUCKING, INC., 1101-31st St., Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566-5639. Transporting (1) *air conditioning and refrigeration products*, under continuing contract(s) with manufacturers, distributors, or dealers of air conditioning and refrigeration products, (2) *containers*, under continuing contract(s) with manufacturers, distributors, or dealers

of containers, (3) *electrical products*, under continuing contract(s) with manufacturers, distributors, or dealers of electrical products, (4) *food products*, under continuing contract(s) with manufacturers, distributors, or dealers of food products, (5) *metal products*, under continuing contract(s) with manufacturers, distributors, or dealers of metal products, (6) *paint products*, under continuing contract(s) with manufacturers, distributors, or dealers of paint products, (7) *paper products*, under continuing contract(s) with manufacturers, distributors, or dealers of paper products, (8) *telecommunication products*, under continuing contract(s) with manufacturers, distributors, or dealers of telecommunication products, (9) *tire and rubber products*, under continuing contract(s) with manufacturers, distributors, or dealers of tire and rubber products, (10) *tobacco products*, under continuing contract(s) with manufacturers, distributors, or dealers of tobacco products, and (11) *wholesale and retail department store merchandise*, under continuing contract(s) with wholesale and retail department stores, between points in the U.S.

MC 168130, filed July 27, 1983. Applicant: K B H, INC., 2433 Government Way, Suite A, Coeur d'Alene, ID 83814. Representative: R. Brady Harper (same address as applicant), (208) 667-1802. Transporting (1) *metal products, machinery, building materials, and such commodities* as are used in mining and railroad construction, between points in the U.S. (except AK and HI), (2) *clay, concrete, glass, or stone products*, between points in CA, ID, MT, NV, OR and UT, on the one hand, and, on the other, points in the U.S. (except AK and HI), (3) *lumber and wood products*, between points in Sanders County, MT, on the one hand, and, on the other, those points in the U.S. in and west of ND, SD, NE, KS, OK, AR, and TX (except AK and HI), and (4) *fiberglass products*, between points in Weber County, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168310, filed August 8, 1983. Applicant: JENKINS TRUCKING & SONS, INC., Route 2, Albright, WV, 26519. Representative: Harold E. Jenkins (same address as applicant), (304) 329-1822. Transporting *general commodities* (except classes A and B Explosives and household goods), between points in WV, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, NJ, NC, OH, PA, SC, VA and DC.

MC 169261, filed August 5, 1983. Applicant: MARTIN S. SUNDE, d.b.a. S.M.S. TRUCKING, 4305 220th East, Spanaway, WA 98387. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421 (206) 383-3998. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

MC 169501, filed July 27, 1983. Applicant: INNOVATIVE TRANSPORTATION SYSTEMS, INC., 95 State Street, Springfield, MA 01103. Representative: David M. Marshall (same address as applicant), (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. under continuing contract(s) with distribution Specialists, Inc., of Springfield, MA.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP-2-362

Decided: August 16, 1983.

By the Commission, Review Board, Members Fortier, Dowell, and Carleton.

MC 112422 (Sub-15), filed July 25, 1983. Applicant: SAM VAN GALDER, INC., 715 S. Pearl St., Janesville, WI 53545. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *passengers*, over regular routes, between Monroe, WI, and O'Hare International Airport at or near Chicago, IL, serving all intermediate points, in interstate or foreign commerce, and in intrastate commerce, between Freeport, IL, and O'Hare International Airport, serving all intermediate points in intrastate commerce: (1) from Monroe, WI, over WI Hwy. 69 to the IL-WI State line, then over IL Hwy 26 to Freeport, IL, then over U.S. Hwy 20 to Rockford, IL, then over Interstate Hwy. 90 to O'Hare International Airport, and return over the same route; (2) from Monroe, WI to Rockford, IL over the routes specified in (1) above, then over U.S. Hwy. 51 to junction with IL Hwy. 5, then over IL Hwy. 5 to junction with Interstate Hwy. 294, then over Interstate Hwy. 294 to O'Hare International Airport, and return over the same route.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B), over the same route.

MC 112713 (Sub-347), filed August 2, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland

Park, KS 66207. Representative: William F. Martin, Jr. (same address as applicant) (913) 383-3000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Borg-Warner Chemicals, Inc., of Parkersburg, WV.

MC 148833 (Sub-13), filed July 22, 1983. Applicant: REBEL EXPRESS, INC., Box 98, Dawson, IA 50066. Representative: Thomas E. Leahy, Jr., 1800 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) All Points Transportation, Inc., of Denver, CO, and (2) Ayers Brothers Enterprises, Inc., of Perry, IA.

MC 151193 (Sub-43), filed July 26, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Ave., Avenel, NJ 07001. Representation: Michael A. Bean (same address as applicant), (201) 499-3869. Transporting *drugs, medicines, toilet preparations, pet products, and pharmaceuticals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Carter-Wallace, Inc., of Cranbury, NJ.

MC 164713 (Sub-3), filed August 2, 1983. Applicant: LEASEWAY DELIVERIES, INC., 110 Newbury St., Rochester, NY 14613. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216-566-5639. Transporting *such commodities as are dealt in or used by retail department stores*, between points in the U.S., under continuing contract(s) with Sears, Roebuck and Co., of Philadelphia, PA.

MC 166143 (Sub-1), filed July 27, 1983. Applicant: ROCAR EQUIPMENT COMPANY, P.O. Box 272, Lansing, IL 60438. Representative: Carl L. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 236-9375. Transporting *chemicals and related products and petroleum and coal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pride Refining Company, of Elmhurst, IL.

MC 167402 (Sub-1), filed July 27, 1983. Applicant: FRANKLIN COUNTY CHEESE CORPORATION, East St., Enosburg Falls, VT 05450. Representative: Don Garrison, 416 Hay Dr., SW-F1, Decatur, AL 35603, (205) 355-0221. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under

continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 167642, filed July 26, 1983. Applicant: SPEIGHTS SERVICE COMPANY, 845 Brook Hollow Rd., Nashville, TN 37205. Representative: G. David Speights (same address as applicant) (615) 352-6407. Transporting *boats*, between points in the U.S., (except AK and HI), under continuing contract(s) with Harbour, Inc., of Dickson County, TN.

Volume No. OP-2-363

Decided August 15, 1983.

By the Commission, Review Board, Members Dowell, Fortier, and Carleton.

MC 107012 (Sub-847), filed July 18, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant) 219-429-2234. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with General Foods Corporation, of White Plains, NY, and its subsidiaries.

MC 107012 (Sub-857), filed August 3, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant) 219-429-2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Semi Fab Inc., of Hollister, CA.

MC 110683 (Sub-220), filed August 2, 1983. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Harry J. Jordan, 1090 Vermont Ave., N.W., Washington, DC 20005; 202-783-8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Caterpillar Tractor Company, of Peoria, IL.

MC 119012 (Sub-20), filed August 2, 1983. Applicant: RIVER TERMINALS TRANSPORT, INC., 202 George Street, Aurora, IN 47001. Representative: Michael D. McCormick, 1301 Merchants Pl., Indianapolis, IN 46204; 317-638-1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Dearborn County, IN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK.

and TX. Condition: Issuance of this authority is subject to approval of the Petition for Exemption in MC-F-15389.

MC 141532 (Sub-115), filed July 27, 1983. Applicant: PACIFIC STATES TRANSPORT, INC., d.b.a. PST, 505 South 800 West, London, UT 84082. Representative: Ramona Vance (same address as applicant) 801-785-7525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI).

MC 146302 (Sub-6), filed July 26, 1983. Applicant: ROBERT KOLBECK d.b.a. KOLBECK TRUCKING, Rt. 23977 County Highway J, North Schofield, WI 54478. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520; 715-478-3341. Transporting (1) *general commodities* (except classes A and B explosives, and household goods), between points in ME, NJ, NH, VT, NY, PA, CT, MD, MA, RI, DE, VA, MO, WV, KY, OH, MN, IL, IN, MI, IA, WI, ND, SD, and DC, and (2) *food and related products, electronic equipment, and paper products*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147002 (Sub-3), filed July 20, 1983. Applicant: BELUGA TRUCKING, INC., 1110 W. 6th Ave., No. 208, Anchorage, AK 99501. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101; 703-893-3050. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with (a) B.J. Hughes, Inc., (b) Darrel Peterson Construction, Inc., (c) Nugget Properties, Inc., (d) Petroleum Equipment & Services, Inc., and (e) Spenard Builders Supply, all of Anchorage, AK.

MC 149542 (Sub-1), filed July 27, 1983. Applicant: AMERICAN PRIORITY ENTERPRISES, INC., 1072 Randolph Ave., Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904; 201-572-5551. Transporting *drugs, medicines, pharmaceuticals, stomacheal products, dental and hospital supplies, store displays, and printed matter*, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of Permits MC-147223 (Sub-3), and MC-147223 (Sub-4), issued November 24, 1980, and December 16, 1980, respectively.

Note.—The purpose of this application is to convert applicant's contract carrier authority to common carrier authority.

Volume No. OP-2-366

Decided: August 17, 1983.

By the Commission, Review Board Members Fortier, Dowell, and Carleton.

MC 107012 (Sub-862), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., and ITOFCA Consolidators, Inc., of Downers Grove, IL.

MC 107012 (Sub-863), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Stroh Brewery Company, of Detroit, MI.

MC 142393 (Sub-4), filed July 14, 1983. Applicant: ROBBIE D. WOOD, INC., 2825 Old Warrior River Rd., P.O. Box 125, Dolomite, AL 35061. Representative: G. Stan Wood (same address as applicant), (205) 744-8440. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 144542 (Sub-5), filed August 5, 1983. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West 4th Plain, Vancouver, WA 98660. Representative: John R. Bagileo, 918 16th St., NW, Washington, DC 20006; 202-785-3700. Transporting *motor vehicles*, between points in the U.S. (except HI), under continuing contract(s) with persons engaged in the manufacture, distribution, and sale of motor vehicles.

MC 154942 (Sub-2), filed July 28, 1983. Applicant: MUSIC CITY TRANSPORT, INC., P.O. Box 100022, Nashville, TN 37210. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201; (615) 255-9911. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 160673 (Sub-4), filed July 26, 1983. Applicant: CLARK TRUCKING, INC., 75 Randolph Ave., Avenel, NJ 07001. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *general commodities* (except classes A and B explosives,

household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 169482, filed July 27, 1983. Applicant: GCC BEVERAGES, INC., 1300 Boylston St., Box 500, Chestnut Hill, MA 02167. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *such commodities* as are dealt in or used by manufacturers of plastics and plastic articles, between points in the U.S., under continuing contract(s) with Amoco Container Company, of Atlanta, GA.

MC 169603, filed August 2, 1983. Applicant: WILLIAM McCANDLESS, Route 2, Box 146, Lexington, NE 68850. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, 402-488-4841. Transporting (1) *animal byproducts*, between points in Dawson and Sarpy Counties, NE, on the one hand, and, on the other, points in CO, KS, IA, FL, MS, WI, MN, MO, SD, and WY; (2) *agricultural machinery, implements and parts* for agricultural machinery, between Omaha, NE, and points in Dawson, Adams, and Buffalo Counties, NE, on the one hand, and, on the other, points in IA, IL, WI, KS, CO, MN, MO, WY, OK, and SD; and (3) *fertilizer and soil conditioners*, between points in Eddy County, NM, and Wood County, TX, on the one hand, and, on the other, points in Dawson and Gosper Counties, NE.

MC 169622 filed August 3, 1983. Applicant: OHIO TRUCKLOAD CARRIERS, INC., 2464 Seville Rd., Wadsworth, OH 44281. Representative: Laurence A. Messam (same address as applicant) 216-336-3020. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in MN, WI, IA, NE, CO, KS, TX, LA, AR, MO, IL, MI, IN, OH, KY, TN, AL, MS, GA, MD, FL, SC, NC, VA, WV, DE, PA, NY, NJ, MA, CT, RI, OK, and DC.

Volume No. OP2-367

By the Commission, Review Board Members Fortier, Carleton, and Dowell.

MC 2202 (Sub-705), filed August 2, 1983. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Armstrong World Industries, Inc., of Lancaster, PA.

MC 2202 (Sub-706), filed August 2, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P. O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814; (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mobay Chemical Corporation, of Pittsburgh, PA.

MC 2202 (Sub-707), filed August 2, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P. O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814; (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR.

MC 2202 (Sub-708), filed August 5, 1983. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P. O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814; (301) 986-1410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Goodyear Tire & Rubber Company, of Akron, OH.

MC 52793 (Sub-136), filed August 2, 1983. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant) (312) 547-2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Land O'Lakes, Inc., of Minneapolis, MN.

MC 52793 (Sub-137), filed August 2, 1983. Applicant: BEKINS VAN LINES CO., 333 S. Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant) (312) 547-2184. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pitney Bowes Inc., of Stamford, CT.

MC 107012 (Sub-858), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s)

with Petrolite Corporation, of St. Louis, MO.

MC 107012 (Sub-859), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Federal Mogul Corporation, of Southfield, MI.

MC 107012 (Sub-860), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *general commodities*, (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Gates Rubber Company, of Denver, CO, and its subsidiaries.

MC 107012 (Sub-861), filed August 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant) 219-429-2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Archer Daniels Midland Company, of Decatur, IL.

Please direct status inquiries about the following to Team Four at (202) 275-7669

Volume No. OP4-558

Decided: August 17, 1983.

By the Commission, Review Board, Members: Fortier, Joyce and Carleton.

MC 35227 (Sub-24), filed August 9, 1983. Applicant: EDSON EXPRESS, INC., 533 E. 58th Ave., Commerce City, CO 80022. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 S. Steele St., Denver, CO 80209; (303) 320-6100. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165507 (Sub-1), filed August 8, 1983. Applicant: BUSCH INDUSTRIAL PRODUCTS CORPORATION, 10877 Watson Rd., St. Louis, MO 63127. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036 (202) 457-1124. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s)

with the manufacturers and distributors of food and related products.

MC 169726, filed August 8, 1983. Applicant: CARL W. GUCKELBERGER, 3121 W. Coulter St., Philadelphia, PA 19129. Representative: David E. Fox, 1625 Eye St., NW, Suite 406, Washington, DC 20006 (202) 331-1377. Transporting *fine art, paintings, photographs, sculpture, fibre art, live art, crafts, antiques, objet d'art, exhibition and display paraphernalia, lighting paraphernalia and materials and tools used in the creation or transportation of the named commodities*, between points in NY, PA, DE, CT, NJ, MD, VA, MA, RI, NH, ME, OH, IN, IL, MI, WI, MN, WV, MO, OK, TX and DC.

MC 169736, filed August 8, 1983. Applicant: VAN MGT. CORP., P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202 (502) 589-5400. Transporting (1) *rubber and plastic products*, (2) *metal products*, (3) *building materials*, and (4) *paper and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons who deal in or use the named commodities. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or show that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343 and or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 2410.

MC 169737, filed August 8, 1983. Applicant: S & S FREIGHT AND DELIVERY SERVICE, 712 S. 8th St., St. Joseph, MO 64501. Representative: Linda Sommerhauser (same address as applicant) (816) 279-7977. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in Buchanan, Clay, Platte, and Jackson Counties, MO, and Wyandotte and Johnson Counties, KS.

Volume No. OP4-559

Decided: August 10, 1983.

By the Commission, Review Board, Members: Joyce, Carleton and Krock.

MC 100666 (Sub-544), filed August 5, 1983. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L.

Williamson, Suite 107, 50 Classen Center, 5101 N. Classen Blvd., Oklahoma City, OK 73118 (405) 848-7946.

Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mellon Brokerage, Inc., of Shreveport, LA, (2) *building materials, paper and paper products, plastic products, and chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia-Pacific Corporation, of Atlanta, GA, and (3) *building materials, pipe, and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

[FR Doc. 83-23190 Filed 8-23-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common on contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the *Federal Register* on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Notes.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those

where service is for a named shipper "under contract."

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-436

Decided: August 16, 1983.

By the Commission, Review Board Members Joyce, Fortier and Carleton.

MC 169708, filed August 5, 1983. Applicant: FASTWAY FREIGHT, INC., d.b.a. U.S. TRANSPORT, DIVISION OF FASTWAY FREIGHT, INC., Route 3, Box 186, Pell City, AL 35125. Representative: Ronald L. Stichweh, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-5223. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

MC 169729, filed August 8, 1983. Applicant: R.W. HARMON & SONS, INC., 17327 South 71 Hwy., P.O. Box 380, Belton, MO 64012. Representative: Harry D. Dingman (same address as applicant), 818-331-9600. Transporting *passengers* in charter and special operations, between points in AR, CO, IA, IL, KS, MO, NE, TN and UT.

Note.—Applicant seeks to provide privately funded charter and special transportation.

Decided: August 17, 1983.

By The Commission, Review Board Members Joyce, Carlton and Fortier.

MC 144319 (Sub-2(b)), filed August 2, 1983. Applicant: JOHN BRACY, d.b.a. NORTHWEST AGRI SUPPLY, 1056 Willoma Dr., Billings, MT 59105. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Note.—Applicant also seeks non-fitness-related authority in MC-144319 Sub 2(b), published in this same *Federal Register*

MC 169529, filed July 29, 1983. Applicant: AIRPORT LIMOUSINE SERVICE, INC., 2619—5th Ave., McKeesport, PA 15132. Representative: James L. L. Sunstein (same address as applicant.) (412) 664-4777. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 169658, filed August 3, 1983. Applicant: B.W. SPECIALS BUS SERVICE, 500 Random Rd., Baltimore, MD 21229. Representative: Lewis L. Wilson (same address as applicant.)

(301) 525-0510. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Please direct status inquiries to Team 1, (202) 275-7030.

Volume No. OP-1-346(F).

Decided: August 16, 1983.

By the Commission, Review Board Members Joyce, Dowell, and Carleton.

MC 169580, filed August 1, 1983. Applicant: MAJOR MARKETING ENTERPRISES, INC., d.b.a. MAJOR'S INTERSTATE BROKERS, P.O. Box 207 (East Main St.) Blanca, CO 81123. Representative: George M. Oringdolph, Jr. (same address as applicant) (303) 379-3277. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169600, filed August 2, 1983. Applicant: JIMMIE'S LIMOUSINE SERVICE, 480 Westchester Ave., Port Chester, NY 10573. Representative: Jimmie L. Whiteside, 9 Weber Drive, Apt. 3-C Port Chester, NY 10573, (914) 937-8044. Transporting *passengers*, in special operations, beginning and ending at points in Westchester County, NY, and extending to points in NY, NJ, and CT. NOTE: Applicant seeks to provide privately-funded special transportation.

MC 169670, filed August 5, 1983. Applicant: LONE STAR ENTERPRISES, 225 N. Oak, Crowley TX 76036. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 169690, filed August 5, 1983. Applicant: MORGAN TRANSPORTATION SERVICES, INC., 610 Jackson St., Wausau, WI 54401. Representative: Robert M. O'Donnell, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume NO. OP-1-348(f).

Decided: August 16, 1983.

By the Commission, Review Board Members Dowell, Fortier, and Joyce.

MC 151731 (Sub-3), filed August 9, 1983. Applicant: C. T. J. TRANSFER, INC., 5912 Murray Avenue, Bethel Park, PA 15102. Representative: John C. Fudesco, 1333 New Hampshire Ave., N.W., Suite 960, Washington, DC 20036, (202) 659-8714. Transporting *shipments weighing 100 pounds or less* if

transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 169681, filed August 3, 1983. Applicant: EAST WEST COURIER, INC., 8914 West 47th Street, Brookfield, IL 60513. Representative: Neal A. Klegerman, Prudential Plaza, Chicago, IL 60601, (312) 861-2884. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 169740, filed August 8, 1983. Applicant: C.R.W. CORPORATION, P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-368

Decided: August 17, 1983.

By the Commission, Review Board Members Joyce, Dowell, and Fortier.

MC 162133 (Sub-2), filed July 29, 1983. Applicant: COMMUTER BUS LINE, INC., 1515 Jefferson St., Hoboken, NJ 07030. Representative: Sidney J. Leshin, 3 East 54th St., New York, NY 10022, (212) 759-3700. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at Staten Island and Manhattan, NY, and extending to points in NJ, under continuing contract(s) with Great Kills Commuter Association, of Staten Island, NY. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. § 11343(e) to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit, proof of filing the application(s), or petition for exemption for common control to Team 2, Room 2379.

MC 169582, filed August 2, 1983. Applicant: S.G.P. INC., 49 East Madison St., East Islip, NY 11730. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 169592, filed August 2, 1983. Applicant: SUPER ROYAL EXPRESS, INC., 2201 North Capitol Ave., Indianapolis, IN 46208. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Indianapolis, IN 46220, 317-257-4066. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 16902, filed August 2, 1983. Applicant: CARLTON FULCHER, Route 1, Box 357A, Statham, GA 30666. Representative: Carlton Fulcher (same address as applicant) 404-725-5573. Transporting *passengers*, in charter and special operations, beginning and ending at points in GA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169633, filed August 3, 1983. Applicant: FALCON COACH LINES, INC., 36 Pine St., Newton, NJ 07860. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413-781-8205. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169643, filed August 3, 1983. Applicant: R.E.I. DISTRIBUTORS, INC., 510 Old Bridge Turnpike, South River, NJ 08882. Representative: A. David Millner, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, 201-992-2200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169662, filed August 4, 1983. Applicant: ADVANCED TRAFFIC SYSTEMS, INC., 202 North Loop West, Suite 218, Houston, TX 77018. Representative: David Antich (same address as applicant), 713-884-8286. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 169682, filed August 5, 1983. Applicant: HENDRICK BUS SERVICE, INC., P.O.B. 216, Kimball, MN 55353. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, 612-340-0808. Transporting

passengers, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 169683, filed August 5, 1983. Applicant: JIM L. OLMSTEAD, 1461 Second St., SW, Howron, SD 57350. Representative: Jim L. Olmstead (same address as applicant), 605-352-6272. *Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizers, and other soil conditioners, by owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).*

MC 169712, filed August 8, 1983. Applicant: NORTHEAST REAL ESTATE COMPANY, INC., d.b.a. COLUMBIA COACH SERVICE, 5447 High Tor Hill, Columbia, MD 21045. Representative: Edward H. Murphy (same address as applicant), 301-730-6910. *Transporting passengers, in charter and special operations, between points in MD, VA, and DC.*

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-23188 Filed 8-23-83; 8:45 am]

BILLING CODE 7035-01-M

Freight Forwarders; Coordinated Caribbean Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. FF-458.

SUMMARY: Coordinated Caribbean Transport, Inc., a freight forwarder, seeks to establish and maintain released rates based on a value of \$50.00 for shipments of 100 pounds or less or 50 cents per pound for shipments over 100 pounds, subject to an excess value charge of 10 cents per \$100 for released values higher than that, on freight, all kinds, between points in the United States, except Alaska and Hawaii, and points in Florida.

ADDRESS: Israel Novick, Director of Special Projects, Coordinated Caribbean Transport, Inc., 1533 Sunset Drive, Coral Gables, FL 33143.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Informal Rate Cases Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-0781.

SUPPLEMENTARY INFORMATION: The relief sought is from 49 U.S.C. 10730.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-23186 Filed 8-23-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission.
Agatha L. Mergenovich,
Secretary.

Note.—Please direct status inquiries to Team 2, (202) 275-7030.

Vol. No. OP2-384

MC-FC-81630. By decision of August 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, the Review Board, Members Fortier,

Dowell, and Carleton approved the transfer to SPIRIT TRUCKING, INC., Blawnox, PA, of Certificate MC-87482, issued April 16, 1963, to NICK G. KATSILAS, DBA GUST A. KATSILAS AND SON, Turtle Creek, PA, authorizing the transportation of electrical machinery and equipment, and parts and supplies necessary for the installation, sale, and use of such products, over regular routes, between Pittsburgh, PA, and Sharon, PA, over specified highways; between Monroeville, PA, and Sharon, PA, serving no intermediate points; over specified highways; between Monroeville, PA, and Victory, PA, serving no intermediate points; over specified highways; insulating varnish, from Manor, PA, to Pittsburgh, PA, serving no intermediate points; over specified highways; electrical machinery and equipment, parts and supplies used or useful in the installation, sale, and operation of such commodities, over irregular routes, between East Pittsburgh, Linhart, and Trafford, PA, on the one hand, and, on the other, points in IL, IN, MD, MI, NY, NJ, OH, and DC; between East Pittsburgh, Linhart, and Trafford, PA, on the one hand, and, on the other, Pittsburgh and Pitcairn, PA; and insulating varnish, from Manor, PA, to points in IL, IN, MD, MI, NY, NJ, OH, and DC. Transferee has an application pending for permanent authority under MC-167788. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219.

MC-FC-81634. By decision of August 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board, Members Fortier, Dowell, and Carleton, approved the transfer to CUMBERLAND HORSE VANS, INC., Chicago, IL, of authority issued to ED WELLESTANT, INC., Stickney, IL, in Certificates MC-8253 and MC-8253 (Sub-3), issued October 27, 1952, and January 11, 1965, authorizing the transportation of livestock, other than ordinary livestock, personal effects of their attendants, and supplies and equipment used in the care and/or exhibition of such animals, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC, and race horses and horse racing equipment, between points in AR, IL, IN, IA, KY, LA, MI, MS, MO, NE, OH, TN, and TX, and race horses, show horses, and polo ponies, and in the same vehicle therewith, stable supplies and equipment used in their care and exhibition, and the personal effects of their attendants, trainers and exhibitors

(1) between Chicago, IL, and Omaha, NE, on the one hand, and, on the other, Denver, CO, and points within 15 miles thereof, and points in KS and OK, and (2) between points in OK, on the one hand, and, on the other, points in AR and LA. Representative: Miller, Frazin & Green, 33 N. LaSalle St., Chicago, IL, 60602.

MC-FC-81648. By decision of August 16, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, the Review Board, Members Dowell, Carleton, and Joyce approved the transfer to HAWK PACIFIC CORPORATION, Oakland, CA, of Certificate MC-151452, issued July 16, 1982, to THOMAS J. BRESSLER, DBA HAWK TRANSPORTATION CO., Oakland, CA authorizing the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in San Francisco, San Mateo, Alameda, Santa Clara, Sacramento, and Contra Costa Counties, CA, and Washoe, Douglas, and Storey Counties, NV, on the one hand, and, on the other, points in CA, NV, OR, and WA. Representatives: Dennis Van Wagner and Thomas J. Bressler, 311 Oak St., Oakland, CA 94607.

MC-FC-81651. By decision of August 17, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, the Review Board, Members Carleton, Joyce, and Fortier, approved the transfer to HUB CITY TERMINALS, INC., ST. LOUIS, of St. Louis, MO, of License No. MC-130633, issued September 29, 1980, to HUB BROKERAGE SERVICE, INC., of Pittsburgh, PA, authorizing operations, in interstate or foreign commerce, as a property broker, arranging for the transportation of, general commodities (except household goods), between points in the U.S. Representative: Joseph Michael Roberts, Suite 501, 1730 M St., NW, Washington, DC 20036, (202) 296-2900.

MC-FC-81673. By decision of August 17, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, the Review Board, Members Carleton, Joyce, and Fortier, approved the transfer to H.M.H. MOTOR SERVICE, INC., of Hazlehurst, GA, of Certificate No. MC-115212 Sub-No. 3, issued July 18, 1983, to H.M.H. MOTOR SERVICE, of Hazlehurst, GA, authorizing the transportation, as a common carrier, over irregular routes, such commodities as are dealt in or used by retail stores, between points in the U.S. Representative: Morton E. Kiel, Suite 2B, 475 South Main St., P.O. Box 489, New City, NY 10956, (914) 638-4007.

Note.—Transferee has an application pending under docket No. MC-169788.

For the following, please call Team 4 at 202-275-7669

Vol. No. OP4-FC-560

MC-FC-81676. By decision of August 17, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, The Review Board, Members Dowell, Carleton, and Joyce, approved the transfer to WORLD WIDE RECOVERY, INC., Portland, OR, of Certificate No. MC-143527, issued November 17, 1978, to S.O.S. TOWING & STORAGE, INC., Portland, OR, authorizing the transportation of wrecked, disabled, stolen, repossessed, and abandoned motor vehicles, and replacement vehicles, by use of wrecker equipment only; and machinery with motor power removed, by use of wrecker equipment only, between points in OR, WA, ID, and CA. Representative: William Runyon, 6931 N.E. Union Ave., Portland, OR 97211, (503) 289-9939.

[FR Doc. 83-23183 Filed 8-23-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Restriction Removals, Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory

requirements for common and contract carriers.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 2, (202) 275-7030

Volume No. OP-2-365

Decided: August 17, 1983.

By the Commission, Review Board Members Carleton, Joyce, and Fortier.

MC 5722 (Sub-4X), filed July 26, 1983. Applicant: BRIGHTON VAN LINES, INC., 5290 Daniels, Troy, MI 48098. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801; 616-941-5313. Sub-3 certificate acquired pursuant to MC-FC-81417: broaden (1)(a) Detroit, MI, and points within 5 miles of Detroit, and (b) Detroit, MI, and points within 10 miles of Detroit to Wayne, Oakland, Macomb, Monroe, Washtenaw, St. Clair, and Livingston Counties, MI; (2) St. Louis, MO, to St. Louis, MO, and points in St. Charles, Jefferson, and St. Louis Counties, MO, and Monroe, Madison, and St. Clair Counties, IL; (3) points in KY bordering on the Ohio River to Boyd, Greenup, Lewis, Mason, Bracken, Pendleton, Campbell, Kenton, Boone, Gallatin, Carroll, Trimble, Oldham, Jefferson, Bullitt, Hardin, Meade, Breckinridge, Hancock, Daviess, Henderson, Union, Crittenden, Livingston, McCracken, and Ballard Counties, KY; and (4) Port Huron, MI, to ports of entry on the International Boundary line between the U.S. and Canada, at points in MI.

[FR Doc. 83-23184 Filed 8-23-83; 8:45 am]

BILLING CODE 7035-01-M

[OP3-MCF-399]

Motor Carriers; Proposed Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Proposed Exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 L.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION:

Please refer to the petition for exemption, which may be obtained free

of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: August 18, 1983.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

**MC-F-15394—W. C. Carriers, Inc.—
Purchase Exemption—Port City Leasing,
Inc.**

W. C. Carriers, Inc., (MC-148987) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of that portion of the certificate held in No. MC-144315 (Sub-No. 11) by Port City Leasing, Inc., which authorizes the transportation of chemicals and related products, minerals, and pesticides, between points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas, and Louisiana (except Alaska and Hawaii).

Send comments to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423, and (2) David E. Wishney, Attorney-at-Law, P.O. Box 837, Boise, ID 83701.

(FR Doc. 83-23185 Filed 8-23-83; 8:45 am)

BILLING CODE 7035-01-M

**Motor Carriers; Temporary Authority
Application**

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1162.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a

protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-287

The following Applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 169699 (Sub-4-1TA), filed August 8, 1983. Applicant: RICHARD A. VAN DER LEEST and GERALD A. VAN DER LEEST d.b.a. J & R TRANSPORT, 1330 Summerset Circle, Suamico, WI 54141. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. Contract: *irregular: Bottled water, and materials, equipment and supplies used in the production and distribution thereof, between the facilities of Don-Lou Artesian Wells, Inc. at or near Mishicot, WI on the one hand, on the other hand, points in IL, MI and MN under continuing contract(s) with Don-Lou Artesian Wells, Inc. An underlying ETA seeks 120 days authority.* Supporting Shipper: Don-Lou Artesian Wells, Inc., Hillview Road, Route 1, Mishicot, WI 54228.

MC 15735 (Sub-4-143TA), filed August 8, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract *irregular: Household Goods, between points in the U.S. (Except AK & HI), under continuing contract(s) with Trans World Corp., of New York, N.Y. Supporting shipper: Trans World Corp. 605 Third Avenue, New York, N.Y. 10158.*

MC 15735 (Sub-4-145TA), filed August 8, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract *irregular: Household Goods, between points in the U.S. (Except AK & HI), under continuing contract(s) with Educational & Institutional Cooperative Service, Inc., (E & ICS), of Woodbury, N.Y. Supporting shipper: Educational & Institutional Cooperative Service, Inc.*

(E & ICS) 180 Froelich Farm Blvd. Woodbury, N.Y. 11797.

MC 15735 (Sub-4-144 TA), filed August 8, 1983 Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153 Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. Contract *irregular: Household Goods, between points in the U.S., (except AK and HI), under continuing contract(s) with Occidental Exploration and Production Company, of Bakersfield, CA and its affiliates. Supporting Shipper: Occidental Exploration and Production Company, 5000 Stockdale Hwy., Bakersfield, CA 93309*

MC 158417 (Sub-4-4 TA), filed August 8, 1983 Applicant: BADGER STATE WESTERN, INC., Route 1, Box 204, Owen, WI 54460. Representative: Michael J. Collins, Collins, Beatty & Krekeler, 14 West Mifflin St, Suite 310, Madison, WI 53703. *Heaters, furnaces, stoves and related articles, from Colby and Hancock, WI to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY. An underlying ETA seeks 90 days authority. Supporting Shipper: C-Way Industries, Inc., P.O. Box 457, Colby, WI 54421.*

MC 183190 (Sub-4-1 TA), filed August 8, 1983 Applicant: YONKER'S TRUCKING, INC., Route 1; Box 63, Cecil, WI 54111. Representative: Nancy J. Johnson, Box 218; 103 E. Washington St, Crandon, WI 54520. (1) *Meat and meat products, from New London, WI to Sacramento and South San Francisco, CA; and (2) from points in NE, KS, IA, MN, IL, MO, IN, and MI to New London, WI. SUPPORTING SHIPPERS: Hillshire Farm Company, P.O. Box 227, New London, WI 54961., Pacific Cheese Co., Inc. 401 Forbes Blvd., South San Francisco, CA 94080.*

MC 168113 (Sub-4-3 TA), filed August 8, 1983 Applicant: C.M.W. TRANSPORT CO., INC., 951 West North St, Kendallville, IN 46755. Representative: Andrew K. Light, SCOPELITIS & GARVIN, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract *irregular: Salt, except in bulk, from Chicago, IL; Hutchinson and Lyons, KS; Akron, Cincinnati and Rittman, OH; and St. Clair County, MI to Nappanee, IN. RESTRICTED to continuing contract(s) with Carnation Food Supply Distribution, 358 South Jackson, Nappanee, IN 46550. An underlying ETA seeks 120 days authority.*

MC 169351 (Sub-4-1 TA), filed August 8, 1983 Applicant: FOX MIDWEST TRANSPORT, INC., Swan Lake Village, Saddle Ridge No.832, Portage, WI 53901. Representative: Charles E. Dye, Swan

Lake Village, Saddle Ridge No. 832, Portage, WI 53901. *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, IL, IN, IA, KS, KY, LA, MS, MI, MN, MO, NE, OH, WI, GA, NC, SC, & TN. Supporting Shippers: Shopke Stores, Inc., P.O. Box 3650, Green Bay, WI 54303. Wickes Lumber, 515 N. Washington Ave., Saginaw, MI 48607. Packerland Packing Company, Inc., P.O. Box 1184, Green Bay WI 54305. A corresponding ETA for 120 days has been filed by applicant.

MC 169747 (Sub-4-1TA), filed August 9, 1983. Applicant: LOOP EXPRESS, INC., 2401 S. Laflin, Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Paper and paper articles; scrap paper*; between IL, IN, OH, MI, and WI. Supporting Shippers: Alton Packaging Corporation, 401 Alton, Alton, IL 62002. Container Corporation of America, 500 E. North Avenue, Carol Stream, IL 60187. Loop Recycling, Inc., 2401 S. Laflin, Chicago, IL 60608.

MC 169748 (Sub-4-1TA), filed August 9, 1983. Applicant: RED WING RIVER TOWING, INC., d.b.a. RED WING RIVER TERMINAL, Route 2, P.O. Box 241, Red Wing, MN 55066. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Salt, in bulk from Red Wing, MN to points in Barron, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Rusk, St. Croix, Taylor and Trempealeau Counties, WI.* Supporting Shipper: Cargill, Inc.—Salt Division, P.O. Box 5621, Minneapolis, MN 55440.

MC 143027 (Sub-4-2TA), filed August 9, 1983. Applicant: CAPITAL FREIGHT LINES, INC., P.O. Box 8566, Madison, WI 53708. Representative: James E. Kraus (same as above). *General Commodities, except class A and B explosives, household goods and/or commodities in bulk.* Between points in MN, IL and WI. Supporting Shippers: There are 21 statements of support attached.

MC 167419 (Sub-4-1TA), filed August 10, 1983. Applicant: CONJAR CARTAGE, INC., 2243 West 43rd St., Chicago, IL 60609. Representative: Martin J. Kennedy, 120 West Madison St., Suite 1306, Chicago, IL 60602. *Freight, all kinds having a prior or subsequent movement via rail, (except classes A and B explosives, commodities in bulk, and household goods) between points in the Chicago, IL Commercial Zone and points in IA, IL, IN, MI, MO, NE, and OH.* Supporting Shippers: Unit Distribution of Illinois, Inc., 6558 W. 73rd Street, Bedford Park,

IL 60638; Western Pacific Freight System, Inc., 1717 Middle Harbor Rd., Oakland, CA; Combined Warehouse, Inc., 2234 West 43rd St.; Chicago, IL 60609.

MC 169413 (Sub-4-1TA), filed August 10, 1983. Applicant: JERRY HACKL, d.b.a. J. K. HACKL TRUCKING, P.O. Box 37, Blue River, WI 53518. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. *Fermented malt beverages and empty containers* between breweries of the Miller Brewing Company at Fort Worth, TX, Eden, NC, Fulton, NY and Trenton, OH, on the one hand, and on the other, points in Crawford County, WI. Supporting Shipper: *Prairie Beer Distributing Co., Inc.*, 314 East Cedar Street, Prairie du Chien, WI 53821.

MC 15735 (Sub-4-146TA), filed August 10, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Commodities as are dealt in or used by manufacturers of computers and data processing equipment, between points in the U.S. (except AK & HI) under continuing contract(s) with National Advanced Systems Corp. of Sunnyvale, CA.* Supporting Shipper: National Advanced Systems Corp., 140 Caribbean Drive, Sunnyvale, CA 94086.

MC 168955 (Sub-4-1TA), filed August 3, 1983. Applicant: PAUL D. MILLER and CLYDE ROSS MILLER d.b.a. MILLER AND SON TRUCKING, 5094 Flagstone Drive, Rockford, IL 61111. Representative: Gary V. Callies, 136 Summit #11, Rockford, IL 61107. *Heavy construction equipment, rock, sand, gravel, stone, crushed stone, salt, dirt, debris, blacktop mix, Poz-o-Pac, flyash, liquid asphalt, plant materials, landscaping materials, sod, railroad ties, decorative rock, Ag-Lime, and grain* between Winnebago City, IL and Dubuque City, Jackson City and Clinton City, IA and the following cities in WI: Rock City, Lafayette City, Green City, Grant City, Walworth City, Jefferson City, Dane City, Iowa City, Richland City, Salk City, Vernon City, LaCross City, Monroe City, WI. Supporting Shippers: William Charles, Ltd. and subsidiaries W. C. Equipment Company, Rockford Blacktop Construction Company, Rockford Sand and Gravel, Rockford Landscape Engineering, Blacktop Farms and Winnebago Reclamation, Inc., 4920 Forest Hills Road, Rockford, IL 61111.

MC 140716 (Sub-4-2TA), filed August 3, 1983. Applicant: THE STROH TRANSPORTATION COMPANY, 1 Stroh Drive, Detroit, MI 489226

Representative: Wilhelmina Boersma, 1800 First Federal Bldg., Detroit, MI 48226. *Contract: Irregular: General commodities (except household goods and Classes A and B explosives) between rail sidings at Detroit, MI; Chicago, IL; Pittsburgh and Allentown, PA; Alexandria, VA; Atlanta, GA; and Memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).* Supporting Shipper: Hub City Detroit Terminals, Incorporated, 1695 Woodward Ave., Bloomfield Hills, MI 48013.

-MC 169623 (Sub-4-1TA), filed August 3, 1983. Applicant: SIDNEY A. GOLDMAN, ALAN L. GOLDMAN AND DAVID E. GOLDMAN, d.b.a. DASCO, 1100 South 9th St., Springfield, IL 62703. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract, irregular: Non-ferrous metals, from Springfield, IL to Davenport, IA and St. Louis, MO. Restricted to traffic moving under continuing contract(s) with Central Iron & Metal Co. An underlying E/T/A seeks 120 days authority.* Supporting Shipper: Central Iron & Metal Co., P.O. Box 1180, Springfield, IL 62705.

MC 155411 (Sub-4-4TA), filed August 3, 1983. Applicant: S & C TRANSPORT, INC., 14703 Allen Road, #5, Southgate, MI 48195. Representative: Neill T. Riddell, 900 Guardian Building, Detroit, MI 48226. *Contract irregular liquid commodities, in bulk or in drums, between the facilities of The Ironsides Company, at or near Columbus, OH, on the one hand, and, on the other, AL, AR, FL, IL, IN, MI, MN, MS, NE, NY, NJ, NC, PA, SC, TX, and WI, under continuing contracts with The Ironsides Company of Columbus, OH.* Supporting shipper: The Ironsides Company, 7575 Plaza Court, Willowbrook, IL 60521.

MC 148994 (Sub-4-6TA), filed August 3, 1983. Applicant: MICHAEL W. AMABILE d.b.a. TRIPLE AAA TRUCKING, 29891 Red Arrow Highway, Paw Paw, MI 49079. Representative: Michael W. Amabile. *Contract irregular: General Commodities (except household goods and hazardous materials) between points in MI, PA, KS, FL, and TX under continuing contract with Red Arrow Brokerage.* Supporting shipper: Red Arrow Brokerage, 29891 Red Arrow Highway, Paw Paw MI 49079.

MC 154716 (Sub-4-7TA), filed August 2, 1983. Applicant: WALGREEN OSHKOSH, INC., 200 Wilmot Road, Deerfield, IL 60015. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525; (312) 352-7220. *Contract: irregular: wine products from points in CA to points in NV and AZ*

under continuing contract with Franzia Winery, Manteca, CA. Supporting shipper: Franzia Winery, Manteca, CA.

MC 169669 (Sub-4-1TA), filed August 4, 1983. Applicant: DEDICATED CARRIERS, INC., 521 S. La Grange Rd., La Grange, IL 60525. Representative: John T. O'Connell, 521 S. La Grange Rd., La Grange, IL 60525; (312) 352-7220. Contract: irregular: *packaging and packaging products, equipment, materials and supplies used in the manufacture, assembly, sale and distribution thereof* between points in OK, TX, LA, AL, MS, TN, GA, FL, KY, MO and AR under continuing contract with Boise Cascade Corporation of Boise, ID. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707.

MC 146642 (Sub-4-3TA), filed August 5, 1983. Applicant: BEST TRANSPORT COMPANY INC., 132 West 154th St., South Holland, IL 60473. Representative: John H. Wierenga, same address as applicant. Common irregular *Plastic and Plastic materials*, between points in the states of IL, IN, KS, MI, MN, MO, and WI. Supporting shipper: Trans-Load, Inc., 2840 West 79th St., Chicago, IL 60652.

MC 159711 (Sub-4-3TA), filed August 5, 1983. Applicant: FISHER TRUCK & BUS SERVICE, INC., P.O. Box 622, Fenwood, WI 54431. Representative: Nancy J. Johnson, Box 218; 103 E. Washington St., Crandon, WI 54520. (1) *Paper and paper products*, from Rothschild, WI to Los Angeles and San Francisco, CA (including their commercial zones); and (2) *Cheese and cheese products*, from Outagamie County, WI to Phoenix, AZ; Los Angeles and San Francisco, CA (including their commercial zones). Supporting shippers: Weyerhaeuser Company, 200 Grand Ave., Schofield, WI 54474. International Multifoods, Inc., Kaukauna Cheese Division, P.O. Box 1974, Kaukauna, WI 54130.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 79658 (Sub-5-36TA), filed August 4, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47703. Representative: Michael L. Harvey (same as above). Contract: Irregular: *Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: PPG Industries, Inc., Pittsburgh, PA.

MC 111401 (Sub-5-46TA), filed August 4, 1983. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid,

OK 73702. Representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center, Denver, CO 80264. Contract: Irregular: *General Commodities (except Classes A and B explosives and except household goods as defined by the Commission)* between points in the U.S. (except AK and HI) under continuing contract(s) with Phillips Petroleum Company.

MC 147743 (Sub-5-4TA), filed August 3, 1983. Applicant: GEMINI TRANSPORT, INC., 1333 Jefferson Highway, Jefferson, LA 70121. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. *General commodities, in containers or in trailers and empty containers, trailers and trailer chassis* between points in Orleans Parish, LA, Mobile, AL and Baldwin Counties, AL, Galveston and Harris Counties, TX on the one hand and on the other hand points in FL, GA, KS, KY, NM, NC, OK, and SC. Supporting shippers: M.G. Maher & Company, Inc., New Orleans, LA; T.R. Spedding, Inc., New Orleans, LA.

MC 146438 (Sub-5-1TA), filed August 5, 1983. Applicant: MARCHAND CONSTRUCTION, INC., P.O. Box 48, Port Allen, LA 70767. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Heavy machinery or equipment, used in connection with the construction industry*, between Bowling Green and Lexington, KY, on the one hand, and, on the other, points in LA, AR, TX, MS, AL, GA, SC, NC, TN, and FL, restricted to traffic originating at or destined to the facilities of Road Equipment Co., Inc. dba Reco Crane Co., New Orleans, LA.

MC 169343 (Sub-5-1 TA), filed August 5, 1983. Applicant: FRY-WAGNER MOVING & STORAGE CO., 4035 Fee Fee Road, Bridgeton, MO 63044. Representative: Lawrence D. Fry, (same as above). *Plastidome Buildings, Concrete Shelters and Electronics Towers and Materials, Equipment, and Supplies used in the manufacture, sale, distribution and installation thereof*, between Kansas City, MO and points within 275 miles thereof on the one hand, and on the other, points in the U.S. Supporting shipper: Grasis Corporation, 9300 N.E. Underground Drive, Kansas City, MO 64141.

MC 169614 (Sub-5-1 TA), filed August 4, 1983. Applicant: HOT-SHOT TRANSPORTATION, INC., Route 1, Box 112, DeQueen, AR 71832. Representative: Thomas B. Staley/William D. Overstreet, 1500 Tower Building, Little Rock, AR 72201. *general commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in

TX, OK, KS, MO, AR, LA, MS, AL, and TN. Supporting Shippers: 5.

MC 169628 (Sub-5-1 TA), filed August 3, 1983. Applicant: M.A. DAVIS TRANSPORT, INC., 5003 Jensen Street, P.O. Box 16160, Houston, TX 77222. Representative: David G. Goff, 717 Colony Lane, Houston, TX 77026. (1) *Metal Products, Building Materials, and Mercer Commodities*, between points in the U.S. (except AK and HI). (2) *general commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between Mobile, AL, Long Beach, Los Angeles, Oakland, Port of Stockton, San Diego, and San Francisco, CA, New Haven, CT, Dover, DE, Key West, Miami, and Pensacola, FL, Savannah, GA, Chicago, IL, Baton Rouge, Lake Charles, Morgan City, and New Orleans, LA, Portland, ME, Baltimore, MD, Boston, MA, Detroit, Escanaba, and Saulte Ste. Marie, MI, Duluth, MN, Biloxi, Gulfport, and Pascagoula, MS, Newark and Atlantic City, NJ, Buffalo, New York and Watertown, NY, Wilmington, NC, Cleveland and Toledo, OH, Portland, OR, Philadelphia, PA, Charleston, SC, Aransas Pass, Barbers Cut, Bay City, Baytown, Beaumont, Corpus Christi, Freeport, Galveston, Houston, Orange, Port Arthur, and Port of Brownsville, TX, Newport News, Norfolk, and Portsmouth, VA, Seattle and Tacoma, WA, and Green Bay and Milwaukee, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): 13.

MC 169630 (Sub-5-1 TA), filed August 5, 1983. Applicant: PRENTICE DAVID AMBROSE, d.b.a. AMBROSE TRUCKING, Rt. 2, Box 38, Choudrant, LA 71227. Representative: Prentice David Ambrose (same as above). Contract: Irregular: *general commodities (except classes A and B explosives, HHG's and items in bulk)* between points in the U.S. (except AK and HI), under continuing contract with Pabco Insulation, Div. of Fibreboard Corp., Subdivision of Louisiana Pacific, Ruston, LA.

MC 128449 (Sub-5-4 TA), filed August 1, 1983. Applicant: JIMMIE TUCKER TRUCKING, INC., P.O. Box 428, Broken Bow, OK 74728. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105. *Such commodities as are dealt in by home improvement stores*, between points in the U.S. restricted to transportation of traffic moving for the account of Payless Cashways, Inc. Supporting shipper: Payless Cashways, Inc., Kansas City, MO.

MC 142857 (Sub-5-6TA), filed August 1, 1983. Applicant: MCC TRANSPORTATION CO., INC., Route 2, Box 107-B, Hope, AR 71801. Representative: MARK J. ANDREWS, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. *Contract irregular; bakery products* between Birmingham, AL and Atlanta, GA, on the one hand, and Lakeland, FL on the other hand. Supporting shipper: Butter Krust Bakeries Division, Beatrice Foods Co., Lakeland, FL.

MC 136632 (Sub-5-1TA), filed August 11, 1983. Applicant: COPELAND TRANSPORTATION CO., INC., P.O. Box 4045, Wichita, KS 67204. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, Suite 110-L, Topeka, KS 66612. *Commodities dealt in by truck equipment dealers* between Wichita, KS, on the one hand, and points and places in the U.S. (except AK & HI) on the other hand. Supporting shipper(s): Central States Truck Equipment, Wichita, KS.

MC 139306 (Sub-5-4TA), filed August 12, 1983. Applicant: STANAGE TRANSPORTATION, INC., 121 Indian Springs Rd., Hot Springs, AR 71901. Representative: Roger A. Stanage (same as above). *Cable on Spools, empty cable spools, surplus wire, scrap wire, scrap lead and used load coils* between NE, KS, OK, TX, MO, AR, MS, LA, IA, and TN. Supporting shipper: Southwestern Bell Telephone Co., Little Rock, AR.

MC 147321 (Sub-5-9TA), filed August 11, 1983. Applicant: BILL STARR TRUCKING, INC., 1041 S. Vista Dr., Independence, MO 64056. Representative: Alex M. Lewandowski, 1221 Baltimore, Ste. 600, Kansas City, MO 64105. *Contract irregular printing ink, ink materials and cleaning compounds*, between the plant sites and facilities of Flint Ink Corporation at or near Atlanta, GA; Chicago, IL; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; Elizabethtown, KY; Houston, TX; Indianapolis, IN; Jacksonville, FL; Kansas City, MO; Los Angeles, CA; Miami, FL; Minneapolis, MN; New Orleans, LA; New York, NY; Portland, OR; Providence, RI; Richmond, VA; Redford Township, MI; and San Francisco, CA; and their respective commercial zones, on the one hand, and on the other, all points in the U.S. except AK and HI under continuing contract with Flint Ink Corporation of Detroit, MI. Supporting shipper: Flint Ink Corporation, Detroit, MI.

MC 147793 (Sub-5-2TA), filed August 8, 1983. Applicant: C. L. HALL, P.O. Box 179, Cumby, Texas 75433. Representative: Lawrence A. Winkle,

P.O. Box 45538, Dallas, Texas 75245. *Fertilizer, in bulk and in bags*, between points in NM TX, OK, KS, MO, AR, and IA. Restricted to shipments originating at or destined to the facilities of Eubanks Agri, Inc., DeBruce Fertilizer, Inc., or AgriBasics Company dba ConAgra Company.

MC 161610 (Sub-5-1 TA), filed August 10, 1983. Applicant: C.A. TUCKER d.b.a. "ABB" TUCKER TRUCKING, Rt. 4, Box 57B, Lubbock, TX 79424. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Bananas* from Galveston, TX on the one hand, and on the other, Albuquerque, NM. Supporting shipper: Hutchinson Fruit Company, Albuquerque, NM.

MC 162257 (Sub-5-2TA), filed August 12, 1983. Applicant: MARLIN's I-10 TRANSPORT, INC., Route 2, Box 12, Jennings, LA 70546. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Motor Vehicles* between Dallas, TX and Atlanta, GA. Supporting Shipper: Tommy's Used Cars, Highway 78, Villa Rica, GA 30180.

MC 162257 (Sub-5-3TA), filed August 12, 1983. Applicant: MARLIN's I-10 TRANSPORT, INC., Route 2, Box 12, Jennings, LA 70546. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *Motor Vehicles* between points in LA, on the one hand, and on the other, Villa Rica, GA. Supporting shipper: Tommy's Used Cars, Villa Rica, GA.

MC 169710 (Sub-5-1TA), filed August 8, 1983. Applicant: SPRAYBERRY TRUCK LINES, INC., 202 Ridgecrest Drive, Nacogdoches, TX 75961. Representative: James T. Darby, 1021 Irving Avenue, Colonial Beach, VA 22443. *Building Materials*, between points in the states of TX, AR, LA, MS, OK, NM, AL, FL, GA, KS, AZ, CO, TN, NC, and SC. Supporting shipper: Williams Lumber Sales, Inc., Nacogdoches, TX.

MC 169711 (Sub-5-1TA), filed August 8, 1983. Applicant: TEXAS AMERICAN EXPRESS, 4311 Forney Avenue, Mesquite, TX 75149. Representative: Jim L. McHargue, 1206 Egan, Denton, TX 76201. *Contract, Irregular; Alcoholic beverages and wines in packages* between points within the U.S. Supporting shipper: Glazer Wholesale Drug Co., Inc. Dallas, TX 75201.

MC 169808 (Sub-5-1TA), filed August 11, 1983 Applicant: ALAN SMITH d.b.a. SMITH TRUCKING, 111 South Dakota Pondcreek, OK 73766. Representative: Hugh R. H. Smith, 28 Kenwood Place, Lawrence, MA 01841. *Contract, Irregular; Building Materials and Supplies*, between points in OK, TX, AZ,

KS, MO, IL, IN, CO, NM, IA, and LA, under continuing contract(s) with J.J. Brokers, El Paso, TX, Oklahoma Forest Products, Inc., Pondcreek, OK, and Pickup Bumpers, Inc., Pondcreek, OK. Supporting shipper(s): J.J. Brokers, El Paso, TX, Oklahoma Forest Products, Inc., Pondcreek, OK, Pickup Bumpers, Inc., Pondcreek, OK.

MC 169825 (Sub-5-1TA) filed August 12, 1983. Applicant: ROCKET TRANSFER COMPANY, INC., 702 Elm Street, Des Moines, IA 50309. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Contract, Irregular; Such commodities as are dealt in or used by the manufacturers and distributors of paint, chemicals, and related articles*, between points in IA, under continuing contract(s) with The Sherwin Williams Company, of Chicago, IL. Supporting shipper: The Sherwin Williams Company, Cleveland, OH.

MC 169835 (Sub-5-1TA) filed August 12, 1983. Applicant: MONTE TRANSPORT, INC., 207 E. Jefferson, Montezuma, IA 50171. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Plastic products* between Poweshiek County, IA on the one hand and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Bradford Window Co., Grinnell, IA.

MC 169837 (Sub-5-1TA), filed August 12, 1983. Applicant: FLAIR ENTERPRISES, INC., 128 E. 1st. Moore, OK 73160. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105. *Wrecked or disabled vehicles and replacement vehicles for same*, between Oklahoma City, OK on the one hand, and, on the other, points in AR, AZ, KS, LA, MO, NM, and TX. Supporting shippers: McLean Trucking Co., Oklahoma City, OK, Texas Oklahoma Express (TOX), Oklahoma City, OK.

Agatha L. Mergenovich,
Secretary.

FR Doc. 83-23187 Filed 8-23-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30249]

Rail Carriers; The Atchison, Topeka & Santa Fe Railway Co., Toledo, Peoria & Western Railroad Co. Exemption

Decided: August 17, 1983.

On August 1, 1983, The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and the Toledo, Peoria & Western Railroad (TP&W) filed a Notice of Exemption concerning the proposed merger of TP&W into Santa Fe. TP&W is

a wholly-owned subsidiary of Santa Fe and consummation of the merger should result in Santa Fe's achieving certain management efficiencies and reductions in costs. There will be an elimination of certain separate executive functions, separate accounting and reporting requirements, and the general administrative burdens of maintaining two separate corporations. While the merger will result in significant benefits to Santa Fe, it should not materially affect the competitive balance with other rail carriers outside the corporate family as there should not be any significant operational changes or any adverse changes in service levels.

This transaction is a corporate simplification of the type specifically exempted from the necessity for prior review and approval under 49 CFR 1180.2(d)(3).

While the employee protective conditions in *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), (*New York Dock*) were imposed when the Commission approved the acquisition of control of TP&W by Santa Fe in *Atchison, T.&S.F. Ry. Co.-Control*, 363 I.C.C. 715 (1980), those conditions were imposed to protect only those employees affected by the control transaction. Accordingly, as a condition to use of the subject exemption for this merger, any employee of TP&W or Santa Fe affected by the merger shall be protected pursuant to the conditions in *New York Dock*. This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2) regarding protection of employees affected by this transaction.

By the Commission, Heber P. Hardy,
Director, Office of Proceedings.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-23182 Filed 8-23-83; 8:45 am]
BILLING CODE 7035-01-M

[AB 6 SDM]

Rail Carriers; Burlington Northern Railroad Co; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the BURLINGTON NORTHERN RAILROAD CO. has filed with the Commission its amended color-coded system diagram map in docket No. AB 6 SDM. The Commission on August 15, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 6 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-23180 Filed 8-23-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant To Clean Air Act; Adams Automatic Co.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 5, 1983 a proposed Consent Decree in *United States v. Adams Automatic Company*, Civil Action No. 83-C-1388, was lodged with the United States District Court for the District of Colorado. The proposed Consent Decree concerns the unlawful removal from defendants' motor vehicles of fuel inlet restrictors, which prevent the unlawful introduction of leaded gasoline.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Adams Automatic Company*, D.J. Ref. 90-5-2-1-613.

The proposed Consent Decree may be examined at the office of the United States Attorney, District of Colorado, Twelfth Floor, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294 and at the Region VIII Office of the Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295. Copies of the proposed Consent Decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

Land and Natural Resources Division of the Department of Justice.

F. Henry Habicht II,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-23182 Filed 8-23-83; 8:45 am]
BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Packaging Corp. of America

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on August 2, 1983 a proposed consent decree in the *United States of America v. Packaging Corporation of America*, Civil Action No. G 81-289 CA 7 was lodged with the United States District Court for the Western District of Michigan. The proposed consent decree concerns control of air pollution at Packaging Corporation's Filer City, Michigan corrugated cardboard manufacturing plant.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. Packaging Corporation of America* D.J. Ref. 90-5-2-1-400.

The proposed consent decree may be examined at the office of the United States Attorney, 544 Federal Building & U.S. Courthouse, 110 Michigan Avenue, N.W., Grand Rapids, Michigan 44502 and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$2.70 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

F. Henry Habicht,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-23181 Filed 8-23-83; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

Jess B. Caderao, M.D.; Revocation of Registration

On April 6, 1983, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to Jess B. Caderao, M.D., 5959 Harry Hines Boulevard, Suite 211, Dallas, Texas 75235 (Respondent) seeking to revoke DEA Certificate of Registration AC1739195 issued under 21 U.S.C. 823. The Order states two grounds under 21 U.S.C. 824(a)(1) and 824(a)(2) for the revocation. First, in applying for his registration Respondent falsely stated that he had never had a DEA Certificate revoked, suspended or denied when in fact the Acting Administrator had revoked DEA Certificate of Registration AC8982488 previously issued to Respondent. 46 FR 50866 (October 15, 1981). Second, Respondent was convicted of controlled substance related felonies in the Superior Court of the State of Washington, in and for King County on March 9, 1981. By letter dated April 11, 1983, Respondent explicitly waived his opportunity for a hearing on the issues raised by the Order to Show Cause and requested consideration of his explanation. The Acting Administrator finds that Respondent waived his opportunity for a hearing under 21 CFR 1301.54(c) and, upon consideration of the file in this matter and Respondent's explanation, enters this Final Order under 21 CFR 1316.67.

The Acting Administrator finds that Dr. Caderao was convicted in state court in Washington of uttering false or forged prescriptions for oxycodone (percodan), in violation of RCW 69.50.401. Had there been a hearing in this matter, state officers would have testified that Respondent wrote prescriptions for 490 Percodan in a 42 day period. When asked to explain his prescribing habits, Respondent told investigators that he wrote Percodan prescriptions for his wife for four tablets a day. In fact, on September 9 and 10, 1980, he wrote prescriptions for 80 Percodan or 40 per day for his wife. He also wrote prescriptions for Demerol, Tuinal, Valium and Dilaudid in his medical partner's name.

On May 14, 1981, the Administrator of DEA directed an Order to Show Cause to Respondent at an address in Bellevue, Washington, seeking to revoke Certificate AC8982488 based on the Washington state convictions. During the pendency of those proceedings the State of Washington Medical Disciplinary Board revoked

Respondent's authority to dispense controlled substances in Washington. The Acting Administrator revoked Certificate AC8982488 under 21 U.S.C. 824(a)(1), based on longstanding precedent that DEA cannot register a practitioner who lacks state authority to possess, dispense, prescribe or otherwise handle controlled substances. See *Jess B. Caderao*, Docket No. 81-15, 48 FR 50866 (October 15, 1981) and cases cited therein. The Acting Administrator finds that the Deputy Chief Counsel of the DEA sent a copy of the Final Order, with a letter to Respondent's counsel, on October 21, 1981.

Respondent states that he applied for DEA registration "in good faith" believing that he had been dismissed and released from all penalties and disabilities stemming from his conviction under Washington's deferred sentencing statute. He bases this explanation on a letter dated May 24, 1982, from the same Washington counsel who represented him before DEA that he had been "vindicating" (sic) and had "no criminal record." While the Acting Administrator is unpersuaded by this interpretation of the Washington deferred sentencing statute, he need not reach that issue. There is ample ground to revoke Respondent's registration under 21 U.S.C. 823(a)(1).

DEA may revoke a practitioner's registration if he "materially falsified any application" for registration. 21 U.S.C. 823(a)(1). On his application executed April 1, 1982, Respondent indicated he did not have a previous DEA registration revoked or an application denied. In fact, the Acting Administrator revoked his earlier DEA registration on October 15, 1981, and Respondent was duly notified through his counsel. Respondent did not mention this falsification in his letter of explanation. Surely, Respondent's Washington counsel must have notified him of the revocation of his DEA registration just as they notified him of the "vindicating" (sic) of his criminal disabilities. Given the nature of Dr. Caderao's criminal activities, the Acting Administrator is not surprised that Respondent would mention the vindication and not the revocation in his letter of explanation. A false statement is material if it is calculated to induce action or reliance by an agency of the United States. *United States v. Talkington*, 589 F.2d 415, 416 (9th Cir. 1978). The Acting Administrator finds that a statement given on an application for DEA registration is material since it would induce DEA to act, namely, to register the applicant. Absent any explanation from Respondent, and in

light of his background, the Acting Administrator is drawn to the inescapable conclusion that Respondent intended to make this material false statement on his application.

It is the decision of the Acting Administrator to revoke the DEA Certificate of Registration issued to Respondent and deny any pending applications for registration. Accordingly, under the authority vested in the Attorney General by 21 U.S.C. 824, as redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration AC1739195 previously issued to Jess B. Caderao, M.D., is hereby denied September 23, 1983.

Dated: August 11, 1983.

Francis M. Mullen, Jr.,
Acting Administrator.

[FR Doc. 83-27194 Filed 8-23-83; 6:45 am]

BILLING CODE 4410-09-M

OFFICE OF MANAGEMENT AND BUDGET

Publication of OMB Circular A-123, Revised "Internal Control Systems"

ACTION: Final issuance of OMB Circular A-123, Revised, "Internal Control Systems."

SUMMARY: This revision of OMB Circular A-123 incorporates requirements of the Federal Managers' Financial Integrity Act of 1982 (the Act), the OMB "Guidelines for the Evaluation and Improvement of and Reporting on Internal Control Systems in the Federal Government", and the Comptroller General's internal control standards, all of which became operational after the effective date of the original OMB Circular A-123, October 28, 1981. This revised Circular consolidates Executive branch internal control responsibilities and supports the Administration's goal of strengthening internal control systems.

EFFECTIVE DATE: This Circular is effective August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Finance and Accounting Division, Office of Management and Budget, Washington, D.C. 20503, telephone number (202) 395-3122.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget issued Circular A-123, "Internal Control Systems," as a means of improving controls and thus minimizing instances of fraud, waste and abuse. Enactment of the Federal Managers' Financial

Integrity Act of 1982 on September 8, 1982 and subsequent publication of the OMB "Internal Control Guidelines" and the Comptroller General's internal control standards necessitates that Circular A-123 be revised.

The revised Circular A-123 incorporates the following changes. The background section now briefly summarizes the requirements of the Federal Managers' Financial Integrity Act and refers to the OMB "Internal Control Guidelines" issued in December 1982. The responsibility section now specifies the responsibilities of the designated senior official and heads of organizational units. These and the responsibilities of the agency head and Inspector General conform with the description of their responsibility contained in the OMB "Internal Control Guidelines." The objectives of the internal control section has been revised to conform with the objectives specified in the Act. The internal control standards section now includes the final standards prescribed by the Comptroller General. OMB explanations are provided for selected standards. The internal control directive section now includes a definition of employees for whom performance agreements should include fulfillment of internal (i.e., management) control responsibilities. A new section describes an agency's responsibility for taking timely corrective actions on weaknesses disclosed through its evaluation of internal controls. The reporting section now includes the Act's requirement for the agency head to submit an annual statement to the President and the Congress about the agency's system of internal controls.

On March 28, 1982, OMB distributed a proposed revision of Circular A-123 to members of the Assistant Secretaries for Management Group, the President's Council on Integrity and Efficiency, the General Accounting Office and the American Institute of CPAs (AICPA) for review and comment. Officials from 15 Federal agencies and the AICPA provided written comments.

Major comments are summarized below by subject with a response to each and a description of changes made as a consequence of the comments. Other changes were made to increase clarity, precision and readability.

Internal Control Directive

Comment: One response suggested that agencies should not be required to perform vulnerability assessments every two years because that requirement, combined with a program of continuous internal control reviews would cause confusion and become inefficient.

Response: The revised Circular provides for ongoing programs of vulnerability assessment and internal control review for all agency components and assessable units. It specifies that each assessable unit shall be evaluated at least once every two years. Therefore, a vulnerability assessment, or an internal control review or other kind of action that evaluates whether internal controls are operating as intended and are effective, may be used to fulfill this requirement for a biennial evaluation.

Internal Control Definition

Comment: Several responses suggested revising the definition because it emphasized financial aspects of internal control, thereby limiting the scope of internal control evaluations. They suggested using the definition contained in the original OMB Circular A-123.

Response: The definition of internal control was developed to be consistent with provisions of the Act. A statement was added which explains that internal control objectives apply to all program and administrative activities of an agency.

Harold I. Steinberg,
Associate Director for Management,
August 16, 1983.

[Circular No. A-123 Revised]

To the Heads of Executive Departments and Establishments

Subject: Internal Control Systems

1. **Purpose.** This Circular prescribes policies and standards to be followed by executive departments and agencies in establishing, maintaining, evaluating, improving, and reporting on internal controls in their program and administrative activities.

2. **Rescission.** This revision replaces Circular No. A-123, "Internal Control Systems," dated October 28, 1981.

3. **Background.** The Accounting and Auditing Act of 1950 requires the head of each department and agency to establish and maintain adequate systems of internal control. Office of Management and Budget (OMB) Circular A-123, issued in October 1981, promulgated internal control standards and a system of agency responsibilities and requirements to address the number instances of fraud, waste, and abuse of Government resources and mismanagement of Government programs resulting from weaknesses in internal controls or breakdowns in compliance with internal controls.

The Federal Managers' Financial Integrity Act, Pub. L. 97-255, (hereafter referred to as the Act), amended the

Accounting and Auditing Act of 1950. The Act's requirements and objectives are basically the same as the original Circular's except that the internal accounting and administrative control standards are to be prescribed by the Comptroller General; annual evaluations are to be conducted by each executive agency of its system of internal accounting and administrative control, in accordance with guidelines established for such evaluations by the Director of the Office of Management and Budget; and an annual statement is to be submitted by the head of each executive agency to the President and the Congress on the status of the agency's system of internal control. The guidelines, entitled "Guidelines for the Evaluation and Improvement of Reporting on Internal Control Systems in the Federal Government" were issued in December 1982.

In addition to the requirements of the Act, 31 U.S.C. 1514 requires that agency systems for the control of funds be approved by the Director of OMB. These requirements are prescribed by Circular A-34, "Budget Execution."

4. **Policy.** Agencies shall maintain effective systems of accounting and administrative control. All levels of management shall involve themselves in assuring the adequacy of controls. New programs shall incorporate effective systems of internal control. All systems shall be evaluated on an ongoing basis, and weaknesses, when detected, shall be promptly corrected. Reports shall be issued, as required, on internal control activities and the results of evaluations.

5. **Definitions.** For the purpose of this Circular, the following terms are defined:

a. **Agency**—any department or independent establishment in the executive branch.

b. **Agency Component**—a major organization, program or functional subdivision of an agency having one or more separate systems of internal control.

c. **Control Objective**—a desired goal or condition for a specific event cycle that reflects the application of the overall objectives of internal control to that specific cycle.¹

¹ Control objectives are not absolutes. Since the achievement of control objectives can be and is affected by such factors as budget constraints, statutory and regulatory restrictions, staff limitations, and cost-benefit considerations, the lack of achievement of control objectives does not necessarily represent a defect or deficiency in internal control requiring correction. Such limiting factors need to be considered in determining whether there is reasonable assurance the control objectives are being achieved.

d. *Internal Control*—the plan of organization and methods and procedures adopted by management to provide reasonable assurance that obligations and costs are in compliance with applicable law; funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation; and revenues and expenditures applicable to agency operations are properly recorded and accounted for to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over the assets.

e. *Internal Control Documentation*—written policies, organization charts, procedural write-ups, manuals, memoranda, flow charts, decision tables, completed questionnaires, software, and related written materials used to describe the internal control methods and measures, to communicate responsibilities and authorities for operating such methods and measures, and to serve as a reference for persons reviewing the internal controls and their functioning.

f. *Internal Control Guidelines*—the guidelines issued by OMB in December 1982, entitled "Guidelines for the Evaluation and Improvement of and Reporting on Internal Control Systems in the Federal Government".

g. *Internal Control Review*—a detailed examination of a system of internal control to determine whether adequate control measures exist and are implemented to prevent or detect the occurrence of potential risks in a cost effective manner.

h. *Internal Control Standards*—the standards issued by the Comptroller General on June 1, 1983, for use in establishing and maintaining systems of internal control. These are applicable to all operations and administrative functions but are not intended to limit or interfere with duly granted authority related to development of legislation, rulemaking, or other discretionary policymaking in an agency.

i. *Internal Control System*—the sum of the organization's methods and measures used to achieve the objectives of internal control.

j. *Internal Control Technique*—processes and documents that are being relied on to efficiently and effectively accomplish an internal control objective and thus help safeguard an activity from waste, loss, unauthorized use, or misappropriation.

k. *Material Weakness*—a situation in which the designed procedures or degree of operational compliance therewith does not provide reasonable assurance that the objectives of internal

control specified in the Act are being accomplished.

1. *Vulnerability Assessment*—a review of the susceptibility of a program or function to waste, loss, unauthorized use, or misappropriation.

6. *Responsibility*. The head of each agency is responsible for ensuring that the design, installation, evaluation, and improvement of internal controls, and issuance of reports on the agency's internal control systems are in accordance with the requirements of the Act and the guidance contained in the Internal Control Guidelines. Designated internal control officials and heads of organizational units within agencies have responsibilities for ensuring the performance of necessary internal control evaluations and providing assurances to the agency head. These responsibilities are described in paragraphs 6b and c. The Inspector General, or equivalent in agencies without an Inspector General, has a limited responsibility in regard to internal controls, as explained in paragraph 6d.

a. Agency heads are responsible for establishing and maintaining the system of internal control within their agencies. This includes determining that the system is established in accordance with the standards prescribed by the Comptroller General and that it provides reasonable assurance that the objectives of internal control, as described in paragraph 7, are met. It also includes determining that the system is functioning as prescribed and is modified, as appropriate, for changes in conditions.

b. A designated senior official shall be responsible for coordinating the overall agency-wide effort of evaluating, improving and reporting on internal control systems in accordance with the Internal Control Guidelines. This responsibility includes providing assurance to the agency head that those processes were conducted in a thorough and conscientious manner.

c. Heads of organizational units are responsible for the system of internal control in their units. This responsibility includes providing to the agency head assurance that he or she is cognizant of the importance of internal controls; has performed the evaluation process in accordance with the Internal Control Guidelines and in a conscientious manner; and believes the objectives of internal control are being complied with in his or her area of responsibility within prescribed limits.

d. The Inspector General (IG), or the senior audit official where there is no Inspector General, is encouraged to provide technical assistance in the

agency effort to evaluate and improve internal controls. This would be in addition to the reviews of internal control documentation and systems, undertaken at the IG's initiative or at the request of the agency head, and the reports issued as a result of these reviews.

e. In addition, the IG may advise the agency head whether the agency's internal control evaluation process has been conducted in accordance with the Internal Control Guidelines. Performing the limited review required to provide such advice should not be interpreted to preclude the IG from providing technical assistance in the agency effort to evaluate and improve internal controls, or otherwise limit the authority of the IG. The extent of IG involvement in the agency's internal control evaluation, improvement and reporting process should be coordinated among the agency head, IG, and the designated internal control official.

7. *Objectives of Internal Control*. The objectives of internal control, as specified in the Act, are to provide management with reasonable assurance that:

a. Obligations and costs comply with applicable law.

b. Assets are safeguarded against waste, loss, unauthorized use, and misappropriation.

c. Revenues and expenditures applicable to agency operations are recorded and accounted for properly so that accounts and reliable financial and statistical reports may be prepared and accountability of the assets may be maintained.

The objectives of internal control apply to all program and administrative activities.

8. *Internal Control Standards*. An agency's or agency component's system of internal control shall be established and maintained in accordance with the standards prescribed by the Comptroller General as presented below. OMB commentary on selected standards is contained in the bracketed paragraphs.

a. General Standards

1. *Reasonable Assurance*. Internal control systems are to provide reasonable assurance that the objectives of the systems will be accomplished.

[This standard recognizes that the cost of internal control should not exceed the benefits derived therefrom and that the benefits consist of reductions in the risks of failing to achieve the stated control objectives.]

2. *Supportive Attitude*. Managers and employees are to maintain and demonstrate a positive and supportive

attitude toward internal controls at all times.

3. *Competent Personnel.* Managers and employees are to have personal and professional integrity and are to maintain a level of competence that allows them to accomplish their assigned duties, as well as understand the importance of developing and implementing good internal controls.

4. *Control Objectives.* Internal control objectives are to be identified or developed for each agency activity and are to be logical, applicable, and reasonably complete.

5. *Control Techniques.* Internal control techniques are to be effective and efficient in accomplishing their internal control objectives.

[Internal control techniques are to be designed for and operated in all agency programs and administrative activities in order to accomplish the control objectives consistently.]

b. Specific Standards

1. *Documentation.* Internal control systems and all transactions and other significant events are to be clearly documented, and the documentation is to be readily available for examination.

2. *Recording of Transactions and Events.* Transactions and other significant events are to be promptly recorded and properly classified.

3. *Execution of Transactions and Events.* Transactions and other significant events are to be authorized and executed only by persons acting within the scope of their authority.

[Independent evidence is to be maintained that authorizations are issued by persons acting within the scope of their authority and that the transactions conform with the terms of the authorizations.]

4. *Separation of Duties.* Key duties and responsibilities in authorizing, processing, recording, and reviewing transactions should be separated among individuals.

[Key duties such as authorizing, approving, and recording transactions, issuing or receiving assets, making payments, and reviewing or auditing are to be assigned to separate individuals to minimize the risk of loss to the government. Internal control depends largely on the reduced opportunities to make and conceal errors or to engage in or conceal irregularities. This, in turn depends on the assignment of work so that no one individual controls all phases of an activity or transaction, thereby creating a situation that permits errors or irregularities to go undetected.]

5. *Supervision.* Qualified and continuous supervision is to be provided

to ensure that internal control objectives are achieved.

[Qualified and continuous supervision also is to ensure that approved procedures are followed. Lines of personal responsibility and accountability are to be clearly established.]

4. *Access to and Accountability for Resources.* Access to resources and records is to be limited to authorized individuals, and accountability for the custody and use of resources is to be assigned and maintained. Periodic comparison shall be made of the resources with the recorded accountability to determine whether the two agree. The frequency of the comparison shall be a function of the vulnerability of the asset.

c. Audit Resolution Standard

1. *Prompt Resolution of Audit Findings.* Managers are to (1) promptly evaluate findings and recommendations reported by auditors, (2) determine proper actions in response to audit findings and recommendations, and (3) complete, within established time frames, all actions that correct or otherwise resolve the matters brought to management's attention.

9. *Requirements for Agency Internal Control Directive.* Each agency shall update its internal control directive which will, at a minimum:

a. Establish specific responsibilities for seeing that agency internal control systems are developed (where they do not exist), maintained, evaluated, improved as necessary, and reported upon in accordance with the Internal Control Guidelines.

b. Provide for coordination among the designated internal control official, heads of organizational units, program managers, and technical staffs, including the Office of Inspector General or its equivalent in agencies without an Inspector General, in matters concerning internal control.

c. Assign responsibility for internal control to appropriate levels of management in each agency component and establish administrative procedures to enforce the intended functioning of internal controls. These procedures should require performance agreements for each Senior Executive Service and Merit Pay or equivalent employee with significant management responsibility to include fulfillment of assigned internal (i.e., management) control responsibilities; notations in performance appraisals for positive accomplishments related to internal controls; appropriate disciplinary actions for violations of internal controls; and timely correction of

internal control weaknesses, however identified.

d. Require each internal control system to meet the standards of internal control described in paragraph 8.

e. Provide for an ongoing program of vulnerability assessments covering all agency components and assessable units. Assessments shall be accomplished as frequently as circumstances warrant. Agencies shall assure the evaluation of each assessable unit at least once every two years.

f. Provide for internal control reviews, audits, increased or improved monitoring procedures or other processes on an ongoing basis to determine whether the controls are operating as intended and are effective. These reviews or other actions should identify internal controls that need to be strengthened or streamlined. The timing of the reviews or other actions shall be determined based upon the results of the vulnerability assessments, management priorities, resource availability, and other management initiatives planned or underway.

10. *Follow-up Actions.* The recommendations resulting from vulnerability assessments and internal control reviews should be considered by management on a timely basis and appropriate corrective actions should be taken as promptly as possible. A formal follow-up system should be established that records and tracks recommendations and projected action dates, and monitors whether the changes are made as scheduled. The existing audit follow-up system maintained by the designated agency follow-up official could be used for this purpose.

11. *Specific Internal Control Guides.* Models and other guidelines for internal controls for specialized aspects of agency operations will be developed from time to time and issued separately to aid agencies in designing specific internal control systems.

12. *Reporting.* By December 31, 1983, and by each succeeding December 31, the head of each executive agency subject to Pub. L. 97-255 (31 U.S.C. 3512) shall submit a statement to the President and to the Congress stating whether the evaluation of internal controls was conducted in accordance with the Internal Control Guidelines, stating whether the agency's system of internal accounting and administrative control complies with the Comptroller General's standards and provides reasonable assurance that obligations and costs are in accordance with applicable law; funds, property, and other assets are safeguarded; and revenues and

expenditures are properly recorded and permit the preparation of reliable financial and statistical reports; reporting the material weaknesses, if any, in the agency's system of internal control, however identified; and containing a plan for correcting any weaknesses. Procedures to be followed in preparing this report are contained in the Internal Control Guidelines.

Agencies are also required to submit information to OMB on the progress made in evaluating and improving internal controls as part of the Reform '88 Tracking System.

13. *Effective Date.* This Circular is effective on publication.

14. *Inquiries.* All questions or inquiries should be addressed to the Finance and Accounting Division, Office of Management and Budget, telephone number 202/395-3122.

15. *Sunset Review Date.* This Circular shall have an independent policy review to ascertain its effectiveness three years from the date of issuance.

David A. Stockman,
Director.

[FR Doc. 83-23236 Filed 8-23-83; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13444; 812-5560]

Financial Tax-Free Money Fund, Inc.; Application

August 18, 1983.

Notice is hereby given that Financial Tax-Free Money Fund, Inc. ("Applicant"), 7503 Marin Drive, Englewood, Colorado 80111, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 26, 1983, for an order, pursuant to Section 6(c) of the Act, exempting Applicant to the extent necessary: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit Applicant to calculate its net asset value per share based on the amortized cost method of valuation and to value in the manner described in the application certain rights to sell its portfolio securities to brokers, dealers, and banks; and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire from brokers and dealers the aforesaid rights to sell portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to

the Act and the rules thereunder for further information as to the provisions to which the exemptions apply.

A Colorado corporation, Applicant seeks as its investment objective to obtain as high a level of current income exempt from federal income taxation as is consistent with safety of capital and maintenance of liquidity. Applicant states that it will pursue this objective by investing primarily in high quality, short-term obligations. Applicant has agreed to all the standard conditions typically imposed in amortized cost orders.

Applicant also requests exemptive relief to the extent necessary to enable it to acquire "stand-by commitments", also known as "puts". Applicant represents that its investment policies will permit the acquisition of stand-by commitments solely to facilitate liquidity, and the acquisition, exercisability, or duration of the stand-by commitments will not be a factor in determining Applicant's dollar-weighted average portfolio maturity or the values and maturities of the securities it holds. Applicant states that its stand-by commitments will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they will be exercisable at any time prior to the underlying security's maturity; (3) Applicant's right to exercise the stand-by commitments will be unconditional and unqualified; (4) they will be entered into only with dealers, banks, and brokers who, in Applicant's investment adviser's opinion, present a minimal risk of default; (5) although they will not be transferable, the municipal obligations purchased subject to such commitments may be sold to a third party at any time, even though a commitment may be outstanding; and (6) their exercise price in each case will (i) Applicant's acquisition cost of the municipal obligation subject to the commitment (excluding any accrued interest that Applicant paid on acquisition of the security), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the municipal obligation, plus (ii) all interest accrued on the municipal obligation since the last interest payment date during the period such obligation was owned by Applicant.

Because Applicant will value municipal obligations on an amortized cost basis, it asserts that the amount payable under a stand-by commitment will be substantially the same as the value assigned the underlying securities. Due to the high quality of its securities, there is little risk of an event occurring

that would make amortized cost valuation of portfolio securities inappropriate. In the unlikely event that the market or fair value of Applicant's securities were not substantially equivalent to their amortized cost value, Applicant's directors may determine that the securities should be valued on the basis of available market information. Applicant represents that it will refrain from exercising the stand-by commitments to avoid imposing a loss on a dealer and jeopardizing Applicant's business relationship with that dealer.

Applicant expects that stand-by commitments generally will be available without the payment of any direct or indirect consideration. If Applicant's directors believe it necessary or advisable, however, Applicant may pay for stand-by commitments, either separately in cash or by paying a higher price for the securities acquired subject to the commitment. As a matter of policy, the total amount "paid" in either manner for outstanding stand-by commitments held by Applicant will not exceed 1/2 of 1 percent of the value of its total assets calculated immediately after any stand-by commitment is acquired. Because it is difficult to evaluate the likelihood of use or the potential benefit of a stand-by commitment, the Applicant's directors believe that such commitments should be given no value in determining Applicant's net asset value, regardless of whether any direct or indirect consideration is paid. When Applicant pays for a stand-by commitment, its costs will be reflected as unrealized depreciation for the period during which the commitment is held. For purposes of complying with the conditions that (i) the dollar-weighted average maturity of Applicant's securities shall not exceed 120 days and (ii) the maturity of a portfolio security shall not exceed one year, the existence of stand-by commitments will not be viewed as shortening the maturities of the underlying municipal obligations.

Applicant notes that the Internal Revenue Service ("IRS") has issued several favorable private letter rulings to the effect that a registered investment company would own municipal obligations acquired subject to a stand-by commitment and that interest on such securities will be tax-exempt. It has also issued a Revenue Ruling in this regard. Because Applicant intends to comply with all requirements of the Revenue Ruling, it does not intend to seek a private ruling from the IRS.

Applicant submits that the above requested relief is appropriate in the public interest and consistent with the protection of investors and purposes

fairly intended by the policy and provisions of the Act. Applicant's board of directors has determined in good faith that, in view of its objective and the terms and conditions pursuant to which stand-by commitments would be acquired from banks, brokers, and dealers, the acquisition of such commitments would be beneficial to Applicant and its shareholders and an appropriate method of ensuring liquidity. Applicant states that it will value its stand-by commitments in a way that prevents the insulation of net asset value per share against decline due to unrealized depreciation in the value of portfolio securities. Applicant asserts that the commitments will not pose new investment risks, but will improve its liquidity and ability to satisfy redemptions. Applicant asserts that the acquisition of stand-by commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking process, nor require it to evaluate the credit of dealers in determining its net asset value. To the extent the commitment may represent an obligation of a broker or dealer, Applicant represents that such obligations will be secured to the extent of the underlying municipal obligations subject to such commitments. Accordingly, Applicant contends that its acquisition of stand-by commitments will not significantly expose it to the credit risks of brokers or dealers. Nevertheless, Applicant states that its investment adviser intends to evaluate periodically the credit of institutions issuing stand-by commitments to Applicant. Finally, Applicant will not acquire stand-by commitments to promote reciprocal practices, to encourage distribution efforts, or to obtain research services.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 12, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-23259 Filed 8-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13446; 812-5570]

GEICO Municipal Securities Series Trust; Filing of Application

August 18, 1983.

Notice is hereby given that GEICO Municipal Securities Series Trust (the "Applicant"), GEICO Plaza, Washington, D.C. 20076, registered under the Investment Company Act of 1940 ("Act") as a no-load, open-end, diversified management investment company authorized to issue multiple series of units of beneficial interest, filed an application on June 1, 1983, and an amendment thereto on August 5, 1983, pursuant to Section 6(c) of the Act, for an order of the Commission exempting Applicant to the extent necessary: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 and thereunder to permit one of its series, the GEICO Tax-Free Cash Fund ("Fund"), to value in the manner described below rights acquired from brokers, dealers or financial institutions to sell portfolio securities to such persons; and (2) from the provisions of Section 12(d)(3) of the Act to permit the Fund to acquire rights to sell its portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the text of the Act and the rules thereunder for the various provisions, including Section 6(c) of the Act, pertinent to a consideration of the application.

Applicant states that its objective is to obtain the highest level of income exempt from Federal income taxes as is consistent with prudent investment management, safety of principal and the quality and maturity characteristics prescribed for each series. Applicant further states that the Fund will pursue these objectives by investing exclusively, except temporarily for defensive purposes, in money market securities from which income is exempt from Federal income tax and that the Fund will seek to maintain a constant net asset value of \$1.00 per share by utilizing the amortized cost method of valuation in compliance with Rule 2a-7 under the Act.

Applicant represents that the Fund intends to acquire stand-by commitments solely to facilitate portfolio liquidity and it does not intend to exercise its rights for trading purposes. The Fund's acquisition of stand-by commitments will not affect the valuation or maturity of the underlying securities which would continue to be valued at amortized cost in accordance with Rule 2a-7. According to the application, the standby commitments will have the following features: (1) They will be in writing and will be physically held by the Applicant's custodian; (2) they may be exercisable by the Fund at any time or during specified periods prior to the maturity of the underlying security; (3) the Fund's right to exercise them will be unconditional and unqualified; (4) they will be entered into only with brokers, dealers, and financial institutions which, in the judgment of the Fund's investment advisers present a minimal risk of default; (5) although they may not be transferable, municipal obligations purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (a) the Fund's acquisition cost of the municipal obligations which are subject to the commitment (excluding any accrued interest which the Fund paid on their acquisition), less any amortized market premium or plus any amortized or original issue discount during the period the Fund owned the securities, plus (b) all interest accrued on the securities since the last interest payment date during the period the securities were owned by the Fund.

Applicant states that since the Fund values its municipal obligations on an amortized cost basis pursuant to Rule 2a-7, the amount payable under a stand-by commitment will be substantially the same as the value assigned by the Fund to the underlying security. Applicant submits there is little risk of an event occurring which would make amortized cost valuation of the Fund's portfolio securities inappropriate. In such event, however, the Fund would expect to refrain from exercising the stand-by commitments in such securities to avoid imposing a loss on a broker, dealer or financial institution and jeopardizing the Fund's business relationship with that entity.

If necessary and advisable, the Applicant states that the Fund will pay for the stand-by commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. As a matter of policy, the total amount

"paid" in either manner for outstanding stand-by commitments held in the Fund's portfolio will not exceed 1/2 of 1 percent of the value of its total assets calculated immediately after any stand-by commitment is acquired. It is contended that it is difficult to evaluate the likelihood of use or the potential benefit of a stand-by commitment. Therefore, Applicant's Trustees will determine that stand-by commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration was paid.

Applicant submits that an exemption from Section 12(d)(3) of the Act to permit the Fund to acquire puts from brokers or dealers would be consistent with the standards set forth in Section 6(c) of the Act. Further, the proposed acquisition of stand-by commitments by the Fund will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds the same day in federal funds.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 12, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-23258 Filed 8-23-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 875; 803-13]

Shaw Management Company, Inc. and Ralph R. Shaw; Application; Correction
August 18, 1983.

This is to correct an error resulting from the issuance of Investment Company Act Release No. 13416, dated July 29, 1983, in the matter of Shaw Management Company, Inc., and Ralph

R. Shaw, 921 SW., Washington, Suite 870, Portland, Oregon 97205. The above-referenced notice pertained to an application filed under the Investment Advisers Act of 1940, not the Investment Company Act of 1940 ("Act"). Therefore, the release setting forth the notice of such application should have been issued under the Investment Advisers Act of 1940 ("Advisers Act"), rather than under the Investment Company Act, and should have been, and hereby is, numbered Advisers Act Release No.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-23258 Filed 8-23-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-20090; File No. NYSE-83-32]

**Self-Regulatory Organizations;
Proposed Rule Change by New York
Stock Exchange, Inc. Relating to
Composite Index Group Option
Contract Specifications**

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 15, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change**

Terms of substance of the proposed rule change consist of the introduction of the following contract specifications for the Exchange's options on the index stock group that is based on the NYSE Composite Index:

Index Multiplier: 100.

Exercise Price: 5 point intervals.

Expiration Series: Three expiration months of nine-months' duration; initial listing of November 1983, February 1984 and May 1984 options.

Expiration Dates: Options will expire on the Saturday after the third Friday of the expiration month. (The last day of trading in expiring options will therefore be the third Friday of that month.)

**II. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

**(A) Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change**

(1) *Purpose.* The purpose of the proposed rule change is to specify the index multiplier, strike price intervals, expiration series and expiration dates for the Exchange's composite index group options. Such specifications complete the definition of the index group options which the Exchange seeks to trade commencing September 23.

(2) *Statutory Basis.* The formal specification of the index multiplier, strike price intervals, expiration series and expiration dates as part of the Exchange's implementation of its index stock group option rules comports with the requirements of section 6(b)(5) of the 1934 Act, in that such implementation will provide members of the public with useful new hedging and trading opportunities under a scheme of regulation designed to facilitate the maintenance of a fair and orderly market, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade.

**(B) Self-Regulatory Organization's
Statement on Burden on Competition**

The Exchange believes that the proposed rule change will not impose any burden on competition.

**(C) Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received from
Members, Participants or Others**

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve such proposed rule change, or
- (B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: August 16, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-23261 Filed 8-23-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before September 16, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., N.W., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-4814

Forms submitted for review:

Title: Ownership Characteristics Survey

Frequency: One time, nonrecurring

Description of Respondents: Small business concerns

Annual Response: 67,000

Annual Burden Hours: 6,700

Type of Request: New

Dated: August 17, 1983.

Richard Vizachero, Jr.,

Acting Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-23112 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration Region II Advisory Council located in the geographical area of Hato Rey, Puerto Rico, will hold a public meeting at 9:00 a.m., Wednesday, September 21, 1983, at room 401, Federal Building, Carlos Chardon Avenue, Hato Rey, Puerto Rico, to discuss such matters as may be presented by members, staff of

the Small Business Administration, or others attending.

For further information, write or call Wilfred Benitez Robles, District Director, U.S. Small Business Administration, Federico Degetau Federal Building, Room 691, Carlos Chardon Avenue, Hato Rey, Puerto Rico 00918, (809) 753-4003.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 18, 1983.

[FR Doc. 83-23248 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council; Public Meeting

The Small Business Administration, Region II Newark District Office Advisory Council, located in the geographical area of Newark, New Jersey, will hold a public meeting at 1:00 p.m. on Monday, September 12, 1983, in the Board Room, National Community Bank of New Jersey, 24 Park Avenue, Rutherford, New Jersey 07070, to discuss such business as may be presented by members and the staff of the Small Business Administration or others attending. For further information, write or call Andrew P. Lynch, District Director, U.S. Small Business Administration, Military Park Building, 60 Park Place, 4th Floor, Newark, New Jersey 07102, 201-645-3580.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 18, 1983.

[FR Doc. 83-23245 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Pittsburgh, will hold a public meeting at 8:00 a.m., on Thursday, September 29, 1983, at the University of Pittsburgh, Graduate School of Business, Mervis Hall, Clemente Drive and Bouquet Street, Pittsburgh, Pennsylvania 15260, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call J. M. Kopp, District Director, U.S. Small Business Administration, 960 Penn Avenue, Convention Tower, 5th Floor.

Pittsburgh, Pennsylvania 15222, (412) 644-4306.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 18, 1983.

[FR Doc. 83-23246 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Honolulu, will hold a public meeting at 9:00 A.M., Thursday, September 22, 1983, at the Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Room 7372 (7th Floor), Honolulu, Hawaii, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call David K. Nakagawa, District Director, U.S. Small Business Administration, 300 Ala Moana Boulevard, Room 2213, Honolulu, Hawaii 96850, (808) 546-8950.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 8, 1983.

[FR Doc. 83-23244 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Fresno, will hold a public meeting at 9:00 a.m., September 7, 1983, at the Fresno District Office, 2202 Monterey Street, Suite 108, Fresno, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or other present.

For further information, write or call Mr. Peter J. Bergin, District Director, U.S. Small Business Administration, 2202 Monterey Street, Suite 108, Fresno, California 93721, (209) 487-5791.

Jean M. Nowak,

Director, Office of Advisory Councils.

August 18, 1983.

[FR Doc. 83-23247 Filed 8-23-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On August 18, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0127

Form Number: 1120-H

Type of Review: Revision

Title: U.S. Income Tax Return for Homeowners Assns.

OMB Number: 1545-0067

Form Number: 2555

Type of Review: Revision

Title: Foreign Earned Income

OMB Number: 1545-0127

Form Number: 1120-H

Type of Review: Revision

Title: U.S. Self-Employment Tax Return and Planilla Para La Declaracion De La Contribucion Federal Sobre El Trabajo

OMB Reviewer: Norman Frumkin, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Rita A. DeNagy,

Departmental Reports Management Office.

August 18, 1983.

[FR Doc. 83-23274 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

On August 18, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and

clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0429

Form Number: 4506

Type of Review: Revision

Title: Request for Copy of Tax Form or Individual Income Tax Account Information

OMB Reviewer: Norman Frumkin (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: August 18, 1983.

Rita A. DeNagy,

Departmental Reports Management Office.

[FR Doc. 83-23273 Filed 8-23-83; 8:45 am]

BILLING CODE 4810-25-M

[Number 103-3]

Delegation of Authority to the Deputy Assistant Secretary (Federal Finance) To Dispose of Warrants To Purchase Common Stock of Chrysler Corporation ("Chrysler")

August 11, 1983.

By virtue of the authority vested in me as Deputy Secretary of the Treasury, including that delegated to me through a memorandum dated August 8, 1983, from the Secretary of the Treasury entitled "Recusal with respect to the sale of Chrysler Corporation Stock Warrants," I hereby delegate to the Deputy Assistant Secretary (Federal Finance) the authority to exercise any power, make any determination and perform any duty granted to me pursuant to 31 U.S.C. 324 for the sole purpose of disposing of the warrants to purchase Chrysler common stock which were issued to the United States, acting through the Chrysler

Corporation Loan Guarantee Board (the "Board"), in 1980 and 1981 and which will be transferred by the Board to the Secretary of the Treasury for disposal pursuant to 31 U.S.C. 324.

R. T. McNamar,

Deputy Secretary of the Treasury.

(FR Doc. 83-23272 Filed 8-23-83; 8:45 am)

BILLING CODE 4810-25-M

Customs Service

(T.D. 83-176)

Recordation of Trade Name—"United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada"

AGENCY: Customs Service, Treasury.

ACTION: Notice of recordation.

SUMMARY: On May 11, 1983, a notice of application for the recordation under Section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of

the United States and Canada" was published in the *Federal Register* (48 FR 21231). The notice advised that before final action on the application, consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than July 11, 1983. No responses were received in opposition to the application.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada" is recorded as the trade name used by the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, an incorporated association, located at 901 Massachusetts Avenue, NW., Washington, D.C. 20001. The trade name is used by the Association to identify its union activities, which include the formation of local labor

unions in the plumbing and pipe fitting industry, as well as certifying: (1) That pipe, fabricated pipe, welded pipe and fabricated welded pipe formations were made by members of the United Association's local unions and (2) that the services of fabricating and assembling such goods were performed by members of United Association's local unions. The Association's member unions and their members are authorized to use the trade name in the United States and Canada.

DATE: August 24, 1983.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-5765).

Dated: August 19, 1983.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

(FR Doc. 83-23235 Filed 8-23-83; 8:45 am)

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 165

Wednesday, August 24, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

DEPARTMENT OF EDUCATION

National Council on Educational Research

The Executive Committee meeting scheduled for 4 p.m. on August 18, 1983 (48 FR 37131; August 16, 1983), has been cancelled. It was to be held at the Embassy Square Hotel. No specific date has been chosen to reschedule this Executive Committee meeting at this time.

Richard T. LaPointe,
Executive Director.

[S-1230-83 Filed 8-22-83; 3:23 pm]

BILLING CODE 4000-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:35 a.m. on Friday, August 19, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to Section 13 of the Federal Deposit Insurance Act.

Recommendation regarding a proposal for financial assistance to facilitate a voluntary merger of savings banks: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

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)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, 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)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: August 19, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1207-83 Filed 8-22-83; 3:23 pm]

BILLING CODE 6714-01-M

Federal Register

**Wednesday
August 24, 1983**

Part II

Environmental Protection Agency

**Products Containing Pheromone
Attractants; Exemption From FIFRA
Requirements**

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 162**

[OPP 250031C; PH-FRL 2388-7]

**Exemption From FIFRA Requirements
for Certain Products Containing
Pheromone Attractants****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Rule.

SUMMARY: This rule exempts from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) all pheromones and identical or substantially similar compounds labelled for use only in pheromone traps and the pheromone traps in which those compounds are the sole active pesticide ingredient(s). The continued regulation was determined not to be warranted in view of the low potential risk.

EFFECTIVE DATE: Under FIFRA section 25(a)(4), this rule must be reviewed by Congress before it can become effective. A minimum of 60 days of continuous Congressional session is allowed for this review. The Agency will issue a notice in the Federal Register announcing the date on which this rule became effective.

FOR FURTHER INFORMATION CONTACT: David Alexander, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-0592).

SUPPLEMENTARY INFORMATION:**I. Background**

Section 25(b) of FIFRA gives the Administrator authority to exempt from the requirements of FIFRA any pesticide which he determines is (1) adequately regulated by another Federal agency or (2) of a character which is unnecessary to be subject to FIFRA in order to carry out the purposes of FIFRA. In the proposed rule published in the Federal Register of August 4, 1982 (47 FR 33716), the Agency specified why it determined that it was unnecessary and indeed undesirable to continue to subject "pheromones and identical synthetic chemicals intended for use in pheromone traps or pheromone traps in which those chemicals are the sole active ingredient" to any of the provisions of FIFRA in order to accomplish the purposes of that Act.

In short the Agency found that the toxicity of pheromones in general and the level of potential exposure of man and the environment due to the

exempted uses is very low. Therefore, their continued regulation was determined not to be warranted in view of the low potential risk.

II. Public Comment

In the proposed rule, the Agency solicited comments on the proposed exemption. All the comments received supported the proposed exemption. Therefore, the final rule published today is unchanged from the proposal except to clarify the Agency's intent or to make the new rule consistent with other published Agency policy.

In addition to expressing support for the proposal, one commenter suggested exempting additional attractants, including one emitted by dying elm trees which he formulates with pheromone products. That attractant is not within the class of chemicals which were the subject of the proposed rule and thus cannot be considered for inclusion in this final rule. However, the Agency will consider including that attractant in another section 25(b) exemption now being prepared.

Comments were submitted which questioned the status of two new uses of pheromone products. It is the Agency's objective in promulgating this regulation to distinguish between uses of pheromones, such as mating disruption, which are likely to increase the background levels of those compounds from devices which will not. (See 47 FR 33717: determination numbered (1)—traps result in no significant increase in the background levels of pheromones and synthetic analogs; also end of unit II—uses which seek to achieve air permeation are not exempted.) This principle applies to both new uses.

One comment said: "Trap cropping is a technique in which pheromone lures without traps are used to attract an insect pest to a specific area. The specific area, rather than the entire field, is then treated with insecticide." The commenter suggested that the exemption be broadened to include his proposed "trap cropping" use of pheromones and synthetic analogs.

The "trap cropping" technique described by the commenter relies on the methods of application and results in increased levels of pheromones above the normal background level. Such increased levels are characteristics of the mating disruption uses the Agency has decided not to exempt. Therefore, the "trap cropping" use is not included in this exemption.

Another commenter expressed uncertainty whether pheromones used to attract insects to electrocution devices would be eligible for exemption. Specifically the manufacturer noted that

the proposal defined "pheromones traps" as devices used for the sole purpose of "attracting and trapping or trapping and killing target arthropods". Thus he was uncertain whether his product met the apparent requirement of trapping insects before killing them.

It is not the Agency's desire to grant the benefits of exemption only to devices which first immobilize, i.e., trap, arthropods. Immobilization before killing is not deemed necessary but exposure not significantly greater than normal is required. The specific pheromone attractant made for use in the electrocution device is one originally made for use in a conventional trap. It meets the requirements and qualifies for exemption.

III. Revisions to the Exemption

The Agency has initiated the following revisions to the proposed rule:

(1) In order to clarify that the end result of exempted pheromone use may be either to immobilize or to kill target arthropods, the Agency has revised the first sentence of the definition of "pheromone trap" to read "a device which is used for the sole purpose of attracting and trapping or killing target arthropods".

(2) In order to make more clear when the Agency will consider a synthetically produced compound identical to a pheromone we have redefined a pheromone as an attractant compound produced by an arthropod which may act alone or in combination with other such compounds, instead of defining it as a mixture of chemical substances.

(3) To make enforcement standards more clear we have exempted pheromones "labeled for use only in traps" instead of "intended for use in traps," and

(4) We have required that exempted traps not result in increased levels of pheromones or similar compounds, over a significant fraction of the treated area in lieu of requiring that exempted traps contain devices to limit volatilization of the pesticide.

(5) This exemption, as it was proposed, applied only to pheromones and identical synthetic compounds used in traps and traps in which those compounds are the sole active ingredient. In order to make this regulation consistent with the Agency's proposed definition of "Biorational Pesticide" in proposed 40 CFR 158.65(a)(3), published in the Federal Register of November 24, 1982 (47 FR 53202), we have broadened the exemption of pheromones to include synthetic compounds deemed by the Agency, after review, to be

"substantially similar" to compounds actually produced by an arthropod. We have also specified that synthetic compounds found to have toxicological properties significantly different from a (natural) pheromone are not identical. A synthetic compound with significantly different toxicological properties does not qualify for exemption under this rule unless the Agency reviews it and deems it "substantially similar".

IV. Conclusion

Consequently, in accordance with the authority of FIFRA section 25(b), 7 U.S.C. 136w(b), the Agency is exempting from all the provisions of FIFRA: (1) Pheromones and identical or substantially similar compounds labelled for use in pheromone traps and, (2) pheromone traps in which those compounds are the sole active pesticide ingredient(s).

For the purposes of this rule, a pheromone is a compound, produced by an arthropod, which alone or in combination with other such compounds modifies the behavior of other individuals of the same species.

A synthetically produced chemical is considered identical to a pheromone even if there are differences between the stereochemical isomer ratios of the natural compound compared to the synthetic compound. A synthetic compound found to have toxicological properties significantly different from a pheromone cannot be considered identical to a pheromone, and consequently, is not exempted without prior review by the Agency.

In situations when a compound possesses many characteristics of a pheromone but may not meet the criteria for identity, it may be deemed substantially similar by the Agency after review on a case-by-case basis.

For the purposes of this rule, a pheromone trap is a device containing a pheromone used for the sole purpose of attracting and trapping or killing target arthropods. Pheromone traps must seek to achieve pest control only by reducing the numbers of target organisms through removal of target organisms from their natural environment, not through disruption of mating behavior. The traps must not result in increased levels of pheromones or identical or substantially similar compounds over a significant fraction of a treated field.

This rule creates a new paragraph (d) in 40 CFR 162.5. This new paragraph (d) is to contain all regulations promulgated to date by the Administrator under authority of FIFRA section 25(b).

In accordance with this scheme, paragraph (d)(1) will be entitled "Pesticides adequately regulated by

another Federal agency," and former paragraph (b)(6) will be revised so as to refer to the Secretary of Health and Human Services instead of the Secretary of Health, Education and Welfare and will be redesignated paragraph (d)(1). Paragraph (d)(2) will be entitled "Pesticides of a character which are unnecessary to be subject to FIFRA," and the exemption promulgated today will comprise paragraph (d)(2).

V. Procedural Matters and Required Regulatory Reviews

A. Review Under Executive Order 12291

Under E.O. 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will exempt from regulation under FIFRA manufacturers and distributors of pheromones and identical or substantially similar compounds labelled for use in pheromone traps and manufacturers and distributors of pheromone traps in which pheromones and identical or substantially similar compounds are the sole active ingredient(s). This regulation therefore will decrease the costs these producers would have incurred absent this exemption. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Review Under Paperwork Reduction Act

This rule contains no information collection requests. Therefore, the Paperwork Reduction Act of 1980 is not applicable.

C. Review Under Regulatory Flexibility Act

This regulation has been reviewed under section 3(a) of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1165; 5 U.S.C. 60 et seq.), and it has been determined that a regulatory flexibility analysis is not required since the final regulation will not have a significant adverse impact on a substantial number of small businesses, small organizations, or small governments.

This rule has no known adverse effect on small organizations or small governments. Those pesticide producers affected will benefit from elimination of the burdens, or potential burdens imposed by FIFRA. Increased development and use of these unique environmentally safe pesticides is the expected ultimate consequence of this rule.

D. Statutory Review

In accordance with FIFRA section 25, copies of this rule were submitted to the Secretary of Agriculture, who by letter of July 5, 1983 reiterated USDA's objection to EPA's efficacy data waiver. USDA believes that the Agency should continue to require efficacy data in general, and, in particular, efficacy data for pheromone traps. The Agency has explained its reasons for the efficacy data waiver in several previous documents, and sees no reason to modify its waiver with respect to pheromone traps. In exempting pheromone traps, the Agency has concluded that such products do not warrant regulatory oversight by EPA, including review of efficacy.

Copies were also supplied to the Committee on Agriculture of the U.S. House of Representatives and the Committee on Agriculture and Forestry of the U.S. Senate, neither of which submitted further comments.

(Section 25(b), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 92 Stat. 819; 7 U.S.C. 136 through 136y; 1972, 1975, and 1978))

List of Subjects in 40 CFR Part 162

Administrative practice and procedure, Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests.

Dated: August 12, 1983.

William D. Ruckelshaus,
Administrator

PART 162—[AMENDED]

Therefore, 40 CFR Part 162 is amended as follows:

§ 162.5 [Amended]

1. In § 162.5 Paragraph (b)(7) is removed.

2. In § 162.5 Paragraph (b)(6) is revised and redesignated paragraph (d)(1), and paragraph (d)(2) is added, to read as follows:

§ 162.5 Pesticides required to be registered.

(d) *Exemption from the requirements of FIFRA.* The following pesticides or classes of pesticides are exempted from the provisions of FIFRA, when used in the manner specified:

(1) *Pesticides adequately regulated by another Federal agency.* A pesticide product that is offered solely for human use and is also (i) a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, or (ii) an article that has been determined by the Secretary of Health and Human Services

not to be a new drug by a regulation establishing conditions for use of the article. Such products are subject solely to regulation by the Food and Drug Administration in accordance with the Federal Food, Drug, and Cosmetic Act implementing regulations set forth in Title 21 of the Code of Federal Regulations.

(2) *Pesticides of a character which are unnecessary to be subject to FIFRA.* Pheromones and identical or substantially similar compounds labelled for use only in pheromone traps and pheromone traps in which those chemicals are the sole active ingredient(s).

(i) For the purposes of this paragraph a pheromone is a compound produced

by an arthropod which, alone or in combination with other such compounds, modifies the behavior of other individuals of the same species.

(ii) For the purposes of this paragraph a synthetically produced compound is considered identical to a pheromone only when its molecular structure is the same or when the only differences between the molecular structures are the stereo-chemical isomer ratios of the two compounds, except that a synthetic compound found to have toxicological properties significantly different from a pheromone is not considered identical.

(iii) In situations when a compound possesses many characteristics of a pheromone but does not meet the above criteria it may, after review, be deemed

a substantially similar compound by the Agency.

(iv) For the purposes of this paragraph a pheromone trap is a device containing a pheromone or identical or substantially similar compound that:

(A) Is used for the sole purpose of attracting and trapping or killing target arthropods;

(B) Achieves pest control through removal of target organisms from their natural environment; and

(C) Does not result in increased levels of pheromones or identical or substantially similar compounds over a significant fraction of a treated areas.

[FR Doc. 83-22840 Filed 8-23-83; 8:45 am]

BILLING CODE 6560-50-M

Federal Register

**Wednesday
August 24, 1983**

Part III

Department of Energy

Federal Energy Regulatory Commission

**Determinations by Jurisdictional Agencies
Under the Natural Gas Policy Act of
1978**

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Volume 952]

Determinations by Jurisdictional
Agencies Under the Natural Gas Policy
Act of 1978

Issued: August 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated

annual production (PROD) is in million cubic feet (MMCF).

The application for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart

Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1,000 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 AUGUST 19, 1983

VOLUME 952

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES								
-COLUMBIA GAS TRANSMISSION CORP. RECEIVED: 08/02/83 JA: WV								
8347514		4704300722	107-DV		A F CUMMINGS 805825	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347851		4704300026	107-DV		A I DOTSON 804200	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347719		4709900343	107-DV		ANNIE PINSON ET AL 805466	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347571		4704301056	107-DV		BESSIE ADKINS 806932	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347744		4705900286	107-DV		BROOKIE PARSLEY 806703	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347698		4705900092	107-DV		BURN CK MARBNE LD CO 805715	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347694		4705900097	107-DV		BURN CK MARBNE LD CO 805745	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347521		4705900104	107-DV		BURN CK MARBNE LD CO 805785	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347518		4705900107	107-DV		BURN CK MARBNE LD CO 805797	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347512		4705900112	107-DV		BURN CK MARBNE LD CO 805831	WV FIELD AREA B	47.0	COLUMBIA GAS TRAN
8347743		4705900253	107-DV		BURN CK MARBNE LD CO 806701	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347658		4704301395	107-DV		BURN CK MARBNE LD CO 806755	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347760		4705900238	107-DV		CATHERINE ADKINS 806956	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347557		4705900299	107-DV		CENTRAL TRUST CO 5 806702	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347803		4705900343	107-DV		COTIGA DEV CO - 14 808033	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347603		4705900414	107-DV		COTIGA DEV CO - 22 808216	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347632		4705900284	107-DV		COTIGA DEV CO - 4 806830	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347631		4705900285	107-DV		COTIGA DEV CO - 5 806831	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347637		4705900294	107-DV		COTIGA DEV CO - 9 806819	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347558		4705900774	107-DV		COTIGA DEV CO 823 809395	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347848		4705900482	107-DV		COTIGA DEV CO 26 808107	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347597		4705900793	107-DV		COTIGA DEV CO 809472	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347599		4705900813	107-DV		COTIGA DEV CO 809675	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347661		4705900265	107-DV		COTIGA DEV CO-1 806749	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347837		4705900359	107-DV		COTIGA DEV CO-10 808090	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347847		4705900406	107-DV		COTIGA DEV CO-19 808108	WV FIELD AREA B	33.0	COLUMBIA GAS TRAN
8347528		4705900301	107-DV		COTIGA DEV CO-3 806816	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347703		4705900379	107-DV		COTIGA DEV CO-3 808141	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347614		4705900399	107-DV		COTIGA DEV CO-5 808219	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347804		4705900298	107-DV		COTIGA DEV CO-6 806897	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347509		4705900116	107-DV		COTIGA DEV CO-7 805865	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347525		4705900293	107-DV		COTIGA DEV CO-8 806818	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347547		4701100350	107-DV		E A CHILDERS 804846	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347550		4701100238	107-DV		E D MEADOWS 804670	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347722		4704500274	107-DV		EARL C COLLINS 806917	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347796		4703900207	107-DV		EKLD IMP CO 806878	WV FIELD AREA A	8.0	COLUMBIA GAS TRAN
8347546		4701100351	107-DV		EZRA ADKINS 804847	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347640		4709900769	107-DV		F D CALDWELL - 56 806734	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347741		4709900778	107-DV		F D CALDWELL 834 806715	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347752		4709900727	107-DV		F D CALDWELL 846 806584	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347527		4709900839	107-DV		F D CALDWELL 806814	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347536		4709900803	107-DV		F D CALDWELL-49 806625	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347672		4709900779	107-DV		F D CALDWELL-57 806776	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347688		4709900786	107-DV		F D CALDWELL-58 806738	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8347671		4709900781	107-DV		F D CALDWELL-59 806777	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347670		4705900259	107-DV		F D CALDWELL-60 806778	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347666		4709900785	107-DV		F D CALDWELL-61 806791	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347534		4709900800	107-DV		F D CALDWELL-65 806838	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347612		4704300886	107-DV		G LAMBERT 806466	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347849		4705900369	107-DV		G P ALDERSON 808106	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347861		4705900049	107-DV		GEORGE STEPP 804865	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347789		4704300944	107-DV		GRACIE SHELTON 805575	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347790		4705900201	107-DV		GRC WILES #2 806569	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347869		4704300560	107-DV		GROVER LOWE 808147	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347592		4704301112	107-DV		H ADKINS 808054	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347555		4705900173	107-DV		H CLOSTERMAN #30 806407	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347732		4705900236	107-DV		H CLOSTERMAN #37 806679	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347530		4705900184	107-DV		H CLOSTERMAN 804467	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347780		4705900219	107-DV		H CLOSTERMAN 806590	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347808		4705900314	107-DV		H CLOSTERMAN 806852	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347695		4705900096	107-DV		H CLOSTERMAN-23 805743	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347682		4705900261	107-DV		H CLOSTERMAN-39 806736	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347828		4705900302	107-DV		H CLOSTERMAN-45 806915	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347520		4705900109	107-DV		HARRISON BAISDEN 805786	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347874		4704300596	107-DV		HD & G CO 802120	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347504		4704301159	107-DV		HERBERT ADKINS ET AL 808162	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347570		4704301042	107-DV		HERBERT ADKINS 806933	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347852		4704300170	107-DV		HORSE CK COAL LD 804625	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347881		4704300171	107-DV		HORSE CK LAND 804626	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347505		4704300481	107-DV		HUNT DEV & GAS CO 805587	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347893		4704300495	107-DV		HUNT DEV & GAS CO 805588	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347892		4704300496	107-DV		HUNT DEV & GAS CO 805597	WV FIELD AREA B	0.1	COLUMBIA GAS TRAN
8347891		4704300501	107-DV		HUNT DEV & GAS CO 805421	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347888		4709900314	107-DV		HUNT DEV & GAS CO 805434	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347710		4709900324	107-DV		HUNT DEV & GAS CO 805444	WV FIELD AREA B	28.0	COLUMBIA GAS TRAN
8347713		4704300552	107-DV		HUNT DEV & GAS CO 805460	WV FIELD AREA B	37.0	COLUMBIA GAS TRAN
8347717		4704300517	107-DV		HUNT DEV & GAS CO 805461	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347718		4704300518	107-DV		HUNT DEV & GAS CO 805485	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347720		4704300524	107-DV		HUNT DEV & GAS CO 805487	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347721		4704300526	107-DV		HUNT DEV & GAS CO 805644	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347627		4704300691	107-DV		HUNT DEV & GAS CO 806116	WV FIELD AREA B	22.0	COLUMBIA GAS TRAN
8347659		4704300428	107-DV		HUNT DEV & GAS CO 806129	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347687		4709900866	107-DV		HUNT DEV & GAS CO 806131	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347684		4704300599	107-DV		HUNT DEV & GAS FEE 805773	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347691		4709900428	107-DV		HUNT DEV & GAS FEE 805775	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347523		4704300686	107-DV		HUNT DEV & GAS FEE 805824	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347515		4704300719	107-DV		HUNT DEV & GAS MIN 805642	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8347529		4709900381	107-DV		HUNT DEV & GAS MIN 805645	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347716		4704300620	107-DV		HUNT DEV & GAS MIN 805646	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347628		4709900387	107-DV		HUNT DEV & GAS MIN 805645	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347625		4704300639	107-DV		HUNT DEV & GAS MIN 805705	WV FIELD AREA B	23.0	COLUMBIA GAS TRAN
8347674		4704300632	107-DV		HUNT DEV & GAS MIN 805731	WV FIELD AREA B	65.0	COLUMBIA GAS TRAN
8347645		4709900365	107-DV		HUNT DEV & GAS MIN 805736	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347697		4709900391	107-DV		HUNT DEV & GAS MIN 805746	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347696		4709900421	107-DV		HUNT DEV & GAS MIN 805781	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347693		4709900432	107-DV		HUNT DEV & GAS MIN 805822	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347522		4709900449	107-DV		HUNT DEV & GAS MIN 805837	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347516		4709900450	107-DV		IDA C MCFADDEN ETAL 809437	WV FIELD AREA B	0.4	COLUMBIA GAS TRAN
8347518		4709901539	107-DV		J B LAMBERT #2 806535	WV FIELD AREA B	28.0	COLUMBIA GAS TRAN
8347792		4704300915	107-DV		J B LAMBERT 806706	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347738		4704300836	107-DV		J E PECK #7 806534	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347793		4704300228	107-DV		J F CALDWELL #4 805319	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347863		4709900293	107-DV		J F CALDWELL & 805428	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347711		4709900318	107-DV		J F CALDWELL-4 806737	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347715		4709900789	107-DV		J F CALDWELL-8 805632	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347854		4709900371	107-DV		J L CALDWELL - 24 805431	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347864		4709900321	107-DV		J L CALDWELL #13 805321	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8347866		4709900302	107-DV		J L CALDWELL #14 805322	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347885		4709900295	107-DV		J L CALDWELL 19 805424	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347712		4709900315	107-DV		J L CALDWELL 23 805438	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347884		4704301158	107-DV		J L CALDWELL 804497	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347669		4709900782	107-DV		J L CALDWELL-1 806784	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347668		4709900783	107-DV		J L CALDWELL-2 806785	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347613		4709900323	107-DV		J L CALDWELL-26 805433	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347667		4705900304	107-DV		J L CALDWELL-3 806786	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347511		4705900113	107-DV		J L CALDWELL-37 805835	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347672		4704301624	107-DV		J M CURRY 803961	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347062		4709900237	107-DV		J W BLANKENSHIP 805010	WV FIELD AREA B	0.6	COLUMBIA GAS TRAN
8347551		4701100120	107-DV		J W STARKEY 804389	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347745		4705900241	107-DV		JACOB BAACH #4 806704	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347535		4705900227	107-DV		JAMES V HEIRS-4 806618	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347601		4704301058	107-DV		JANE LUCAS - 1 806907	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347850		4704301625	107-DV		JANE Y CURRY 803962	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347556		4703500798	107-DV		JOHN T SAYRE #1 806664	WV FIELD AREA A	0.0	COLUMBIA GAS TRAN
8347531		4705900073	107-DV		JULIAN HILL ET AL 803950	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347593		4705902504	107-DV		KING LAND CO 809778	WV FIELD AREA A	5.0	COLUMBIA GAS TRAN
8347600		4703902593	107-DV		KING LAND CO 809779	WV FIELD AREA A	16.0	COLUMBIA GAS TRAN
8347545		4701100371	107-DV		LOHNE HARLESS 804862	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347548		4701100341	107-DV		MARVILLE ADKINS 804832	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347779		4705900208	107-DV		MARTHA MAXCUM HEIR 804832	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347865		4709900301	107-DV		MARY L S PERKINS 3 805320	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8347714		4709900330	107-DV		MARY L S PERKINS-4 805445	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347860		4709900156	107-DV		MINERVA J FRY 804648	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347513		4705900111	107-DV		MINGO MARTIN GAS CRP 805827	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347660		4705900258	107-DV		MINGO O & G CO 806752	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347587		4705900395	107-DV		MINGO O & G CO 808068	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347890		4704300458	107-DV		MOHLER LUMBER CO 11 805401	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347889		4704300491	107-DV		MOHLER LUMBER CO 15 805405	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347532		4704300164	107-DV		MOHLER LUMBER CO 804610	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347883		4700500310	107-DV		MOHLER LUMBER CO 804618	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347880		4703900234	107-DV		MOHLER LUMBER CO 804640	WV FIELD AREA A	8.0	COLUMBIA GAS TRAN
8347855		4700500322	107-DV		MOHLER LUMBER CO 804641	WV FIELD AREA A	15.0	COLUMBIA GAS TRAN
8347836		4700500231	107-DV		MOHLER LUMBER CO 804642	WV FIELD AREA B	23.0	COLUMBIA GAS TRAN
8347857		4704300173	107-DV		MOHLER LUMBER CO 804655	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8347858		4704300184	107-DV		MOHLER LUMBER CO 804675	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347859		4705900298	107-DV		MOHLER LUMBER CO 804676	WV FIELD AREA A	9.0	COLUMBIA GAS TRAN
8347859		4705900344	107-DV		MOHLER LUMBER CO 804694	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347873		4709900405	107-DV		N FORK COAL CO #2 805701	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347776		4709900671	107-DV		N FORK COAL CO #7 806528	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347701		4709900406	107-DV		N FORK COAL CO-3 805702	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347692		4709900435	107-DV		N FORK COAL CO-4 805705	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347517		4709900446	107-DV		N FORK COAL CO-6 805816	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347676		4709900780	107-DV		N FORK COAL CO-8 806763	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347831		4705900367	107-DV		NIGHTBERT LAND CO 808104	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347832		4705900365	107-DV		NIGHTBERT LAND CO-3 808102	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347748		4705900368	107-DV		NIGHTBERT LAND CO-6 808105	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347886		4705900324	107-DV		PECK & NEIGHBERT 804474	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8347641		4704300966	107-DV		R H ADKINS FEE 806654	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347785		4704301052	107-DV		R H ADKINS 806937	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347816		4704300426	107-DV		R H ADKINS 808132	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347704		4704300436	107-DV		R H ADKINS 808138	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347731		4709900752	107-DV		REBECCA PERRY 806678	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347788		4709900726	107-DV		RUBY D PARSLEY 806580	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347771		4704301073	107-DV		S MCLEODNEY 806941	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347543		4703900295	107-DV		SAM D LITTLEPAGE 809780	WV FIELD AREA A	3.0	COLUMBIA GAS TRAN
8347519		4704300700	107-DV		SUSAN R SPEARS 805790	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347590		4704301096	107-DV		SWTLD LD & MIN CO 808061	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347838		4704301108	107-DV		SWTLD LD & MIN CO 808069	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347750		4704301106	107-DV		SWTLD LD & MIN CO 808070	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347835		4704500346	107-DV		SWTLD LD & MIN CO-4 808096	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347791		4704300936	107-DV		T & LAMBERT #3 806570	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347756		4709900091	107-DV		TA COPLEY 806967	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347608		4709900636	107-DV		TCO FEE TR #12 806452	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347604		4705900162	107-DV		TCO FEE TR #4 806375	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347606		4705900164	107-DV		TCO FEE TR #4 806376	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347552		4705900161	107-DV		TCO FEE TR #4 806380	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347774		4705900232	107-DV		TCO FEE TR #4 806658	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347782		4704500255	107-DV		TCO FEE TR #4 806659	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347781		4705900233	107-DV		TCO FEE TR #4 806660	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347735		4704300872	107-DV		TCO FEE TR #4 806685	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347566		4705900784	107-DV		TCO FEE TR #4 809473	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347598		4705900792	107-DV		TCO FEE TR-12 804128	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347688		4709900333	107-DV		TCO FEE TR-12 806853	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347821		4704301022	107-DV		TCO FEE TR-17 808143	WV FIELD AREA B	36.0	COLUMBIA GAS TRAN
8347871		4704301130	107-DV		TCO FEE TR-28 808031	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347580		4704301086	107-DV		TCO FEE TR-31 806888	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347810		4704301051	107-DV		TCO FEE TR-4 806136	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8347702		4704300731	107-DV		TCO FEE TR-4 806195	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347643		4704300762	107-DV		TCO FEE TR-4 806275	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347541		4704300824	107-DV		TCO FEE TR-4 806348	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347542		4704300849	107-DV		TCO FEE TR-4 806367	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347538		4704300859	107-DV		TCO FEE TR-4 806459	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347540		4704300895	107-DV		TCO FEE TR-4 806472	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347642		4704300904	107-DV		TCO FEE TR-4 806762	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347657		4704300997	107-DV		TCO FEE TR-4 806764	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347655		4704301002	107-DV		TCO FEE TR-4 806770	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347650		4704301004	107-DV		TCO FEE TR-4 806772	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347648		4704300998	107-DV		TCO FEE TR-4 806847	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347728		4704301018	107-DV		TCO FEE TR-4 806848	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347729		4704301024	107-DV		TCO FEE TR-4 806854	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347820		4704301028	107-DV		TCO FEE TR-4 806855	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347819		4704301026	107-DV		TCO FEE TR-4 806859	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347797		4704301031	107-DV		TCO FEE TR-4 806883	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347811		4705900291	107-DV		TCO FEE TR-4 806894	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347807		4705900311	107-DV		TCO FEE TR-4 806895	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347806		4705900306	107-DV		TCO FEE TR-4 806896	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347805		4705900307	107-DV		TCO FEE TR-4 806981	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347577		4705900327	107-DV		TCO FEE TR-4 808062	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347753		4705900354	107-DV		TCO FEE TR-4 808079	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347588		4705900358	107-DV		TCO FEE TR-4 808185	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347830		4704500403	107-DV		TCO FEE TR-4 808186	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347877		4705900387	107-DV		TCO FEE TR-4 808326	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347878		4705900389	107-DV		TCO MIN TR #1 806241	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347619		4705900426	107-DV		TCO MIN TR #1 806366	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347554		4709900515	107-DV		TCO MIN TR #1 806457	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347605		4709900582	107-DV		TCO MIN TR #1 806551	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347609		4704300882	107-DV		TCO MIN TR #1 806593	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8347795		4709900664	107-DV		TCO MIN TR #1 806594	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347794		4709900674	107-DV		TCO MIN TR #1 806595	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347778		4709900729	107-DV		TCO MIN TR #1 806599	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347777		4709900730	107-DV		TCO MIN TR #1 806681	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347802		4709900732	107-DV		TCO MIN TR #1 806682	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347733		4709900754	107-DV		TCO MIN TR #1 806710	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347734		4709900751	107-DV		TCO MIN TR #1 806728	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8347739		4709900763	107-DV		TCO MIN TR #1 806730	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347742		4704500993	107-DV		TCO MIN TR #1 806837	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347730		4709900768	107-DV		TCO MIN TR #1 808740	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347817		4709900816	107-DV		TCO MIN TR #1 809402	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347502		4704301311	107-DV		TCO MIN TR #1 809403	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347560		4709901517	107-DV		TCO MIN TR #1 809407	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347561		4709901520	107-DV		TCO MIN TR #1 809461	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347562		4709901521	107-DV		TCO MIN TR #1 809471	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347594		4704500879	107-DV		TCO MIN TR #10 806712	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347596		4709901544	107-DV		TCO MIN TR #10 809400	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347740		4705900252	107-DV		TCO MIN TR #10 809428	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347559		4705900778	107-DV		TCO MIN TR #10 809429	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347563		4705900781	107-DV		TCO MIN TR #11 809432	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347564		4705900782	107-DV		TCO MIN TR #11 806583	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347565		4705900783	107-DV		TCO MIN TR #12 806605	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347786		4704300920	107-DV		TCO MIN TR #12 806647	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347801		4704300950	107-DV		TCO MIN TR #18 806582	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347746		4704300960	107-DV		TCO MIN TR #19 806461	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347787		4704300945	107-DV		TCO MIN TR #22 806461	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347610		4709900637	107-DV		TCO MIN TR #23 806451	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347611		4704300897	107-DV		TCO MIN TR #23 809441	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347607		4709900635	107-DV		TCO MIN TR #24 806562	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347736		4704301420	107-DV					
8347747		4709900712	107-DV					

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8347595		4705900791	107-DV		TCO MIN TR #4 806968	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347553		4709900529	107-DV		TCO MIN TR #6 806271	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347829		4704500358	107-DV		TCO MIN TR-1 805113	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347626		4704300673	107-DV		TCO MIN TR-1 805687	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347506		4709900483	107-DV		TCO MIN TR-1 805706	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347699		4704300768	107-DV		TCO MIN TR-1 805713	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8347508		4704301304	107-DV		TCO MIN TR-1 805957	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347507		4709900478	107-DV		TCO MIN TR-1 806060	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8347690		4709900470	107-DV		TCO MIN TR-1 806114	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347683		4709900455	107-DV		TCO MIN TR-1 806155	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347684		4709900456	107-DV		TCO MIN TR-1 806156	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347539		4709900662	107-DV		TCO MIN TR-1 806420	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8347639		4709900757	107-DV		TCO MIN TR-1 806721	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347537		4709900787	107-DV		TCO MIN TR-1 806722	WV FIELD AREA B	50.0	COLUMBIA GAS TRAN
8347533		4709900764	107-DV		TCO MIN TR-1 806729	WV FIELD AREA B	22.0	COLUMBIA GAS TRAN
8347654		4704300995	107-DV		TCO MIN TR-1 806765	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347653		4704500267	107-DV		TCO MIN TR-1 806766	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347652		4704500268	107-DV		TCO MIN TR-1 806767	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347651		4704500266	107-DV		TCO MIN TR-1 806768	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347665		4709900821	107-DV		TCO MIN TR-1 806792	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347526		4709900815	107-DV		TCO MIN TR-1 806813	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347638		4709900802	107-DV		TCO MIN TR-1 806820	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347636		4709900805	107-DV		TCO MIN TR-1 806825	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347635		4709900806	107-DV		TCO MIN TR-1 806826	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347634		4709900807	107-DV		TCO MIN TR-1 806827	WV FIELD AREA B	25.0	COLUMBIA GAS TRAN
8347633		4704301027	107-DV		TCO MIN TR-1 806828	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347629		4709900808	107-DV		TCO MIN TR-1 806840	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347725		4704500275	107-DV		TCO MIN TR-1 806844	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347726		4704500276	107-DV		TCO MIN TR-1 806845	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347727		4704500277	107-DV		TCO MIN TR-1 806846	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347818		4709900823	107-DV		TCO MIN TR-1 806856	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347800		4709900811	107-DV		TCO MIN TR-1 806861	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347799		4709900812	107-DV		TCO MIN TR-1 806862	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347813		4709900817	107-DV		TCO MIN TR-1 806879	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347812		4704301060	107-DV		TCO MIN TR-1 806880	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347809		4704301077	107-DV		TCO MIN TR-1 806891	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347602		4709900818	107-DV		TCO MIN TR-1 806906	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347574		4704301038	107-DV		TCO MIN TR-1 806928	WV FIELD AREA B	79.0	COLUMBIA GAS TRAN
8347573		4709900828	107-DV		TCO MIN TR-1 806929	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347572		4709900830	107-DV		TCO MIN TR-1 806930	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347784		4704301047	107-DV		TCO MIN TR-1 806936	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347783		4709900849	107-DV		TCO MIN TR-1 806938	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347769		4704301070	107-DV		TCO MIN TR-1 806946	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347768		4704301071	107-DV		TCO MIN TR-1 806947	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347767		4704301079	107-DV		TCO MIN TR-1 806948	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347766		4704301183	107-DV		TCO MIN TR-1 806949	WV FIELD AREA B	32.0	COLUMBIA GAS TRAN
8347764		4704301080	107-DV		TCO MIN TR-1 806950	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347765		4704301049	107-DV		TCO MIN TR-1 806952	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347763		4704301057	107-DV		TCO MIN TR-1 806954	WV FIELD AREA B	28.0	COLUMBIA GAS TRAN
8347761		4709900851	107-DV		TCO MIN TR-1 806958	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347758		4709900845	107-DV		TCO MIN TR-1 806964	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347579		4709900832	107-DV		TCO MIN TR-1 806972	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347755		4709900834	107-DV		TCO MIN TR-1 806974	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347585		4704301087	107-DV		TCO MIN TR-1 808019	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347586		4704500296	107-DV		TCO MIN TR-1 808022	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347584		4704500325	107-DV		TCO MIN TR-1 808025	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347583		4704500328	107-DV		TCO MIN TR-1 808026	WV FIELD AREA B	33.0	COLUMBIA GAS TRAN
8347754		4704500574	107-DV		TCO MIN TR-1 808040	WV FIELD AREA B	44.0	COLUMBIA GAS TRAN
8347591		4704500577	107-DV		TCO MIN TR-1 808055	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347751		4704500333	107-DV		TCO MIN TR-1 808072	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347834		4704500634	107-DV		TCO MIN TR-1 808097	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347833		4704301124	107-DV		TCO MIN TR-1 808098	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8347845		4704301116	107-DV		TCO MIN TR-1 808111	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347844		4704301123	107-DV		TCO MIN TR-1 808112	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347839		4704301125	107-DV		TCO MIN TR-1 808121	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347815		4704301126	107-DV		TCO MIN TR-1 808122	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347814		4704301127	107-DV		TCO MIN TR-1 808123	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347824		4704301128	107-DV		TCO MIN TR-1 808124	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347823		4704500464	107-DV		TCO MIN TR-1 808124	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347822		4704500464	107-DV		TCO MIN TR-1 808129	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347706		4704500344	107-DV		TCO MIN TR-1 808136	WV FIELD AREA B	34.0	COLUMBIA GAS TRAN
8347705		4704500365	107-DV		TCO MIN TR-1 808137	WV FIELD AREA B	46.0	COLUMBIA GAS TRAN
8347870		4704301233	107-DV		TCO MIN TR-1 808144	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347868		4704500366	107-DV		TCO MIN TR-1 808146	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347867		4704301198	107-DV		TCO MIN TR-1 808149	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8347503		4704301253	107-DV		TCO MIN TR-1 808164	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347875		4704500583	107-DV		TCO MIN TR-1 808177	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347879		4704301248	107-DV		TCO MIN TR-1 808189	WV FIELD AREA B	28.0	COLUMBIA GAS TRAN
8347853		4704500586	107-DV		TCO MIN TR-1 808194	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347852		4704500589	107-DV		TCO MIN TR-1 808195	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347615		4704301235	107-DV		TCO MIN TR-1 808314	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347617		4704500408	107-DV		TCO MIN TR-1 808320	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347618		4704301156	107-DV		TCO MIN TR-1 808324	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347620		4704500600	107-DV		TCO MIN TR-1 808329	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347622		4704301238	107-DV		TCO MIN TR-1 808332	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347623		4704500596	107-DV		TCO MIN TR-1 808333	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347624		4704500597	107-DV		TCO MIN TR-1 808334	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347644		4705900122	107-DV		TCO MIN TR-10 806171	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347678		4709900758	107-DV		TCO MIN TR-10 806742	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347675		4709900759	107-DV		TCO MIN TR-10 806745	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347659		4705900310	107-DV		TCO MIN TR-10 806753	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347578		4705900326	107-DV		TCO MIN TR-10 806979	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347709		4705900377	107-DV		TCO MIN TR-10 808134	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347707		4704500378	107-DV		TCO MIN TR-10 808135	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347664		4705900280	107-DV		TCO MIN TR-11 806806	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347663		4705900281	107-DV		TCO MIN TR-11 806807	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347589		4705900357	107-DV		TCO MIN TR-11 808066	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347708		4705900492	107-DV		TCO MIN TR-11 808133	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347873		4705900385	107-DV		TCO MIN TR-11 808175	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347616		4705900427	107-DV		TCO MIN TR-11 808317	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347700		4704300751	107-DV		TCO MIN TR-12 806159	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347649		4704301003	107-DV		TCO MIN TR-12 806771	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347827		4704301019	107-DV		TCO MIN TR-12 806849	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347826		4704301025	107-DV		TCO MIN TR-12 806850	WV FIELD AREA B		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8347825		4704301020	107-DV	TCO	MIN TR-12 806851	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347757		4709900836	107-DV	TCO	MIN TR-13 806941	WV FIELD AREA B	0.5	COLUMBIA GAS TRAN
8347621		4704301237	107-DV	TCO	MIN TR-13 808331	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347524		4704301017	107-DV	TCO	MIN TR-15 806817	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347654		4704301001	107-DV	TCO	MIN TR-17 806763	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347662		4704301016	107-DV	TCO	MIN TR-18 806808	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347772		4704301072	107-DV	TCO	MIN TR-18 806942	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347770		4704301069	107-DV	TCO	MIN TR-18 806943	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347762		4704301063	107-DV	TCO	MIN TR-18 806953	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347647		4704300999	107-DV	TCO	MIN TR-19 806773	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347646		4704301000	107-DV	TCO	MIN TR-19 806774	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347773		4704301041	107-DV	TCO	MIN TR-19 806912	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347723		4704301045	107-DV	TCO	MIN TR-19 806922	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347582		4704301111	107-DV	TCO	MIN TR-19 808027	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347843		4704500353	107-DV	TCO	MIN TR-2 808113	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347842		4704500354	107-DV	TCO	MIN TR-2 808114	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347841		4704500367	107-DV	TCO	MIN TR-2 808115	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347677		4704500367	107-DV	TCO	MIN TR-20 806597	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347574		4705900328	107-DV	TCO	MIN TR-22 806982	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347848		4705900328	107-DV	TCO	MIN TR-22 808116	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347876		4705900378	107-DV	TCO	MIN TR-22 808184	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8347575		4704301046	107-DV	TCO	MIN TR-24 806923	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347679		4709900771	107-DV	TCO	MIN TR-3 804741	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347846		4704301121	107-DV	TCO	MIN TR-31 808109	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347724		4704500278	107-DV	TCO	MIN TR-4 806843	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347630		4709900810	107-DV	TCO	MIN TR-6 806839	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347836		4705900383	107-DV	TCO	MIN 808094	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347749		4704500332	107-DV	TCO	TR MIN-1 808071	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347569		4704301062	107-DV	W A	ADKINS ET AL 806934	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347568		4704301043	107-DV	W A	ADKINS 806935	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347775		4704300965	107-DV	W J	MCKENZIE 806653	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347798		4704301044	107-DV	W J	MCKENZIE 806868	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347759		4709902590	107-DV	W R	PARSLEY 806966	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347737		4705900794	107-DV	W R	THOMPSON 809459	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347549		4701100342	107-DV	WESLEY	CREMEANS 804833	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN

[PR Doc. 83-23241 Filed 8-23-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 953]

Determination By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section

are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5 New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS

ISSUED AUGUST 19, 1983

VOLUME 953

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES								

-COLUMBIA GAS TRANSMISSION CORP. RECEIVED: 08/02/83 JA: WV								
8348116		4704500707	107-DV		ANTHONY LAWSON WEIRS 808658	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348071		4704300948	107-DV		ARENA FERRELL 806619	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347994		4705900254	107-DV		BURN CK MARBNE LD CO 806700	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348011		4705900086	107-DV		BURN CK MARBNE LD CO 805608	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348259		4705900415	107-DV		BURNCK MARBNE LD CO 808207	WV FIELD AREA B	28.0	COLUMBIA GAS TRAN
8348052		4705900556	107-DV		BURNING CR MARROWBONE LAND 800529	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347952		4705900199	107-DV		CENTRAL TRUST #21 806568	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348216		4705900374	107-DV		CENTRAL TRUST CO - 27 808152	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8348226		4705900137	107-DV		CENTRAL TRUST CO #2 806224	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348265		4705900151	107-DV		CENTRAL TRUST CO 16 806273	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348268		4705900152	107-DV		CENTRAL TRUST CO 17 806287	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348095		4705900670	107-DV		CENTRAL TRUST CO 29 806538	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348282		4705900004	107-DV		CENTRAL TRUST CO 804323	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348279		4705900020	107-DV		CENTRAL TRUST CO 804323	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348219		4705900021	107-DV		CENTRAL TRUST CO 804323	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347894		4705900395	107-DV		CENTRAL TRUST CO-28 808172	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348157		4705900423	107-DV		CENTRAL TRUST CO-30 808273	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348158		4705900420	107-DV		CENTRAL TRUST CO-31 808276	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348159		4705900421	107-DV		CENTRAL TRUST CO-32 808277	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347975		4704500520	107-DV		CHARLES DINGESS 808414	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348152		4705900587	107-DV		COTIGA DEV CO #16 808700	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347951		4705900616	107-DV		COTIGA DEV CO #18 808816	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347950		4705900631	107-DV		COTIGA DEV CO #19 808819	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8348243		4705900637	107-DV		COTIGA DEV CO #20 808815	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348104		4705900698	107-DV		COTIGA DEV CO #21 809087	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348178		4705900775	107-DV		COTIGA DEV CO #24 809396	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348131		4705900584	107-DV		COTIGA DEV CO #29 808761	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348137		4705900593	107-DV		COTIGA DEV CO #3 808751	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347924		4705900585	107-DV		COTIGA DEV CO #30 808763	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347940		4705900698	107-DV		COTIGA DEV CO #31 808775	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348104		4705900711	107-DV		COTIGA DEV CO #32 808964	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348240		4705900601	107-DV		COTIGA DEV CO #34 808967	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348098		4705900606	107-DV		COTIGA DEV CO #5 808767	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8348084		4705900341	107-DV		COTIGA DEV CO 808015	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347980		4705900344	107-DV		COTIGA DEV CO 808033	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348121		4705900514	107-DV		COTIGA DEV CO-10 808384	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348125		4705900569	107-DV		COTIGA DEV CO-13 808447	WV FIELD AREA B	0.7	COLUMBIA GAS TRAN
8347902		4705900573	107-DV		COTIGA DEV CO-2 808645	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348120		4705900416	107-DV		COTIGA DEV CO-21 808214	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348211		4705900424	107-DV		COTIGA DEV CO-23 808211	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348004		4705900572	107-DV		COTIGA DEV CO-28 808652	WV FIELD AREA B	33.0	COLUMBIA GAS TRAN
8348233		4705900419	107-DV		COTIGA DEV CO-6 808222	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347932		4704300546	107-DV		COURTNEY CO-18 805511	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
		4709900647	107-DV		D W CHILDERS 806497	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
		4705900668	107-DV		DIXIE R FERRIS 808914	WV FIELD AREA B		

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348069		4709900765	107-DV		EARL BURGESS 806694	WV FIELD AREA B	0.6	COLUMBIA GAS TRAN
8348210		4704500383	107-DV		EARL WYSONG 808226	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348235		4709900459	107-DV		ELLA CARSON 806495	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348164		4709900921	107-DV		ETHEL QUEEN 808312	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348061		4709900459	107-DV		F D CALDWELL #48 806173	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348033		4709900477	107-DV		F D CALDWELL #41 806189	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348023		4709900629	107-DV		F D CALDWELL #43 806429	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348028		4709900608	107-DV		F D CALDWELL #45 806405	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8348073		4709900734	107-DV		F D CALDWELL #47 806622	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348075		4709900736	107-DV		F D CALDWELL #51 806624	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347956		4709900747	107-DV		F D CALDWELL #53 806661	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347957		4709900775	107-DV		F D CALDWELL #55 806662	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347981		4709901047	107-DV		F D CALDWELL-66 808375	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8348026		4705900168	107-DV		O R C WILES #1 806411	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348097		4704500310	107-DV		GROVER LOWE 808089	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347983		4704500444	107-DV		GROVER LOWE 808358	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348068		4704300978	107-DV		H ADKINS & UFG CO 806691	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348234		4709900646	107-DV		H B BOOTEN 806496	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8348280		4705900895	107-DV		H CLOSTERMAN 804237	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348223		4705900889	107-DV		H CLOSTERMAN 804458	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348224		4705900271	107-DV		H CLOSTERMAN 804469	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348231		4705900128	107-DV		H CLOSTERMAN 806174	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348027		4705900179	107-DV		H CLOSTERMAN 806408	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347959		4705900305	107-DV		H CLOSTERMAN-66 806416	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8348089		4705900332	107-DV		H CLOSTERMAN-8 808005	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348263		4705900526	107-DV		H J STARK #2 806274	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348242		4704500721	107-DV		HARVEY HOLDING CO 808741	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348219		4704301137	107-DV		HERBERT ADKINS 808158	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348214		4704301135	107-DV		HERBERT ADKINS 808159	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348154		4704301145	107-DV		HERBERT ADKINS 808266	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347990		4704500587	107-DV		HERBERT ADKINS 808551	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348005		4708050694	107-DV		HORSE CK COAL LD-65 805555	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348047		4704300735	107-DV		HORSE CK LAND & MINING CO 805867	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348049		4704300748	107-DV		HORSE CK LAND AND MINING 879 80549	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348165		4704300475	107-DV		HUNT DEV & GAS CO 805357	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348004		4704300576	107-DV		HUNT DEV & GAS FEE 805553	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348008		4709900351	107-DV		HUNT DEV & GAS MIN 805547	WV FIELD AREA B	0.4	COLUMBIA GAS TRAN
8348013		4704300690	107-DV		HUNT DEV & GAS MIN 805643	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348050		4704300185	107-DV		HUNTINGTON DEV & GAS CO 804685	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348048		4709900334	107-DV		HUNTINGTON DEV & GAS CO 805505	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348044		4704300740	107-DV		HUNTINGTON DEV & GAS CO 805873	WV FIELD AREA B	37.0	COLUMBIA GAS TRAN
8348076		4704300963	107-DV		IRVIN DUGAN 806630	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348167		4704300723	107-DV		J A HALLEY 809744	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348007		4709900363	107-DV		J B DAVIS 805542	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348238		4704300901	107-DV		J D CALDWELL #1 806482	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348074		4709900735	107-DV		J D CALDWELL #50 806623	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347910		4704500709	107-DV		J E PECK #12 808689	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348051		4704500565	107-DV		J E PECK 808707	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347917		4704500690	107-DV		J E PECK 808525	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8347907		4704500706	107-DV		J E PECK 808686	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347908		4704500708	107-DV		J E PECK 808687	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348081		4709900710	107-DV		J F CALDWELL #10 806561	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347897		4709900317	107-DV		J F CALDWELL 5 805427	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348147		4709900523	107-DV		J L CALDWELL #1 806254	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348014		4709900294	107-DV		J L CALDWELL #15 805323	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347898		4709900316	107-DV		J L CALDWELL 21 805426	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348096		4704301094	107-DV		J L CALDWELL 808008	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348002		4709900336	107-DV		J L CALDWELL-28 805507	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348009		4709900360	107-DV		J L CALDWELL-29 805577	WV FIELD AREA B	0.8	COLUMBIA GAS TRAN
8348010		4709900367	107-DV		J L CALDWELL-31 805579	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348012		4709900370	107-DV		J L CALDWELL-34 805627	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347951		4705900198	107-DV		JACOB BAACH #2 806567	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348151		4704301150	107-DV		KIZZIE BAIDEN-1 808262	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348025		4709900609	107-DV		L A CHILDERS 806417	WV FIELD AREA B	0.6	COLUMBIA GAS TRAN
8348150		4704500668	107-DV		L O JACKSON 808336	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348146		4705900147	107-DV		L V SARTIN #2 806247	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348227		4709900498	107-DV		LAFAYETTE ALDRIDGE 806228	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347945		4703500789	107-DV		LANCE F SAYRE #1 806663	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348222		4705900432	107-DV		LOGAN CANNEL COAL CO 804448	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348239		4709901226	107-DV		M L S PERKINS #9 808748	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348220		4704301655	107-DV		MARY L S PERKINS 804363	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348221		4704301656	107-DV		MARY L S PERKINS 804364	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8348115		4709901081	107-DV		MARY L S PERKINS 805626	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348213		4704301160	107-DV		MATILDA VANCE HRS 808160	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348133		4705900596	107-DV		MINGO BLOCK COAL 10 808732	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348241		4705900605	107-DV		MINGO BLOCK COAL 12 808764	WV FIELD AREA B	40.0	COLUMBIA GAS TRAN
8348119		4705900571	107-DV		MINGO BLOCK COAL 6 - 808651	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348141		4705900588	107-DV		MINGO BLOCK COAL-8 808693	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347920		4705900603	107-DV		MINGO BLOCK COAL-11 808588	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348114		4705900582	107-DV		MINGO BLOCK COAL-4 808627	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348118		4705900581	107-DV		MINGO BLOCK COAL-5 808653	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8348186		4705900543	107-DV		MINGO O & G CO-2 808535	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8347914		4705900611	107-DV		MINGO O & G CO-3 808569	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348003		4709900364	107-DV		M FOK COAL CO-1 808550	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348054		4705900008	107-DV		NETTIE B WILCOX 804265	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348117		4705900570	107-DV		NIGHTBERT LAND CO - 13 808654	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348257		4705900408	107-DV		NIGHTBERT LAND CO 808205	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348258		4705900409	107-DV		NIGHTBERT LAND CO-11 808206	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348260		4705900410	107-DV		NIGHTBERT LD CO 808205	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347896		4704300459	107-DV		PATTERSON TONEY 801988	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348083		4704500407	107-DV		R H ADKINS 808038	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347929		4704500758	107-DV		ROSE BELLADONNA 808818	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347933		4705900629	107-DV		RUTH PETERS #1 808862	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348271		4709900567	107-DV		S D COPLEY 806334	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347984		4704500448	107-DV		SEWELL ADAMS 808357	WV FIELD AREA B	32.0	COLUMBIA GAS TRAN
8348053		4704500176	107-DV		T CONLEY ETAL 800367	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8347935		4705900656	107-DV		T R JOSEPH 808919	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8348103		4704301351	107-DV		TCO FEE TR #1 809049	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347941		4704500762	107-DV		TCO FEE TR #2 808958	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348262		4709900522	107-DV		TCO FEE TR #21 806267	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348042		4704300755	107-DV		TCO FEE TR #31 806172	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347904		4709901283	107-DV		TCO FEE TR #31 808742	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348040		4704300772	107-DV		TCO FEE TR #4 806193	WV FIELD AREA B		
8348264		4704300837	107-DV		TCO FEE TR #4 806308	WV FIELD AREA B		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348275		4704300853	107-DV	TCO	FEE TR #4 806346	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348278		4704300855	107-DV	TCO	FEE TR #4 806365	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348021		4704300858	107-DV	TCO	FEE TR #4 806442	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8348143		4704300909	107-DV	TCO	FEE TR #4 806521	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347947		4704300977	107-DV	TCO	FEE TR #4 806689	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347953		4705900237	107-DV	TCO	FEE TR #4 806698	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348135		4705900592	107-DV	TCO	FEE TR #4 808734	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348177		4705900755	107-DV	TCO	FEE TR #4 809324	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348175		4705900796	107-DV	TCO	FEE TR #4 809519	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348176		4705900797	107-DV	TCO	FEE TR #4 809521	WV FIELD AREA B	0.5	COLUMBIA GAS TRAN
8348155		4704301273	107-DV	TCO	FEE TR-13 808267	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348161		4709901043	107-DV	TCO	FEE TR-31 808292	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348094		4705900329	107-DV	TCO	FEE TR-4 806985	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348092		4705900331	107-DV	TCO	FEE TR-4 806992	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348255		4705900357	107-DV	TCO	FEE TR-4 808199	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348256		4705900358	107-DV	TCO	FEE TR-4 808208	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8348289		4709004020	107-DV	TCO	FEE TR-4 808229	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347972		4704300615	107-DV	TCO	FEE TR-4 808430	WV FIELD AREA B	48.0	COLUMBIA GAS TRAN
8348067		4705900534	107-DV	TCO	FEE TR-4 808501	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348064		4705900528	107-DV	TCO	FEE TR-4 808508	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8348065		4704300676	107-DV	TCO	FEE TR-4 808510	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8348200		4705900535	107-DV	TCO	FEE TR-4 808533	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348187		4705900536	107-DV	TCO	FEE TR-4 808534	WV FIELD AREA B	0.8	COLUMBIA GAS TRAN
8347913		4705900558	107-DV	TCO	FEE TR-4 808568	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347915		4705900560	107-DV	TCO	FEE TR-4 808571	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347916		4705900557	107-DV	TCO	FEE TR-4 808572	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347978		4704300537	107-DV	TCO	FEE TR-7 808392	WV FIELD AREA B	33.0	COLUMBIA GAS TRAN
8347922		4704300688	107-DV	TCO	FEE TR-9 808591	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348277		4709900578	107-DV	TCO	FEE 806364	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348127		4709901092	107-DV	TCO	FEE 808660	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348105		4709901467	107-DV	TCO	FEE 809023	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348085		4704301076	107-DV	TCO	MIN TR - 19 806999	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348043		4709900646	107-DV	TCO	MIN TR #1 806170	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8348037		4709900648	107-DV	TCO	MIN TR #1 806184	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348038		4709900649	107-DV	TCO	MIN TR #1 806185	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348039		4709900680	107-DV	TCO	MIN TR #1 806186	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348238		4704300617	107-DV	TCO	MIN TR #1 806203	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348228		4704300619	107-DV	TCO	MIN TR #1 806205	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348144		4709900507	107-DV	TCO	MIN TR #1 806235	WV FIELD AREA B	24.0	COLUMBIA GAS TRAN
8348145		4709900503	107-DV	TCO	MIN TR #1 806235	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348148		4709900512	107-DV	TCO	MIN TR #1 806259	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8348149		4709900513	107-DV	TCO	MIN TR #1 806260	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348244		4709900535	107-DV	TCO	MIN TR #1 806272	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348267		4709900534	107-DV	TCO	MIN TR #1 806279	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348269		4709900536	107-DV	TCO	MIN TR #1 806280	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348270		4709900553	107-DV	TCO	MIN TR #1 806315	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348272		4709900573	107-DV	TCO	MIN TR #1 806341	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348273		4709900569	107-DV	TCO	MIN TR #1 806342	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348274		4709900570	107-DV	TCO	MIN TR #1 806343	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8348276		4709900591	107-DV	TCO	MIN TR #1 806352	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348032		4709900600	107-DV	TCO	MIN TR #1 806393	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348031		4709900597	107-DV	TCO	MIN TR #1 806394	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8348030		4709900601	107-DV	TCO	MIN TR #1 806396	WV FIELD AREA B	22.0	COLUMBIA GAS TRAN
8348022		4709900626	107-DV	TCO	MIN TR #1 806435	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348055		4709900632	107-DV	TCO	MIN TR #1 806455	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348018		4709900650	107-DV	TCO	MIN TR #1 806473	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348017		4709900651	107-DV	TCO	MIN TR #1 806474	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8348016		4709900653	107-DV	TCO	MIN TR #1 806476	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348236		4709900656	107-DV	TCO	MIN TR #1 806494	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348232		4709900657	107-DV	TCO	MIN TR #1 806499	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348281		4709900665	107-DV	TCO	MIN TR #1 806507	WV FIELD AREA B	22.0	COLUMBIA GAS TRAN
8348284		4709900666	107-DV	TCO	MIN TR #1 806508	WV FIELD AREA B	31.0	COLUMBIA GAS TRAN
8348080		4709900690	107-DV	TCO	MIN TR #1 806541	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347949		4709900714	107-DV	TCO	MIN TR #1 806564	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347950		4709900715	107-DV	TCO	MIN TR #1 806565	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348070		4709900738	107-DV	TCO	MIN TR #1 806616	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347958		4709900776	107-DV	TCO	MIN TR #1 806697	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347906		4704301299	107-DV	TCO	MIN TR #1 808679	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347909		4704300702	107-DV	TCO	MIN TR #1 808680	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8347911		4704301300	107-DV	TCO	MIN TR #1 808691	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348142		4704301301	107-DV	TCO	MIN TR #1 808692	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348126		4704300710	107-DV	TCO	MIN TR #1 808697	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348129		4704300711	107-DV	TCO	MIN TR #1 808698	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8348128		4704300712	107-DV	TCO	MIN TR #1 808699	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348138		4704300717	107-DV	TCO	MIN TR #1 808711	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348136		4704300719	107-DV	TCO	MIN TR #1 808719	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348140		4705900641	107-DV	TCO	MIN TR #1 808741	WV FIELD AREA B	46.0	COLUMBIA GAS TRAN
8347903		4709901280	107-DV	TCO	MIN TR #1 808741	WV FIELD AREA B	51.0	COLUMBIA GAS TRAN
8347905		4709901281	107-DV	TCO	MIN TR #1 808743	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347927		4704300733	107-DV	TCO	MIN TR #1 808773	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347934		4704300749	107-DV	TCO	MIN TR #1 808925	WV FIELD AREA B	23.0	COLUMBIA GAS TRAN
8347936		4704301319	107-DV	TCO	MIN TR #1 808948	WV FIELD AREA B	35.0	COLUMBIA GAS TRAN
8347939		4704301320	107-DV	TCO	MIN TR #1 808950	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8347938		4704301321	107-DV	TCO	MIN TR #1 808991	WV FIELD AREA B	23.0	COLUMBIA GAS TRAN
8348102		4709901329	107-DV	TCO	MIN TR #1 808992	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348108		4709901384	107-DV	TCO	MIN TR #1 809124	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348109		4709901401	107-DV	TCO	MIN TR #1 809150	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348107		4709901399	107-DV	TCO	MIN TR #1 809151	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348246		4709901400	107-DV	TCO	MIN TR #1 809152	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348245		4709901405	107-DV	TCO	MIN TR #1 809155	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348110		4709901406	107-DV	TCO	MIN TR #1 809172	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348202		4704301342	107-DV	TCO	MIN TR #1 809174	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8348247		4704301347	107-DV	TCO	MIN TR #1 809186	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348204		4704301348	107-DV	TCO	MIN TR #1 809210	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8348203		4704301357	107-DV	TCO	MIN TR #1 809238	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348180		4709901456	107-DV	TCO	MIN TR #1 809263	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348179		4709901515	107-DV	TCO	MIN TR #1 809401	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348171		4709901534	107-DV	TCO	MIN TR #1 809526	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348173		4704301451	107-DV	TCO	MIN TR #1 809526	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348172		4704301456	107-DV	TCO	MIN TR #1 809609	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348170		4709901559	107-DV	TCO	MIN TR #1 809610	WV FIELD AREA B	25.0	COLUMBIA GAS TRAN
8348168		4709901555	107-DV	TCO	MIN TR #1 809611	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348169		4704301455	107-DV	TCO	MIN TR #1 809615	WV FIELD AREA B		
8348166		4704301454	107-DV	TCO	MIN TR #1 809616	WV FIELD AREA B		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8348225		4705900145	107-DV	TCO MIN TR	810 806231	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348034		4705900160	107-DV	TCO MIN TR	810 806378	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348033		4705900163	107-DV	TCO MIN TR	810 806379	WV FIELD AREA B	23.0	COLUMBIA GAS TRAN
8347928		47059001357	107-DV	TCO MIN TR	810 808857	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348295		4705900737	107-DV	TCO MIN TR	810 809208	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348174		4705900790	107-DV	TCO MIN TR	810 809467	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8348154		4705900591	107-DV	TCO MIN TR	811 808729	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8347945		4704300975	107-DV	TCO MIN TR	818 806687	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8347946		4704300976	107-DV	TCO MIN TR	818 806688	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348036		4705900482	107-DV	TCO MIN TR	819 806182	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348024		4705900623	107-DV	TCO MIN TR	82 806421	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348020		4704300889	107-DV	TCO MIN TR	820 806453	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348261		4705900518	107-DV	TCO MIN TR	821 806262	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8348029		4704300868	107-DV	TCO MIN TR	823 806403	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348019		4704300891	107-DV	TCO MIN TR	824 806445	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348237		4704300879	107-DV	TCO MIN TR	825 806484	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348077		4704300957	107-DV	TCO MIN TR	826 806643	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348078		4704300958	107-DV	TCO MIN TR	826 806644	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348079		4704300959	107-DV	TCO MIN TR	826 806645	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347955		4704300973	107-DV	TCO MIN TR	826 806695	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348206		47059001474	107-DV	TCO MIN TR	83 809310	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348130		4704301317	107-DV	TCO MIN TR	831 808744	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347944		4704300980	107-DV	TCO MIN TR	84 806684	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348283		4705900667	107-DV	TCO MIN TR	85 806516	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348229		4704500181	107-DV	TCO MIN TR	NO 1 806204	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8348091		4705900841	107-DV	TCO MIN TR	1 806991	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348093		4705900848	107-DV	TCO MIN TR	1 806993	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8348100		4705900850	107-DV	TCO MIN TR	1 806994	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348101		4704301074	107-DV	TCO MIN TR	1 806996	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347942		4704301081	107-DV	TCO MIN TR	1 806998	WV FIELD AREA B	25.0	COLUMBIA GAS TRAN
8348088		4704301257	107-DV	TCO MIN TR	1 808003	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348099		4704301088	107-DV	TCO MIN TR	1 808018	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8348082		4705900625	107-DV	TCO MIN TR	1 808036	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348218		4704301133	107-DV	TCO MIN TR	1 808150	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8348217		4704500367	107-DV	TCO MIN TR	1 808151	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348212		4704301141	107-DV	TCO MIN TR	1 808161	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348253		4704301275	107-DV	TCO MIN TR	1 808196	WV FIELD AREA B	44.0	COLUMBIA GAS TRAN
8347899		4704301255	107-DV	TCO MIN TR	1 808209	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8347901		4704301258	107-DV	TCO MIN TR	1 808212	WV FIELD AREA B	29.0	COLUMBIA GAS TRAN
8348207		4704500547	107-DV	TCO MIN TR	1 808241	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348248		4704500544	107-DV	TCO MIN TR	1 808242	WV FIELD AREA B	15.0	COLUMBIA GAS TRAN
8348249		4704500548	107-DV	TCO MIN TR	1 808243	WV FIELD AREA B	31.0	COLUMBIA GAS TRAN
8348250		4704500393	107-DV	TCO MIN TR	1 808249	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348251		4704500394	107-DV	TCO MIN TR	1 808260	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348252		4704500395	107-DV	TCO MIN TR	1 808261	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348152		4704301144	107-DV	TCO MIN TR	1 808264	WV FIELD AREA B	36.0	COLUMBIA GAS TRAN
8348153		4704500399	107-DV	TCO MIN TR	1 808265	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348156		4704301243	107-DV	TCO MIN TR	1 808270	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8348160		4704301291	107-DV	TCO MIN TR	1 808285	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348162		4704301153	107-DV	TCO MIN TR	1 808293	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348165		4704301262	107-DV	TCO MIN TR	1 808299	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348199		4704500594	107-DV	TCO MIN TR	1 808337	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8348198		4704500595	107-DV	TCO MIN TR	1 808338	WV FIELD AREA B	17.0	COLUMBIA GAS TRAN
8348197		4704500550	107-DV	TCO MIN TR	1 808349	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347982		4704301243	107-DV	TCO MIN TR	1 808359	WV FIELD AREA B	32.0	COLUMBIA GAS TRAN
8347979		4704500535	107-DV	TCO MIN TR	1 808391	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8347976		4704301266	107-DV	TCO MIN TR	1 808405	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347973		4704500604	107-DV	TCO MIN TR	1 808427	WV FIELD AREA B	55.0	COLUMBIA GAS TRAN
8347971		4704500612	107-DV	TCO MIN TR	1 808434	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8347970		4704301268	107-DV	TCO MIN TR	1 808435	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8347969		4704301269	107-DV	TCO MIN TR	1 808436	WV FIELD AREA B	10.0	COLUMBIA GAS TRAN
8347968		4704301214	107-DV	TCO MIN TR	1 808438	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347967		4704301213	107-DV	TCO MIN TR	1 808439	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347966		4704301206	107-DV	TCO MIN TR	1 808440	WV FIELD AREA B	7.0	COLUMBIA GAS TRAN
8347965		4704301222	107-DV	TCO MIN TR	1 808445	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347964		4704301224	107-DV	TCO MIN TR	1 808446	WV FIELD AREA B	0.7	COLUMBIA GAS TRAN
8347963		4704301225	107-DV	TCO MIN TR	1 808447	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347962		4704301226	107-DV	TCO MIN TR	1 808448	WV FIELD AREA B	54.0	COLUMBIA GAS TRAN
8347960		4704301210	107-DV	TCO MIN TR	1 808450	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8347990		4704301203	107-DV	TCO MIN TR	1 808452	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347989		4704301204	107-DV	TCO MIN TR	1 808453	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347986		4704500608	107-DV	TCO MIN TR	1 808463	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348196		4704500607	107-DV	TCO MIN TR	1 808465	WV FIELD AREA B	25.0	COLUMBIA GAS TRAN
8347961		4704500610	107-DV	TCO MIN TR	1 808473	WV FIELD AREA B	41.0	COLUMBIA GAS TRAN
8348193		4704301272	107-DV	TCO MIN TR	1 808477	WV FIELD AREA B	16.0	COLUMBIA GAS TRAN
8348192		4704301228	107-DV	TCO MIN TR	1 808480	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8348191		4704301229	107-DV	TCO MIN TR	1 808481	WV FIELD AREA B	33.0	COLUMBIA GAS TRAN
8348190		4704301231	107-DV	TCO MIN TR	1 808486	WV FIELD AREA B	60.0	COLUMBIA GAS TRAN
8348188		4704301247	107-DV	TCO MIN TR	1 808494	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8348064		4704500578	107-DV	TCO MIN TR	1 808513	WV FIELD AREA B	27.0	COLUMBIA GAS TRAN
8348063		4704500573	107-DV	TCO MIN TR	1 808514	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348062		4704500677	107-DV	TCO MIN TR	1 808521	WV FIELD AREA B	56.0	COLUMBIA GAS TRAN
8348060		4704500635	107-DV	TCO MIN TR	1 808522	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348059		4704301276	107-DV	TCO MIN TR	1 808526	WV FIELD AREA B	64.0	COLUMBIA GAS TRAN
8348058		4704301285	107-DV	TCO MIN TR	1 808529	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348057		4704301278	107-DV	TCO MIN TR	1 808530	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348056		4704301293	107-DV	TCO MIN TR	1 808533	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348201		4704301279	107-DV	TCO MIN TR	1 808537	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8348185		4704500650	107-DV	TCO MIN TR	1 808545	WV FIELD AREA B	21.0	COLUMBIA GAS TRAN
8348183		4704500647	107-DV	TCO MIN TR	1 808546	WV FIELD AREA B	73.0	COLUMBIA GAS TRAN
8348181		4704500648	107-DV	TCO MIN TR	1 808548	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348001		4704301283	107-DV	TCO MIN TR	1 808549	WV FIELD AREA B	31.0	COLUMBIA GAS TRAN
8348000		4704301281	107-DV	TCO MIN TR	1 808550	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347999		4704500694	107-DV	TCO MIN TR	1 808555	WV FIELD AREA B	0.1	COLUMBIA GAS TRAN
8347996		4704500640	107-DV	TCO MIN TR	1 808557	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347995		4704500654	107-DV	TCO MIN TR	1 808558	WV FIELD AREA B	42.0	COLUMBIA GAS TRAN
8347994		4704500655	107-DV	TCO MIN TR	1 808563	WV FIELD AREA B	50.0	COLUMBIA GAS TRAN
8347992		4704500678	107-DV	TCO MIN TR	1 808566	WV FIELD AREA B	36.0	COLUMBIA GAS TRAN
8347991		4704500673	107-DV	TCO MIN TR	1 808587	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8347918		4704500684	107-DV	TCO MIN TR	1 808589	WV FIELD AREA B	30.0	COLUMBIA GAS TRAN
8347919		4704500685	107-DV	TCO MIN TR	1 808596	WV FIELD AREA B		
8347921		4704500687	107-DV	TCO MIN TR	1 808596	WV FIELD AREA B		
8347923		4705900668	107-DV	TCO MIN TR	1 808596	WV FIELD AREA B		

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8347924		4709901068	107-DV		TCO MIN TR-1 808601	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347925		4709901069	107-DV		TCO MIN TR-1 808602	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8348111		4704301294	107-DV		TCO MIN TR-1 808603	WV FIELD AREA B	31.0	COLUMBIA GAS TRAN
8348112		4704300592	107-DV		TCO MIN TR-1 808604	WV FIELD AREA B	8.0	COLUMBIA GAS TRAN
8348113		4709901102	107-DV		TCO MIN TR-1 808616	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348123		4704300695	107-DV		TCO MIN TR-1 808629	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348124		4704300701	107-DV		TCO MIN TR-1 808630	WV FIELD AREA B	26.0	COLUMBIA GAS TRAN
8348122		4704300696	107-DV		TCO MIN TR-1 808646	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348254		4705900400	107-DV		TCO MIN TR-10 808198	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8347912		4705900559	107-DV		TCO MIN TR-10 808567	WV FIELD AREA B	9.0	COLUMBIA GAS TRAN
8348194		4705900518	107-DV		TCO MIN TR-11 808476	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348086		4709900859	107-DV		TCO MIN TR-13 806985	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348208		4705900493	107-DV		TCO MIN TR-14 808230	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8348061		4705900536	107-DV		TCO MIN TR-14 808520	WV FIELD AREA B	3.0	COLUMBIA GAS TRAN
8348090		4704301101	107-DV		TCO MIN TR-19 806990	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8348184		4704300651	107-DV		TCO MIN TR-2 808538	WV FIELD AREA B	18.0	COLUMBIA GAS TRAN
8348087		4704301251	107-DV		TCO MIN TR-26 806989	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8348182		4704301287	107-DV		TCO MIN TR-26 808563	WV FIELD AREA B	1.0	COLUMBIA GAS TRAN
8347895		4704301142	107-DV		TCO MIN TR-31 808174	WV FIELD AREA B	19.0	COLUMBIA GAS TRAN
8347985		4704301236	107-DV		TCO MIN TR-31 808376	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8347974		4704301239	107-DV		TCO MIN TR-31 808416	WV FIELD AREA B	20.0	COLUMBIA GAS TRAN
8347997		4704301290	107-DV		TCO MIN TR-31 808554	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8348195		4704300606	107-DV		TCO MIN TR-5 808472	WV FIELD AREA B	12.0	COLUMBIA GAS TRAN
8347988		4704301219	107-DV		TCO MIN TR-7 808457	WV FIELD AREA B	11.0	COLUMBIA GAS TRAN
8347987		4704301205	107-DV		TCO MIN TR-7 808458	WV FIELD AREA B	6.0	COLUMBIA GAS TRAN
8348044		4709900458	107-DV		TCO MINTR #1 806161	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347948		4709900713	107-DV		TCO 806563	WV FIELD AREA B	14.0	COLUMBIA GAS TRAN
8347993		4704300680	107-DV		TCO 808562	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN
8348015		4703901484	107-DV		THREE MILE FORK L CO 806479	WV FIELD AREA A	2.0	COLUMBIA GAS TRAN
8348045		4709900457	107-DV		UFG CO MINERAL 806160	WV FIELD AREA B	13.0	COLUMBIA GAS TRAN
8348072		4704300949	107-DV		W J MCKENZIE 806420	WV FIELD AREA B	2.0	COLUMBIA GAS TRAN
8347937		4705900719	107-DV		WILLIAMSON M&M #2 808944	WV FIELD AREA B	5.0	COLUMBIA GAS TRAN
8347977		4705900522	107-DV		WINIFREDE LAND CO 808395	WV FIELD AREA B	0.0	COLUMBIA GAS TRAN
8348244		4705900617	107-DV		WINIFREDE LD CO #2 808790	WV FIELD AREA B	4.0	COLUMBIA GAS TRAN

[FR Doc. 83-23242 Filed 8-23-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 954]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: August 19, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the

extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section

are indicated by the following codes:

Section 102-1: New OCS lease
 102-2: New well (2.5 Mile rule)
 102-3: New well (1000 Ft rule)
 102-4: New onshore reservoir
 102-5: New reservoir on old OCS lease
 Section 107-DP: 15,000 feet or deeper
 107-GB: Geopressured brine
 107-CS: Coal Seams
 107-DV: Devonian Shale
 107-PE: Production enhancement
 107-TF: New tight formation
 107-RT: Recompletion tight formation
 Section 108: Stripper well
 108-SA: Seasonally affected
 108-ER: Enhanced recovery
 108-PB: Pressure buildup

Kenneth F. Plumb,
 Secretary.

NOTICE OF DETERMINATIONS ISSUED AUGUST 19, 1983

VOLUME 954

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-C & C MINERALS									
8348392	83-4-8032	0409500000		102-4		RECEIVED: 08/03/83 JA: CA "PETER COOK" 14	LINDSEY SLOUGH	730.0	PACIFIC GAS & ELE
KANSAS CORPORATION COMMISSION									
-TXO PRODUCTION CORP									
8348457	K-82-8728	1507720810	103			RECEIVED: 08/05/83 JA: KS ANTRIM "A" #2	SULLIVAN	700.0	DELHI CORP
8348459	K-82-0712	1507720809	103			BARINGER #1	SULLIVAN	550.0	DELHI CORP
8348458	K-82-0714	1506720807	103			FINDLEY "B" #1	SULLIVAN	350.0	DELHI CORP
8348460	K-82-0586	1507720792	103			GAMMILL #1	SULLIVAN	275.0	DELHI CORP
8348461	K-82-0587	1507720790	103			ROBINSON "C" #2	SULLIVAN	275.0	DELHI CORP
MISSISSIPPI OIL & GAS BOARD									
-GULF OIL CORPORATION									
8348451	16-83-11	2307320253	102-4			RECEIVED: 08/04/83 JA: MS F M SNOWDEN #1	BAXTERVILLE	0.0	UNITED GAS PIPELI
-SPOONER PETROLEUM COMPANY									
8348450	35-83-434	2307720064	102-4	107-DP		RECEIVED: 08/04/83 JA: MS CROWN ZELLERSBACH #2	MONTICELLO	750.0	SOUTHERN NATURAL
MONTANA BOARD OF OIL & GAS CONSERVATION									
-CONOCO INC									
8348454	7-82-211	2508321561	103			RECEIVED: 08/05/83 JA: MT CONOCO SUNDHEIM 29-1	50 SIOUX PASS	64.0	DAMSON OIL CO
-CONSOLIDATED OIL & GAS INC									
8348453	7-82-208	2508521299	102-4			RECEIVED: 08/05/83 JA: MT MCCABE #2	SE FROID	0.0	
-MIDLANDS GAS CORPORATION									
8348452	7-82-214	2507121484	108			RECEIVED: 08/05/83 JA: MT DRESSEN FEDERAL 1 2161	WILDCAT	20.0	KH ENERGY INC
-SECTOR RESOURCES LTD									
8348456	7-82-209	2504122228	102-4			RECEIVED: 08/05/83 JA: MT DAVEY 1-29 - T32N-R17E	TIGER RIDGE	70.0	NORTHERN NATURAL
8348455	7-82-210	2504122229	102-4			HANSON 7-17 - T32N-R17E	TIGER RIDGE	180.0	NORTHERN NATURAL
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALSID OIL & GAS DEVELOPMENT CO									
8348285		3409921550	107-TF			RECEIVED: 08/03/83 JA: OH FELGAR -EARLY #1	SMITH	15.0	
-AMAC INC									
8348286		3403121399	108			RECEIVED: 08/03/83 JA: OH MAXINE YOUNG #1		4.2	COLUMBIA GAS TRAN
-APPALACHIAN EXPLORATION INC									
8348287		3415321001	107-TF			RECEIVED: 08/03/83 JA: OH D FOUSE #4	COPLEY	11.0	
8348288		3415321079	107-TF			SAVOIA #2	COPLEY	54.8	YANKEE RESOURCES
-ATWOOD RESOURCES INC									
8348289		3403125088	103	107-TF		RECEIVED: 08/03/83 JA: OH OMER BECHTOL #2	CLARK	15.0	
-BILL BLAIR INCORPORATED									
8348291		3402920947	103	107-TF		RECEIVED: 08/03/83 JA: OH CARTER #1	HOMEWORTH	15.0	EAST OHIO GAS CO
8348292		3402920948	103	107-TF		CARTER #2	HOMEWORTH	15.0	EAST OHIO GAS CO
8348290		3402920944	103	107-TF		KIMS #1	HOMEWORTH	18.0	EAST OHIO GAS CO

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CA D' ORA INC			RECEIVED:	08/03/83 JA: OH			
348295		3416727412	103	B BROOKER #1	WATERTOWN	0.0	
348293		3416727375	103	B SCHILLING #1	WATERTOWN	0.0	
348298		3416727467	103	F MCCULLOUGH #1	WATERTOWN	0.0	
348299		3416727479	103	H THIEMAN #1	WATERTOWN	0.0	
348297		3416727444	103	N LANG #1A	WATERTOWN	0.0	
348296		3416727413	103	R THIEMAN #1	WATERTOWN	0.0	
348294		3416727396	103	T BIRCH #1	WATERTOWN	0.0	
-CENTRAL ENERGY CO INC			RECEIVED:	08/03/83 JA: OH			
348300		3411926676	107-TF	MOORE & GRIMES #1	IRISH RIDGE	10.0	NATIONAL GAS & OI
-COASTAL PETROLEUM CORP			RECEIVED:	08/03/83 JA: OH			
348302		3410323377	107-TF	BRAMLEY #4	SHARON	9.0	EAST OHIO GAS CO
348303		3415321309	107-TF	KIMI #1	COFLEY	9.0	EAST OHIO GAS CO
348301		3410322861	107-TF	KININGER-LEMER #1	SHARON	9.0	EAST OHIO GAS CO
-DAVID A WALDRON & ASSOC INC			RECEIVED:	08/03/83 JA: OH			
348304		3413323004	107-TF	SAVAGE #1	EDINBURG	20.0	
-DISCOVERY OIL LTD			RECEIVED:	08/03/83 JA: OH			
348305		3410323194	107-TF	BROADBRIDGE #1	WESTFIELD	0.0	
-EARTH RESOURCES EXPL DEV CORP			RECEIVED:	08/03/83 JA: OH			
348308		3416923218	103	107-TF CLEVELAND #5	CANAAN	0.0	
-ELAN ENERGY INC			RECEIVED:	08/03/83 JA: OH			
348306		3416923443	103	107-TF MILLER-CLINEFELTER #2	PAINT	11.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP			RECEIVED:	08/03/83 JA: OH			
348308A		3405520208	D 103	BYLER #3		17.0	COLUMBIA GAS TRAN
348308B		3405520208	107-RY	BYLER #3		17.0	COLUMBIA GAS TRAN
348307B		3405520193	107-RY	BYLER #4	MIDDLEFIELD	17.0	COLUMBIA GAS TRAN
348307A		3405520193	D 103	BYLER #4	MIDDLEFIELD	17.0	COLUMBIA GAS TRAN
348312B		3405520250	107-RY	COBLENTZ #1	MIDDLEFIELD	17.0	
348312A		3405520250	D 103	COBLENTZ #1	MIDDLEFIELD	17.0	
348310B		3405520211	107-RY	DONALDSON #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
348310A		3405520211	D 103	DONALDSON #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
348311B		3405520224	107-RY	WEAVER #2	MIDDLEFIELD	16.0	COLUMBIA GAS TRAN
348311A		3405520224	D 103	WEAVER #2	MIDDLEFIELD	16.0	COLUMBIA GAS TRAN
348313B		3405520317	107-RY	WEAVER #4	MESOPOTAMIA	19.0	
348313A		3405520317	D 103	WEAVER #4	MESOPOTAMIA	19.0	
348314B		3405520710	107-RY	WENGERD #1	WINDSOR	17.0	COLUMBIA GAS TRAN
348314A		3405520710	D 103	WENGERD #1	WINDSOR	17.0	COLUMBIA GAS TRAN
348309B		3405520209	107-RY	ZWOLINSKI #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
348309A		3405520209	D 103	ZWOLINSKI #1	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC			RECEIVED:	08/03/83 JA: OH			
348315		3400722194	103	107-TF MOORE #1	MORGAN	0.0	
-GENERAL ELECTRIC CO			RECEIVED:	08/03/83 JA: OH			
348317		3413323060	103	107-TF RAVENNA BOARD OF EDUCATION #1	RAVENNA	30.0	EAST OHIO GAS CO
348316		3400722216	103	107-TF YUHASZ #5	COLEBROOK	20.0	EAST OHIO GAS CO
-GREENLAND PARTNERSHIP			RECEIVED:	08/03/83 JA: OH			
348391		3412725955	107-TF	CAMERON #15	MONDAY CREEK	15.0	
348390		3412725950	107-TF	CAMERON #17	MONDAY CREEK	15.0	
348389		3412725945	107-TF	CAMERON #5	MONDAY CREEK	15.0	
-HERALD OIL & GAS CO			RECEIVED:	08/03/83 JA: OH			
348320		3410521810	108	JAMES DREHEL #5		0.0	COLUMBIA GAS TRAN
348319		3410521809	108	JAMES DREHEL #6		0.0	COLUMBIA GAS TRAN
348318		3405320486	108	JAMES DREHEL #7		0.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED:	08/03/83 JA: OH			
348321		3412725866	107-TF	D LEWIS (PEABODY) #2	PIKE	3.0	COLUMBIA GAS TRAN
348322		3412725867	107-TF	D LEWIS (PEABODY) #3	PIKE	2.0	COLUMBIA GAS TRAN
-HUKON EXPLORATION CO			RECEIVED:	08/03/83 JA: OH			
348324		3413320207	D 108	BUCKMAN UNIT #1		18.0	EAST OHIO GAS CO
348325		3413320204	D 108	MERRIMAN UNIT #1		3.0	EAST OHIO GAS CO
348326		3413320220	D 108	SAVRE UNIT #1		4.0	EAST OHIO GAS CO
-JANCO WELL OPERATIONS			RECEIVED:	08/03/83 JA: OH			
348328		3408721932	107-TF	BEN SPRAGUE #1	DORSET	40.0	EAST OHIO GAS CO
-JANCO WELL OPERATIONS LTD #2-4			RECEIVED:	08/03/83 JA: OH			
348328		3410323338	107-TF	BEULEN UNIT #1	GRANGER	250.0	COLUMBIA GAS TRAN
348327		3410323337	107-TF	DAVIS UNIT #1	GRANGER	350.0	COLUMBIA GAS TRAN
348329		3410323339	107-TF	GREENE UNIT #1	GRANGER	25.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC			RECEIVED:	08/03/83 JA: OH			
348331		3415321200	103	107-TF ALBI #1	SAGAMORE HILLS	40.0	YANKEE RESOURCES
348330		3415321199	103	107-TF POLCEM #1	SAGAMORE HILLS	40.0	R S C ENERGY CORP
348332		3415321326	103	107-TF SOLOMAN #1	BATH	45.0	R S C ENERGY CORP
-KENOIL			RECEIVED:	08/03/83 JA: OH			
348333		3403124013	108	GLEN KING #2		2.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC			RECEIVED:	08/03/83 JA: OH			
348334		3405921000	108	STEPHENS #1		5.5	COLUMBIA GAS TRAN
348335		3415723154	108	STOCKER #1		5.5	EAST OHIO GAS CO
-LEADER EQUITIES INC			RECEIVED:	08/03/83 JA: OH			
348336		3407322794	103	107-TF ANTHONY #1	WASHINGTON	13.0	
348339		3411924426	108	KLINE #1		12.0	
348338		3411924480	108	OTSEGO-LANE #1		12.0	
348337		3411923397	108	WOLFE #1		12.0	
-LOPAK PETROLEUM INC			RECEIVED:	08/03/83 JA: OH			
348342		3405520473	107-TF	B KAUFMAN #5	CLARIDON	24.0	EAST OHIO GAS CO
348341		3405520471	107-TF	G GABANIC #1	CLARIDON	24.0	EAST OHIO GAS CO
348340		3405520430	107-TF	R YOUNG #1	CLARIDON	24.0	EAST OHIO GAS CO
348343		3405520476	107-TF	S TAYLOR #2	CLARIDON	24.0	EAST OHIO GAS CO
-MAJ			RECEIVED:	08/03/83 JA: OH			
348345		3414520287	103	CLETIS & INEZ DUMMITT #3	LUCASVILLE	0.6	
348344		3414520273	103	WILLARD & VIVIAN COLLEY #1	MADISON	0.5	
-MARK RESOURCES CORP			RECEIVED:	08/03/83 JA: OH			
348346		3400722237	107-TF	BOJANOWSKI #1	SHEFFIELD	30.0	EAST OHIO GAS CO
-NEIL R. WYNN			RECEIVED:	08/03/83 JA: OH			
348351		3416726618	108	LEMASTERS #3		2.5	GAS TRANSPORT INC
348350		3416726594	108	LEMASTERS #4		2.0	GAS TRANSPORT INC
348348		3416724736	108	R LEMASTERS #2		0.0	GAS TRANSPORT INC
348349		3416724812	108	WENTZ #2		2.5	GAS TRANSPORT INC
-NORAMCO INC			RECEIVED:	08/03/83 JA: OH			
348356		3400523589	103	RICKLY #R1	LAKE	3.0	
348357		3400523590	103	RICKLY #R2	LAKE	3.0	
348355		3400523589	103	RICKLY #R3	LAKE	3.0	
348354		3400523587	103	RICKLY #R4	LAKE	0.0	
348352		3400523584	103	YOUNG #011	LAKE	4.0	
348353		3400523586	103	YOUNG #05	LAKE	5.0	
-POI ENERGY INC			RECEIVED:	08/03/83 JA: OH			
348360		3405520494	103	107-TF JACKSON #1	BAINBRIDGE	45.0	
348359		3400722112	103	107-TF LIPPS #1	WAYNE	30.0	
348358		3400722178	103	107-TF NIMS #C-2	COLEBROOK	18.0	
-QUAKER STATE OIL REFINING CORP			RECEIVED:	08/03/83 JA: OH			
348361		3400922632	103	107-TF SUNDAY CREEK COAL CO #64	TRIMBLE	73.0	COLUMBIA GAS TRAN
348364		3407322776	103	107-TF SUNDAY CREEK COAL CO #75	WARD	54.8	COLUMBIA GAS TRAN
348365		3407322816	103	107-TF SUNDAY CREEK COAL CO #80	WARD	36.5	COLUMBIA GAS TRAN
348363		3400922756	103	107-TF SUNDAY CREEK COAL CO #81	TRIMBLE	91.3	COLUMBIA GAS TRAN
348362		3400922755	103	107-TF SUNDAY CREEK COAL CO #83	TRIMBLE	43.8	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-S O G DRILLING PROGRAM LTD 83-1								
8348370		3413323069	107-TF		B P B #1	KENT	10.0	COLUMBIA GAS OF D
8348367		3413323051	107-TF		BISHOP #1	KENT	12.0	COLUMBIA GAS OF D
8348366		3413323046	107-TF		BOETTNER #1	KENT	12.0	COLUMBIA GAS OF D
8348368		3413323052	107-TF		MOORE #1	KENT	12.0	COLUMBIA GAS OF D
8348369		3413323053	107-TF		MORRISON #1	KENT	12.0	COLUMBIA GAS OF D
-SIEBERT OIL & GAS								
8348372		3413323049	107-TF		GILCREST #2	KENT	12.0	COLUMBIA GAS OF D
8348371		3413323048	107-TF		SAMPSON #1	KENT	12.0	COLUMBIA GAS OF D
-THE DEHATTY CORPORATION								
8348373		3411523067	103	107-TF	H WILLIAMS #1	BLOOM	25.0	CLINTON AMERICAN
8348374		3411523118	103	107-TF	L BRUMS #1	CENTER	20.0	CLINTON AMERICAN
8348376		3411926022	103	107-TF	RAYNER #2	MEIGS	30.0	CLINTON AMERICAN
8348375		3411523152	103	107-TF	REX/NICHOLS #4	MANCHESTER	40.0	CLINTON AMERICAN
-THE MUTUAL OIL & GAS COMPANY								
8348347		341122914	107-DV		WEBER #1M	SUMMIT	2.0	
-VIKING RESOURCES CORP.								
8348382		3416723516	108		A WEAVER #1		4.0	ASHLAND CHEMICAL
8348384		3416724140	108		A WEAVER #2		4.0	ASHLAND CHEMICAL
8348378		3408520435	103	107-TF	CHRISTIAN/SPRINGS UNIT #2	PERRY	30.0	
8348377		3408520429	103	107-TF	LAKE COUNTY NURSERY 4-A	PERRY	30.0	
8348379		3408520437	103	107-TF	PADULA-KANE UNIT #1	PERRY	30.0	
8348383		3416723517	108		WILDMAN #1		4.0	ASHLAND CHEMICAL
8348381		3416723515	108		WILDMAN #2		4.0	ASHLAND CHEMICAL
8348380		3416723513	108		WILDMAN #3		4.0	ASHLAND CHEMICAL
-WALLICK PETROLEUM CO								
8348386		3411523145	103	107-TF	D KITTLE #1	HOMER	0.0	
8348385		3411523052	103	107-TF	PAUL SOUTHWALL #1	HOMER	10.0	
-WILLIAM F HILL								
8348387		3407524052	103		MARTIN A ROTH #1	KILLBUCK	8.0	
***** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES *****								
-ALCOVE INVESTMENTS								
8348420	20536	3700521363	107-TF		RUTH L KIMMEL #2	DUTCH RUN	14.0	PEOPLES NATURAL G
-ATLAS RESOURCES INC								
8348434	20495	3706327309	103		GROTON #1	GRANT TWP	465.0	COLUMBIA GAS TRAN
8348433	20494	3706327217	103		MARTIN #1	WHITE TWP	194.0	COLUMBIA GAS TRAN
8348435	20496	3706327060	102-2		TATE #1	GREEN TWP	975.0	INDUSTRIAL ENERGY
-CABOT OIL & GAS CORP								
8348444	20524	3712133390	107-TF		MT PLEASANT OIL & GAS	CANAL	50.0	TENNESSEE GAS PIP
8348447	20525	3712133390	102-2		MT PLEASANT OIL & GAS #1	CANAL	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC								
8348443	20513	3700522217	108		M E RUSSELL #2 ARM-22217-R	SOUTH BEND TOWNSHIP	18.2	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION								
8348444	20514	3703320336	108		T W CHAPMAN #1 WH-800	BRADY	18.0	GENERAL SYSTEM PU
-ENVIROGAS INC								
8348415	20067	3704922532	107-TF		L SHERMAN #2	ELK CREEK	18.0	
-FAIRMAR DRILLING CO								
8348432	20492	3706327487	103		JOHN T & DELORES L EDMAN #2F-3744	PLUMVILLE	30.0	PEOPLES NATURAL G
8348431	20491	3706327445	103		R E BENNINGER #2 F-3746	PLUMVILLE	30.0	PEOPLES NATURAL G
-FOX OIL & GAS INC								
8348448	20531	3702120193	103		JAMES GRIFFITHS #1 200	SUSQUEHANNA	25.5	COLUMBIA GAS TRAN
-GULF OIL CORPORATION								
8348440	20510	3703320643	108-SA		DICKEY #2	REED-DEEMER (UPPER DE	20.0	NATIONAL FUEL GAS
8348436	20506	3703320590	108-SA		FEE "A" #87	REED-DEEMER (UPPER DE	20.0	NATIONAL FUEL GAS
8348441	20511	3703320617	108-SA		FEE "A" #89	REED-DEEMER (UPPER DE	21.0	NATIONAL FUEL GAS
8348445	20523	3703320593	108-SA		KUNTZ "A" #1	REED-DEEMER (UPPER DE	21.0	NATIONAL FUEL GAS
8348439	20509	3706521195	108-SA		MCCLURE HARRIET #10	REED-DEEMER (UPPER DE	20.0	NATIONAL FUEL GAS
8348437	20507	3706521119	108-SA		MCCLURE HARRIET #8	REED-DEEMER (UPPER DE	19.0	NATIONAL FUEL GAS
8348438	20508	3706521194	108-SA		MCCLURE HARRIET #9	REED-DEEMER (UPPER DE	20.0	NATIONAL FUEL GAS
8348442	20512	3706520428	108-SA		SOMMERVILLE #1	REED-DEEMER (UPPER DE	20.0	NATIONAL FUEL GAS
-J C ENTERPRISES								
8348426	20471	3706522399	103		CLIFFORD STEAR #175-1 JEF-22399	TIMBLIN	24.1	
8348425	20470	3706522405	103		DARL CARR #176-2 JEF-22405	NORTH POINT	24.5	
8348429	20474	3706326369	103		ERVIN SCHLABACH #169-1 IND 26369	SMICKSBURG	22.6	
8348428	20473	3706522388	103		GEORGE SMITH #174-1 JEF-22388	NORTH POINT	14.9	
8348423	20468	3706325541	103		HARVEY WALL #136-1 IND-25541	SMICKSBURG	15.0	
8348424	20469	3706522637	103		HOWARD NEAL #177-1 ARM-22637	MUDLICK	8.0	
8348427	20472	3706325544	103		L A SWEET #140-2 IND-25544	SMICKSBURG	14.6	
8348421	20466	3706325569	103		L A SWEET #19-2 IND-25569	SMICKSBURG	8.0	
8348430	20475	3706326365	103		ROYDEN BAKER #168-1 IND-26365	SMICKSBURG	42.0	
8348422	20467	3706325546	103		WILLIAM BARRETT #138-2 IND-25546	SMICKSBURG	38.0	
-MARTZ ALFRED								
8348449	20534	3703121115	103		I L BROWN #1	MONROE TOWNSHIP	3.0	APOLLO GAS CO
-MID-EAST OIL CO								
8348416	20345	3706327301	103		ROBERT MARSH #2	CLYMER	19.2	
-PETROBANK OPERATING CO								
8348413	19436	3706326118	103		CLARK ESTATES #9	J O CLARK	202.7	COLUMBIA GAS TRAN
8348412	19275	3706326118	102-2		CLARK ESTATES #9	J O CLARK	202.7	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO								
8348414	19583	3706522278	108		ANDREW E GARZONI #1	MCCALMONT TWP	5.0	NATIONAL FUEL GAS
8348410	17788	3712921897	108		MARGARET B MILKS #1	UNITY TWP	12.0	CRUCIBLE INC
8348411	18211	3706326453	108		WILLIAM C CESSNA ESTATE #1	MONTGOMERY TWP	12.0	COLUMBIA GAS TRAN
-UNION DRILLING INC								
8348418	20373	3706327427	103		EDWARD & EDITH SOKOL #2 0736	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
8348417	20372	3706327452	103		EDWARD & EDITH SOKOL #5 0753	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
8348419	20374	3706327243	103		HARRY T LUCAS #3 0779	CHERRYHILL TOWNSHIP	0.0	COLUMBIA GAS TRAN
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-CHASE PETROLEUM								
8348400		4701702463	107-DV		BRITTON-LEGGETT #1	BENSON RUN	5.0	CONSOLIDATED GAS
8348393		4701703019	107-DV		CHARLES PRINN #2	CENTRAL DISTRICT	10.0	COLUMBIA GAS TRAN
8348402		4708505300	107-DV		HORNBERGER #1	UNION DISTRICT	10.0	
8348399		4708504833	107-DV		MAHANEY #1A	PENNSBORO-TOLLOATE	10.0	
8348401		4701703020	107-DV		OLIN PRINN #3	CENTRAL DISTRICT	15.0	COLUMBIA GAS TRAN
8348394		4708530000	107-DV		PRUNTY HEIRS #2	UNION DISTRICT	10.0	
8348395		4708508000	107-DV		WILSON-RIDDLE #1	UNION DISTRICT	23.0	
-RIMROCK PRODUCTION CORP								
8348408		4708505735	107-DV		A NICHOLS A-1	GOOSE CREEK	67.7	COLUMBIA GAS TRAN
8348404		4708505710	107-DV		CAMERON #1	SOUTH FORK OF HUGHES	79.2	COLUMBIA GAS TRAN
8348409		4708505658	107-DV		CRANE B #1	SLAB CREEK	74.5	COLUMBIA GAS TRAN
8348397		4708505698	107-DV		DOTSON #1	NORTH FORK HUGHES RIV	135.0	CONSOLIDATED GAS
8348398		4708505720	107-DV		GARDNER #1	COMFORT RUN	86.0	COLUMBIA GAS TRAN
8348406		4708505711	107-DV		HEDRICK #2	BEAR RUN	63.0	COLUMBIA GAS TRAN
8348396		4708505807	107-DV		LOWMYER #1	GOOSE CREEK	65.0	COLUMBIA GAS TRAN
8348407		4708703626	107-DV		MCMILLAN #2	BEAR RUN	68.3	COLUMBIA GAS TRAN
8348403		4707301501	107-DV		MULLENIX #2	LITTLE PANTHER RUN	104.0	COLUMBIA GAS TRAN
8348405		4708505804	107-DV		PHILLIPS #1	GOOSE CREEK	71.0	COLUMBIA GAS TRAN

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federal register

Wednesday
August 24, 1983

Part IV

Office of Management and Budget

**Budget Rescissions and Deferrals;
Cumulative Report**

**OFFICE OF MANAGEMENT AND
BUDGET****Cumulative Report on Rescissions
and Deferrals**

August 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 104(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of August 1, 1983, of 21 rescission proposals and 82 deferrals contained in the first ten special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982, and January 5, February 1, March 9, April 21, May 19, and July 7, and July 28, 1983.

Rescissions (Table A and Attachment A)

One rescission proposal totaling \$15 million is currently pending before the Congress. Table A summarizes the status of the 21 rescissions proposed by the President as of August 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of August 1, 1983, \$2,146.8 million in 1983 budget authority was being deferred from obligation and another \$9.5 million in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information from special messages

The special messages containing

information on the rescissions and the deferrals covered by the cumulative report are printed in the Federal Registers listed below.

Vol. 47, FR p. 44524, Thursday October 7, 1982.

Vol. 47, FR p. 55602, Friday, December 10, 1982.

Vol. 47 FR p. 57230, Wednesday, December 22, 1982.

Vol. 48, FR p. 1266, Tuesday, January 11, 1983.

Vol. 48, FR p. 5474, Friday, February 4, 1983.

Vol. 48, FR p. 11244, Wednesday, March 16, 1983.

Vol. 48, FR p. 18978, Tuesday, April 26, 1983.

Vol. 48, FR p. 23374, Tuesday, May 24, 1983.

Vol. 48, FR p. 32154, Wednesday, July 13, 1983.

Joseph R. Wright, Jr.
Deputy Director.

BILLING CODE 3110-01-M

STATUS OF 1983 RESCISSIONS

TABLE A

	Amount (In millions of dollars)
Rescissions proposed by the President.....	\$1,569.0
Accepted by the Congress.....	-0-
Rejected by the Congress.....	-1,554.0
Pending before the Congress.....	\$ 15.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)*
Deferrals proposed by the President.....	\$13,559.3
Routine Executive releases (-\$8100.5 million) and adjustments (\$681.5 million) through August 1, 1983	-7,419.0
Overtaken by the Congress.....	-3,984.0
Currently before the Congress.....	\$ 2,156.4 a

* Detail does not add to total due to rounding.

a. This amount includes \$9.5 million in outlays for a Department of the Treasury deferral (D83-16B).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983

AS OF AUGUST 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs BA	R83- 2	15,133		2 1 83		15,133	4 13 83
FUNDS APPROPRIATED TO THE PRESIDENT							
TOTAL BA		15,133				15,133	
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service							
Buildings and facilities BA	R83- 3	1,927		2 1 83		1,927	4 13 83
Soil Conservation Service							
Watershed and flood prevention operations BA	R83- 4	68,995		2 1 83		68,995	4 13 83
Resource conservation and development BA	R83- 5	5,600		2 1 83		5,600	4 13 83
Agricultural Cooperative Service							
Salaries and expenses BA	R83- 6	779		2 1 83		779	4 13 83
DEPARTMENT OF AGRICULTURE							
TOTAL BA		77,301				77,301	
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction BA	R83- 1	2,000		12 16 82		2,000	3 25 83
DEPARTMENT OF COMMERCE							
TOTAL BA		2,000				2,000	
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged BA	R83- 7	133,925		2 1 83		133,925	4 13 83
School assistance in federally affected areas BA	R83- 8	5,000		2 1 83		5,000	4 13 83
Special programs and populations BA	R83- 9	56,639		2 1 83		56,639	4 13 83
Indian education BA	R83- 10	16,128		2 1 83		16,128	4 13 83
Off. of Bilingual Educ. & Minority Lang. Affairs							
Bilingual education BA	R83- 11	43,523		2 1 83		43,523	4 13 83
Office of Postsecondary Education							
Guaranteed student loans BA	R83- 12	900,000		2 1 83		900,000	4 13 83
Higher and continuing education BA	R83- 13	68,941		2 1 83		68,941	4 13 83

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983

AS OF AUGUST 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCIENDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement							
Educational research and statistics BA	R83- 14	6,225		2 1 83		6,225	4 13 83
DEPARTMENT OF EDUCATION							
TOTAL BA		1,230,381				1,230,381	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Payments for oper. of low income housing proj. BA	R83- 15	69,000		2 1 83		69,000	4 13 83
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
TOTAL BA		69,000				69,000	
DEPARTMENT OF THE INTERIOR							
National Park Service							
Construction BA	R83- 16	63,600		2 1 83		63,600	4 13 83
DEPARTMENT OF THE INTERIOR							
TOTAL BA		63,600				63,600	
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance BA	R83- 21		15,000	7 7 83			
DEPARTMENT OF TRANSPORTATION							
Federal Highway Administration							
Federal-aid highways (trust fund) BA	R83- 17	23,200		2 1 83		23,200	4 13 83
Coast Guard							
Nat'l recreat. boat. safety & facil. improv. BA	R83- 18	5,000		2 1 83		5,000	4 13 83
DEPARTMENT OF TRANSPORTATION							
TOTAL BA		28,200				28,200	
OTHER INDEPENDENT AGENCIES							
Corporation for Public Broadcasting							
Public broadcasting fund BA	R83- 19	45,000a		2 1 83			
OTHER INDEPENDENT AGENCIES							
TOTAL BA		45,000					
OFF-BUDGET FEDERAL ENTITIES							
Department of Agriculture							
Rural telephone bank BA	R83- 20	23,400		2 1 83		23,400	4 13 83
OFF-BUDGET FEDERAL ENTITIES							
TOTAL BA		23,400				23,400	
TOTAL BA							
		1,554,015	15,000			1,509,015	

a. This is a rescission of FY 1985 funds.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 8-1-83
AGENCY/BUREAU/ACCOUNT								
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs	BA D83- 40	10,000		2 1 83				10,000
International Security Assistance								
Foreign military sales credit	BA D83- 21	165,000		12 7 82				
	BA D83- 21A		1,010,000	2 1 83-1,175,000				
Economic support fund	BA D83- 22	554,720		12 7 82				
	BA D83- 22A		1,347,130	2 1 83-2,389,955			551,150	63,045
Military assistance	BA D83- 29	11,650		12 7 82				
	BA D83- 29A		221,350	2 1 83 -247,650			14,650	
International Development Assistance								
Functional development assistance program	BA D83- 1	8,129		10 1 82	-8,129			
FUNDS APPROPRIATED TO THE PRESIDENT								
TOTAL BA		749,499	2,578,480		-3,820,734		555,800	73,045
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs	BA D83- 36	7,000		1 5 83		-7,000		
Soil Conservation Service								
Watershed and flood prevention operations	BA D83- 41	10,329		2 1 83				10,329
Animal and Plant Health Inspection Service								
Salaries and expenses	BA D83- 34	2,134		12 16 82				
	BA D83- 34A		4,066	2 1 83	-6,200			
Forest Service								
National forest system	BA D83- 42	106,035		2 1 83	-21,022			87,013
Timber salvage sales	BA D83- 2	10,002		10 1 82				
	BA D83- 2A		3,105	2 1 83	-6,897			6,210
Expenses, brush disposal	BA D83- 3	44,575		10 1 82	-10,042		8,126	42,659
DEPARTMENT OF AGRICULTURE								
TOTAL BA		162,075	7,171		-44,161	-7,000	8,126	146,211
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs	BA D83- 43	161,900		2 1 83		-161,900		
Economic development revolving fund	BA D83- 37	25,350		1 5 83	-25,350			
International Trade Administration								
Operations and administration	BA D83- 44	20,100		2 1 83		-20,100		
Participation in U.S. expositions	BA D83- 4	3,356		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Operations, research, and facilities	BA D83- 71	2,965		4 21 83				2,965
Construction	BA D83- 45	3,000		2 1 83				3,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE DMD /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 8-1-83
AGENCY/BUREAU/ACCOUNT								
Promote and develop fishery products and research	BA 083- 5	30,619		10 1 82	-30,619			
National Bureau of Standards								
Scientific & technical research & services	BA 083- 38	6,500		1 5 83				6,500
DEPARTMENT OF COMMERCE								
TOTAL BA		273,790			-56,840	-202,000		15,250
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy	BA 083- 46	2,400,000		2 1 83	-2,400,000			
Military Construction								
Military construction, all services	BA 083- 6	64,063		10 1 82				
	BA 083- 6A		1,166,415	12 7 82	-926,863		75,828	379,443
Family Housing, Defense								
Family housing, Defense	BA 083- 23	161,640		12 7 82	-108,640			53,000
DEPARTMENT OF DEFENSE-MILITARY								
TOTAL BA		2,625,703	1,166,415		-3,435,503		75,828	432,443
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general	BA 083- 47	180,000		2 1 83				180,000
Wildlife Conservation, Military Reservations								
Wildlife conservation	BA 083- 7	1,061		10 1 82	-229		-50a	782
DEPARTMENT OF DEFENSE-CIVIL								
TOTAL BA		181,061			-229		-50	180,782
DEPARTMENT OF ENERGY								
Atomic Energy Defense Activities								
Atomic energy defense activities	BA 083- 70	50,000		3 9 83	-50,000			
Energy Programs								
Energy supply R&D-operating expenses	BA 083- 72	15,226		4 21 83	-11,000a			4,226
Energy supply R&D-plant and capital equip.	BA 083- 48	81,107		2 1 83				
	BA 083- 48A			b 5 19 83	-28,595		18,540	81,052
Fossil energy research and development								
	BA 083- 8	20,136		10 1 82				
	BA 083- 8A			b 2 1 83	-15,136			5,000
	BA 083- 73	8,750		4 21 83		-8,750		15,326
	BA 083- 80	15,326		7 7 83				
Fossil energy construction								
	BA 083- 49	20,000		2 1 83				
	BA 083- 49A		6,000	4 21 83				26,000
Energy conservation								
	BA 083- 24	22,803		12 7 82	-22,803			
	BA 083- 74	4,500		4 21 83		-4,500		3,050
	BA 083- 76	3,050		7 7 83				
Strategic Petroleum Reserve								
	BA 083- 50	57,400		2 1 83		-57,400		
Alternative fuels production								
	BA 083- 77	13,000		7 7 83				13,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 8-1-83
Departmental Administration								
Depart. admin., operating expenses BA D83- 51		21,767		2 1 83	-11,173			10,594
Depart. admin., plant & capital equipment BA D83- 52		12,693		2 1 83				12,693
DEPARTMENT OF ENERGY								
TOTAL BA		34,460	6,000		-138,707	-70,650	18,540	170,841
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Centers for Disease Control								
Preventive Health Services BA D83- 78		15,560		7 7 83				15,560
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital BA D83- 9		9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program BA D83- 10		6,420		10 1 82				6,420
Social Security Administration								
Limitation on administrative expenses BA D83- 53		9,633		2 1 83				9,633
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
TOTAL BA		41,327						41,327
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs BA D83- 54		3,081,153		2 1 83	-3,081,153			
Payments for operation of low income housing BA D83- 30		180,000		12 7 82	-180,000			
Community Planning and Development								
Community development grants BA D83- 31		221,000		12 7 82	-221,000			
Urban development action grants BA D83- 32 BA D83- 32A		234,000	10,000	12 7 82 1 5 83		-244,000		
Urban homesteading BA D83- 33		8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
TOTAL BA		3,694,153	10,000		-379,000	-3,325,153		
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses BA D83- 25		2,545		12 7 82	-2,545			
National Park Service								
Land acquisition and state assistance BA D83- 11 BA D83- 11A		30,000	3,000	10 1 82 2 1 83				33,000
Minerals Management Service								
Payments from proceeds, sale of water BA D83- 39		48		1 5 83				48
Office of Territorial Affairs								
Administration of territories BA D83- 55		2,188		2 1 83	-2,188			
DEPARTMENT OF THE INTERIOR								
TOTAL BA		35,761	3,000		-2,545	-2,188		33,048

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 8-1-83
Construction	BA DB3- 17	3,078		10 1 82	-678			2,400
DEPARTMENT OF THE TREASURY								
TOTAL BA		109,552	305		-53,222		289	56,924
TOTAL O		7,909	8,035		-21,248		14,834	9,530
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Research and development	BA DB3- 26	34,500		12 7 82	-26,000			8,500
VETERANS ADMINISTRATION								
Construction, major projects	BA DB3- 27	4,000		12 7 82				4,000
OTHER INDEPENDENT AGENCIES								
Board for International Broadcasting								
Grants and expenses	BA DB3- 79	3,185		7 7 83				3,185
District of Columbia								
Loans to DC for capital investment	BA DB3- 18	38,832		10 1 82	-38,832			
Interstate Commission on the Potomac River Basin								
Contrib. to Interat. Comm. on Potomac Riv. Basin	BA DB3- 28	12		12 7 82	-12			
Pennsylvania Avenue Development Corporation								
Land acquisition and development fund	BA DB3- 19	17,848		10 1 82				
	BA DB3- 19A		4,409	12 16 82				22,358
Railroad Retirement Board								
Milwaukee railroad restructuring, administration	BA DB3- 20	240		10 1 82				
	BA DB3- 20A		250	2 1 83				490
Limitation on administration	BA DB3- 75		2,750	5 19 83	-165			2,585
Small Business Administration								
Business loan and investment fund	BA DB3- 62	143,000		2 1 83	-143,000			
Surety bond guarantees revolving fund	BA DB3- 63	3,000		2 1 83	-3,000			
Poliv. cont. equip. contract guar. revolv.	BA DB3- 64	1,000		2 1 83	-1,000			
Motor Carrier Rate-making Study Commission								
Salaries and Expenses	BA DB3- 65	282		2 1 83				282
Tennessee Valley Authority								
Tennessee Valley Authority fund	BA DB3- 66	47,271		2 1 83				47,271
United States Information Agency								
Salaries and expenses (spec. for. curr. prog.)	BA DB3- 67	1,344		2 1 83				1,344
Acquis. and construction of radio facilities	BA DB3- 68	12,437		2 1 83				12,437
United States Railway Association								
Payments for purchase of Conrail securities	BA DB3- 69	84,000		2 1 83	-83,600			400

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983

AMOUNTS IN THOUSANDS OF DOLLARS	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA- TIVE OMB /AGENCY RELEASES	CONGRES- SIONALLY REQUIRED RELEASES	CUMULA- TIVE ADJUST- MENTS	AMOUNT DEFERRED AS OF 8-1-83
AGENCY/BUREAU/ACCOUNT								
OTHER INDEPENDENT AGENCIES								
TOTAL BA		352,552	7,409		-122,609	-147,000		90,352
TOTAL BA		9,146,363	4,397,038		-8,079,250	-3,983,991	666,689	2,146,849
TOTAL G		7,909	8,035		-21,248		14,834	9,530

a. \$5 million of this amount was released prior to transmittal of the message reporting the withholding of \$15.2 million.

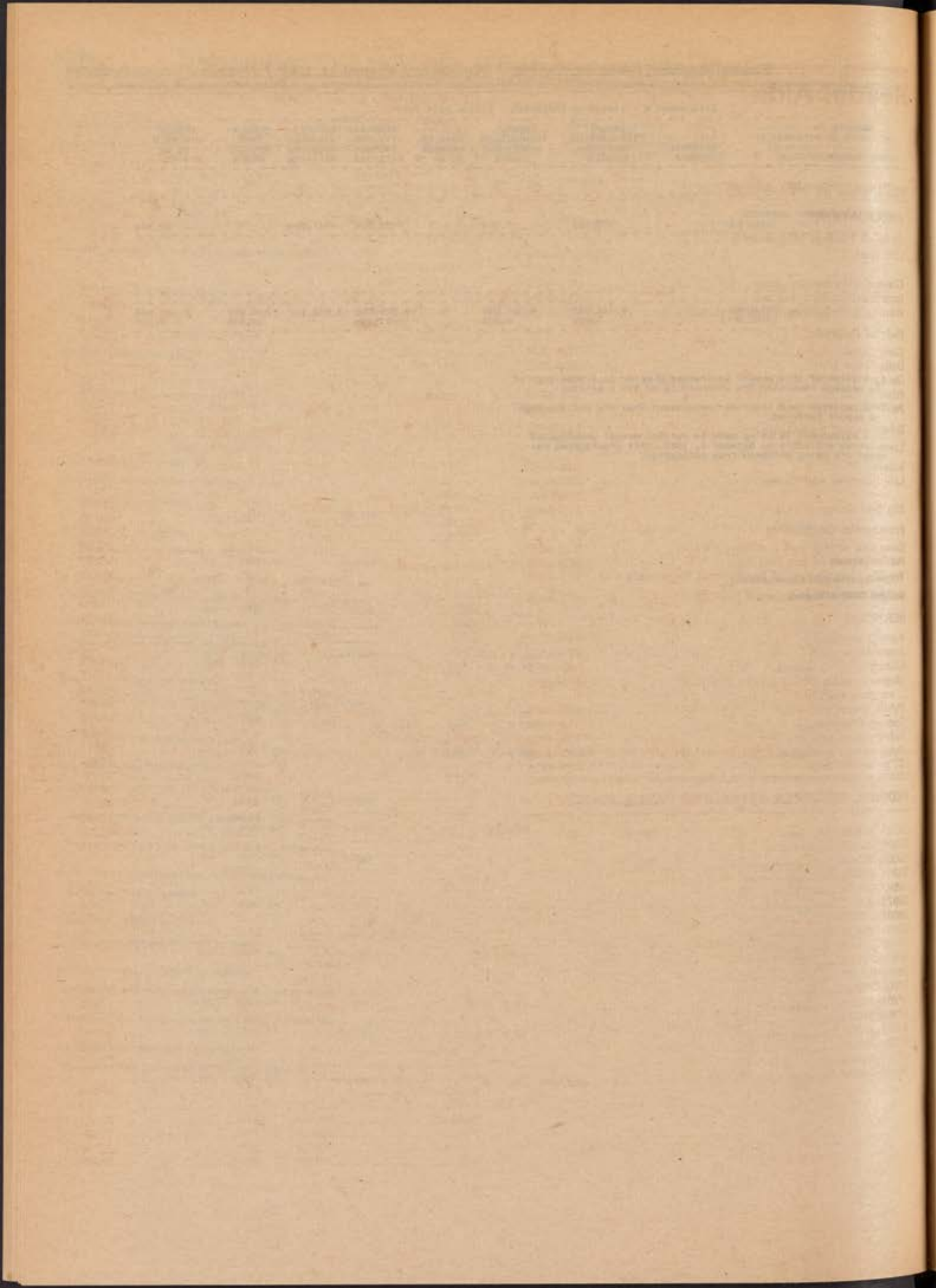
b. This revision is a technical adjustment that did not increase the amount deferred.

c. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. All unobligated balances are being withheld from obligation.

END OF REPORT

[FR Doc. 83-22346 Filed 8-23-83; 8:45 am]

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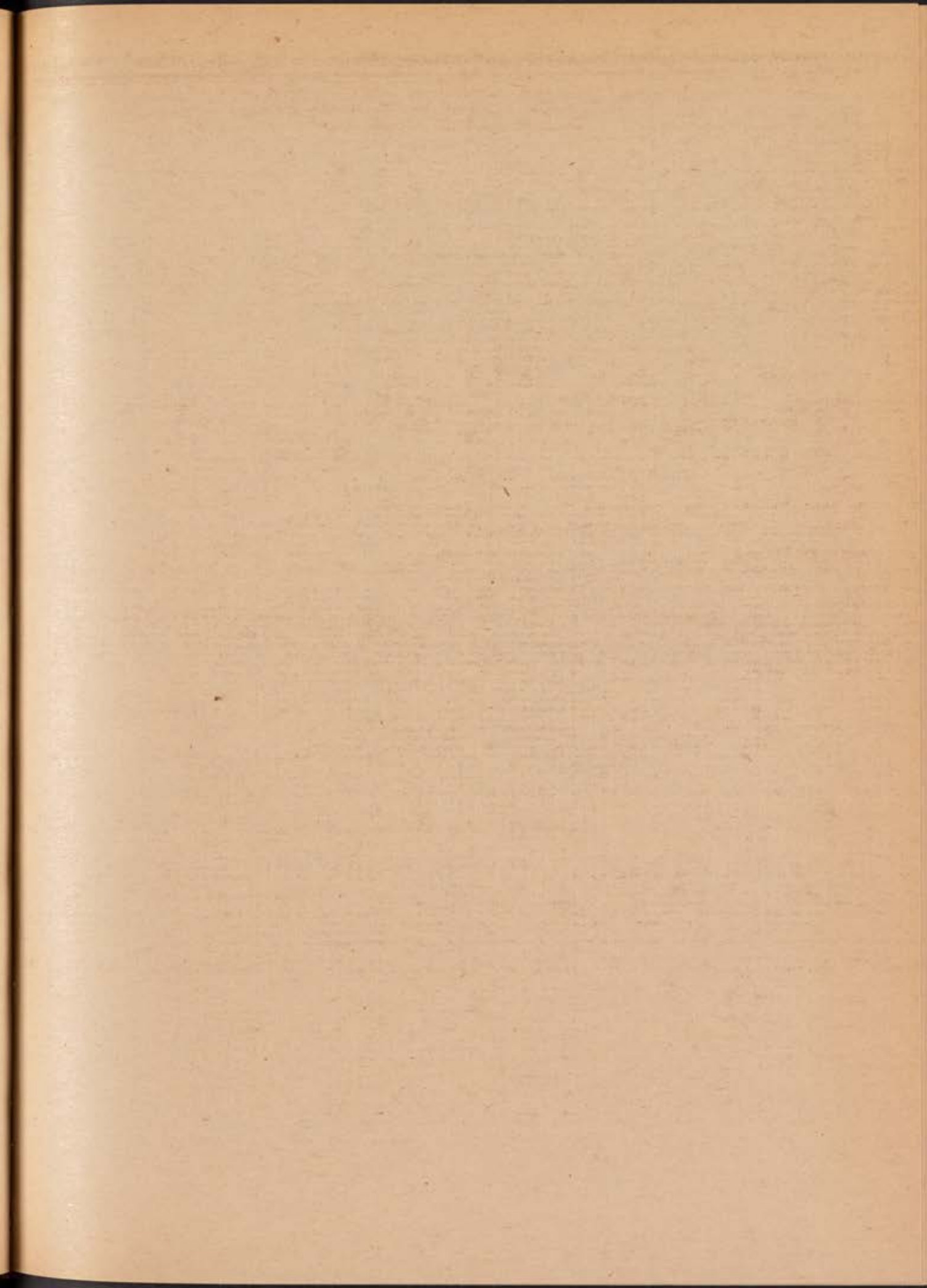
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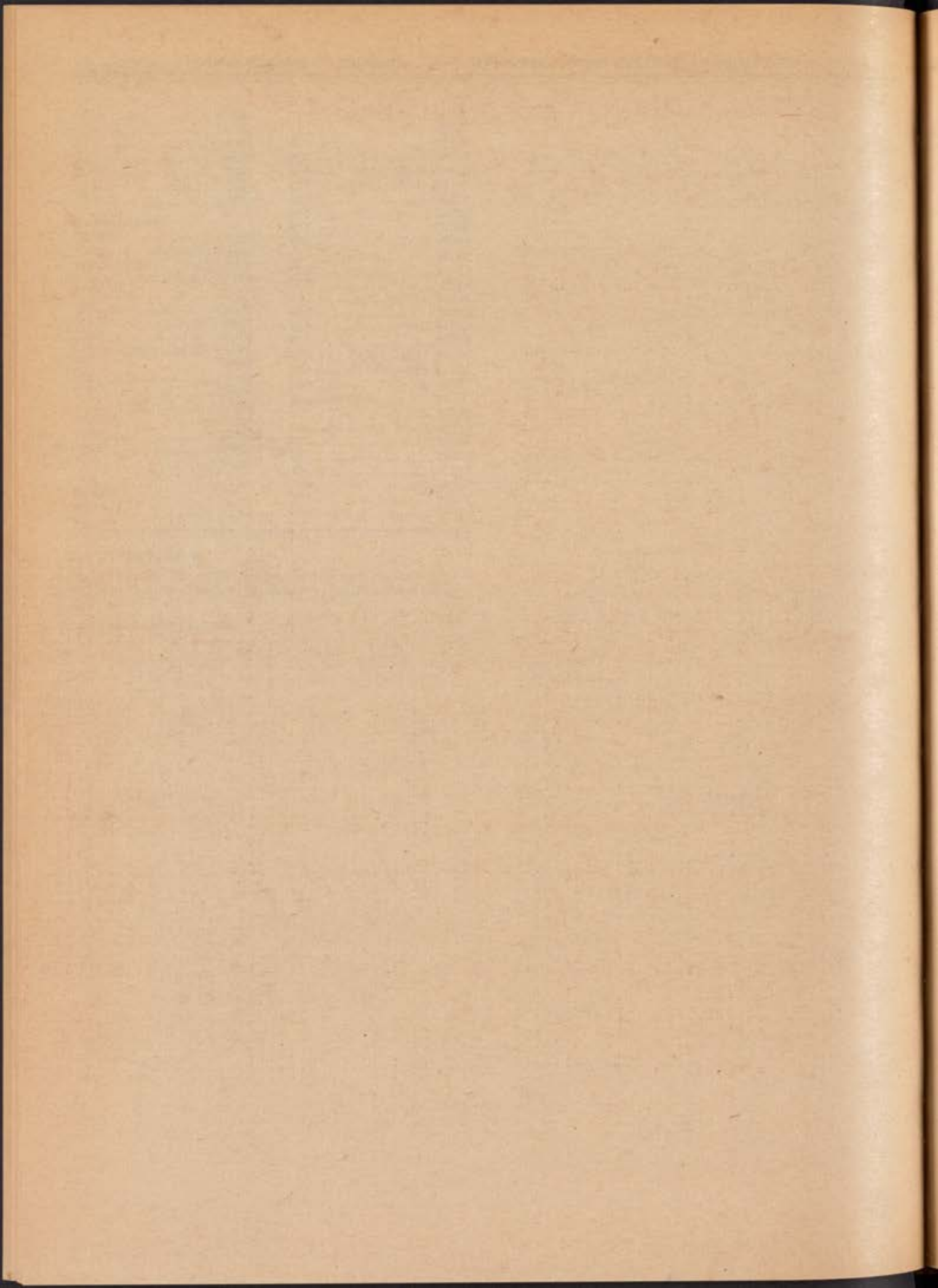
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